DRAFT LAND USE BYLAW 2025-01

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Regional Municipal Services

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BYLAW 2025-01

BEING A BYLAW OF THE VILLAGE OF EMPRESS, IN THE PROVINCE OF ALBERTA, TO PROHIBIT OR REGULATE AND CONTROL THE USE AND DEVELOPMENT OF LANDS AND BUILDINGS

WHEREAS pursuant to the provisions of Section 640(1) of the *Municipal Government Act, RSA, Chapter M-26* as amended, the Council of a Municipality must, by Bylaw, adopt a land use bylaw;

AND WHEREAS Council has undertaken a major review of the Land Use Bylaw 7-2013;

AND WHEREAS Council, having considered at a public hearing the concerns of persons claiming to be affected by the land use bylaw, believes that a new land use bylaw should be enacted to achieve the orderly, economical and beneficial use of land in the municipality;

NOW THEREFORE, the Council of the Village of Empress in the province of Alberta, duly assembled, enacts as follows:

1. This Bylaw shall be known as "The Village of Empress Land Use Bylaw".

2. The Village of Empress Land Use Bylaw being Schedule "A" as attached to and forming part of this Bylaw is hereby adopted.

3. Bylaw 7-2013 and all amendments are hereby repealed.

4. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME THIS _____ DAY OF _____, 2025

READ A SECOND TIME THIS _____ DAY OF _____, 2025

READ A THIRD AND FINAL TIME THIS _____ DAY OF _____, 2025

X_____ **X_____**

Mayor Chief Administrative Officer

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PART A – THE APPROVALS PROCESS

1 ADMINISTRATION

1.1 TITLE

1.1.1 The title of this Bylaw shall be the Land Use Bylaw of the Village of Empress.

1.2 PURPOSE

1.2.1 The purpose of this Bylaw is to direct the orderly, economic and beneficial ***development*** and ***use*** of land ~~within the~~for the residents of the Village of Empress in accordance with the vision of the Village of Empress Municipal Development Plan. This is achieved through this Bylaw by regulating and controlling ***development***, or where necessary, prohibiting ***development*** without infringing on the rights of individuals for any public interest except to the extent that is for the overall greater public interest.

1.3 APPLICATION

1.3.1 This Bylaw shall apply to the whole of the Village of Empress being all lands and ***buildings*** contained within its corporate limits.

1.3.2 No person shall commence any ***development*** within the Village of Empress except in conformity with this Bylaw.

1.3.3 Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any adopted statutory plan, including the Municipal Development Plan, Intermunicipal Development Plans and Area Structure/Redevelopment Plans.

1.3.4 No ***development*** shall be undertaken within the Village of Empress unless an application for it has been approved and a ***development permit*** has been issued except for those items listed in Section **3 Development Not Requiring a Development Permit**.

1.4 EFFECTIVE DATE AND TRANSITION

1.4.1 The Village of Empress Land Use Bylaw 7-2013, as amended, is hereby repealed and will cease to have effect on the day this Bylaw comes into force. This Bylaw comes into force ~~on the <<Day Month Year>> or~~ upon third reading.

1.4.2 An application for a ***subdivision***, ***development permit*** or amendment to this Bylaw submitted prior to the coming into force of this Bylaw shall be evaluated under the provisions of the Village of Empress Land Use Bylaw 7-2013, as amended.

1.5 OTHER LEGISLATIVE REQUIREMENTS

1.5.1 In addition to this Bylaw, an applicant is responsible for complying with any other applicable federal, provincial, or municipal legislation, bylaw or policy, licensing or permitting regime, or approval process. The applicant is also responsible for complying with the conditions of any caveat, covenant, ***easement*** or other instrument affecting a ***building*** or land.

1.5.2 The Village of Empress is not responsible for nor does the Village of Empress have any obligation whatsoever to determine what other legislation may apply to a ***development***, nor to monitor or enforce compliance with such legislation.

1.6 NON-CONFORMING BUILDINGS AND USES

1.6.1 ***Non-conforming buildings*** and ***non-conforming uses*** shall be treated in accordance with the *Act*, and any amendments thereto.

1.6.2 A ***non-conforming building*** may continue to be used, and the ***building*** may be enlarged, added to, rebuilt or structurally altered, if at the discretion of the ***Development Authority***, the alterations do not substantially increase the extent of non-conformance and are within all other requirements of the Bylaw.

1.6.3 Nothing in this Bylaw diminishes or in any way affects the power of the ***Development Authority*** to issue a ***development permit*** which makes a ***non-conforming building*** conforming through the granting of a relaxation of the requirements or rules to which the existing ***building*** does not conform.

1.7 SEVERABILITY

1.7.1 In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected.

2 RULES OF INTERPRETATION

2.1.1 Where a word is used in the singular, such a word may also mean plural.

2.1.2 Where a masculine or impersonal pronoun or adjective is used, such a word may also mean the feminine or impersonal pronoun or adjective.

2.1.3 Where a word is used in the present tense, such a word may also mean the future tense.

2.1.4 The word “person” includes a corporation as well as an individual.

2.1.5 The words “shall” and “must” require mandatory compliance except where a variance or relaxation has been granted pursuant to the *Act* or this Bylaw. “May” means a choice is available, with no particular direction or guidance intended.

2.1.6 Words, phrases, and terms not defined in this Bylaw may be given their definition in the *Act* or the *Safety Codes Act*. Other words shall be given their usual and customary meaning.

2.1.7 Where a regulation involves two or more conditions or provisions connected by the conjunction "and" means all the connected items shall apply in combination; "or" indicates that the connected items may apply singly; and "and/or" indicates the items may apply singly or in combination.

2.1.8 For ease of reference:

(a) words that are **Capitalized** and **Bold** denote uses defined in **Part E Definitions**;

(b) words that are ***italicized and bold*** denote general terms defined in **Part E Definitions**;

(c) words that are *italicized* reference federal or provincial legislation or regulations thereunder; and

(d) all other words must be given their plain and ordinary meaning as the context requires.

3 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

3.1.1 This Section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* or any other provincial or federal statute.

3.1.2 The following ***developments*** shall not require a ***development permit***:

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

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

(c) **Telecommunication Structures**;

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

(e) the completion of a ***development*** that did not require a ***development permit*** under the previous Land Use Bylaw and which was lawfully under construction provided the ***development*** is completed within twelve (12) months from the date this Bylaw came into effect and complies with the applicable requirements of the previous Land Use Bylaw;

(f) an official notice, **Sign**, placard or bulletin required to be displayed pursuant to provisions of federal, provincial or municipal legislation; and

(g) the use of a ***building*** or part thereof for a federal, provincial, or municipal election, referendum or plebiscite.

3.1.3 The following ***developments*** shall not require a ***development permit***, but must

otherwise comply with all other provisions of this Bylaw (example: setbacks, parking, building height, etc.):

(a) the carrying out of works, maintenance or repair to any ***building*** provided that such works:

  i. do not include structural alterations that would affect any regulations in this Land Use Bylaw, or

  ii. do not change the ***use*** or the intensity of ***use*** of the ***structure*** or ***building***;

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

  i. create an additional **Dwelling Unit**,

  ii. increase ***parking stall*** requirements, or

  iii. result in the change of ***use*** or the intensity of ***use*** of a ***building***;

(c) the ***temporary*** placement or construction of a ***building***, works, plants or machinery needed in connection with the construction of a ***development*** for which a ***development permit*** has been issued for the period of those operations;

(d) the ***use*** of land for, or the maintenance or repair of works, services and **Utilities** on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities or private **Utilities** under special agreement with the Village of Empress;

(e) a **Home Occupation - Minor** (See Section **10.3 Home Occupations**);

(f) ***landscaping***;

(g) retaining walls that are no greater than 1.0 m in height measured from the lowest ground elevation adjacent to the retaining wall;

(h) the construction of a ***patio***;

(i) the erection, construction or maintenance of gates, ***fences***, walls, or other means of enclosure in accordance with this Bylaw (see Section **9.8 Fences**);

(j) the construction or replacement of **Accessory Buildings** which do not exceed 9.29 m^2 (100.0 ft^2), when listed as a ***permitted use*** in that district (See Section **10.1 Accessory Buildings**);

(k) the construction, maintenance and repair of private walkways, pathways, driveways, and similar works;

(l) demolition of a ***building*** (a ***building permit*** is required);

(m) ***renewable energy systems*** (See Section **9.11 Renewable Energy Systems**);

(n) the installation of a **Sign** (See Section **10.13 Signs**);

(o) the parking or storage of 1 (one) ***recreational vehicle*** on a ***parcel*** with a **Dwelling Unit**. For greater clarity, the storage of more than 1 (one) ***recreational vehicle*** on a ***parcel*** requires a ***development permit***, and a ***recreational vehicle*** may not be stored on a vacant ***parcel*** unless it is allowed as part of a ***use*** as defined in this Bylaw; and

(p) an ***electric vehicle charging station***.

4 ADMINISTRATIVE AGENCIES

4.1 DEVELOPMENT APPROVAL AUTHORITIES

4.1.1 The ***Development Authority*** shall exercise powers and perform duties on behalf of the ***Municipality*** in accordance with the *Act*.

4.1.2 The ***Development Authority*** is:

(a) the ***Development Officer*** while carrying out his or her functions or duties under this Bylaw and/or the *Act*;

(b) the ***Municipal Planning Commission*** while exercising development powers or duties under this Bylaw and/or the *Act*; or

(c) where the context of this Bylaw permits in Direct Control Districts, the ***Council***.

Development Officer

4.1.3 The office of the ***Development Officer*** is hereby established to act on behalf of ***Council*** in those matters delegated by the Bylaw and in such matters as ***Council*** may instruct from time to time.

Municipal Planning Commission

4.1.4 The ***Municipal Planning Commission***, established by Bylaw in accordance with the *Act*, shall perform such duties as are specified in this Bylaw.

4.2 DEVELOPMENT AUTHORITY – POWERS AND DUTIES

4.2.1 The ***Development Authority*** must administer all ***development permit*** applications in accordance with this Bylaw and decide upon all ***development permit*** applications.

4.2.2 The ***Development Authority*** must refuse to accept a ***development permit*** application where the prescribed fee for a ***development permit*** has not been paid.

4.2.3 The ***Development Authority*** may refuse to deem complete a ***development permit*** application where:

(a) the information required by this Bylaw is not provided; or

(b) the quality is inadequate or insufficient to properly evaluate the application.

4.2.4 The ***Development Authority*** must make available for inspection, during office hours, all applications and decisions for ***development permits***, subject to any legislation in force.

4.2.5 The ***Development Authority*** must collect fees according to the schedule approved by ***Council***.

4.2.6 The types of ***development permit*** applications a ***Development Authority*** may consider are a ***development permit*** for:

(a) a ***permitted use*** that complies with all requirements of this Bylaw;

(b) a ***permitted use*** that does not comply with all requirements of this Bylaw;

(c) a ***discretionary use*** that complies with requirements of this Bylaw; and

(d) a ***discretionary use*** that does not comply with all requirements of this Bylaw.

4.2.7 The ***Development Authority*** issues the following notices and acknowledgements on ***development permit*** applications in accordance with section 683.1 of the *Act*:

(a) notice of complete application;

(b) notice of incomplete application;

(c) notice of decision; and

(d) notice of refusal/deemed refusal of an application.

Development Officer

4.2.8 The ***Development Officer*** shall:

(a) receive, consider and decide on an application for a ***development permit*** for those ***uses*** listed as ***permitted uses*** ~~and **Seasonal Accommodation**~~ for the relevant Land Use District which:

i. comply with the minimum standards; or

ii. otherwise comply with the minimum standards, but require relaxation of any measurable standard in accordance with Subsection 4.3.2; and

(b) receive, and refer with recommendations to the ***Municipal Planning Commission*** for its consideration and decision, any application for a ***development permit*** which has been assigned to it for consideration and decision.

Municipal Planning Commission

4.2.9 The ***Municipal Planning Commission*** shall decide on an application for:

(a) those ***uses*** listed as ***discretionary uses***~~, except for **Seasonal Accommodation**~~;

(b) similar uses as described in Subsection 5.3.8;

(c) the relocation of ***buildings*** as described in Section 9.6; and

(d) those ***uses*** listed as ***permitted uses*** and requires a relaxation of any measurable standard in accordance with Subsection 4.3.3.

4.3 VARIANCE POWERS OF THE DEVELOPMENT AUTHORITY

4.3.1 The ***Development Authority*** may approve a ***development permit*** application for a ***permitted use*** or ***discretionary use*** where the proposed ***development*** does not comply with all of the applicable requirements and rules of this Bylaw if, in the opinion of the

Development Authority:

(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; and

(b) the proposed ***development*** conforms with a ***use*** prescribed by this Bylaw for that land or ***building***.

Development Officer

4.3.2 The ***Development Officer***, at its discretion, may relax the development standards up to ~~20~~10% of that requirement.

Municipal Planning Commission

4.3.3 The ***Municipal Planning Commission***, at its discretion, may relax the development standards ~~20~~10% or greater than that requirement.

4.4 SUBDIVISION AUTHORITY

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

4.5 SUBDIVISION AUTHORITY – POWERS AND DUTIES

4.5.1 The ***Subdivision Authority*** must administer all ***subdivision*** applications in accordance with this Bylaw and decide upon all ***subdivision*** applications.

4.5.2 The ***Subdivision Authority*** must refuse to accept a ***subdivision*** application where the prescribed fee for a ***subdivision*** application has not been paid.

4.5.3 The ***Subdivision Authority*** may refuse to deem complete a ***subdivision*** application where:

(a) the information required is not provided; and/or

(b) the quality is inadequate to properly evaluate the application.

4.5.4 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 applications for ***subdivision*** including the prescribed application fees and decide upon all applications in accordance with the *Regulation* and the Land Use Bylaw with consideration of all comments received through circulation;

(d) issue the following notices and acknowledgements on ***subdivision*** applications:

i. notice of complete application;

ii. notice of incomplete application;

iii. notice of decision; and

iv. notice of refusal/deemed refusal of an application.

A notice shall be issued to the applicant on the form created by the ***Subdivision Authority*** and sent by email where consent has been granted by the applicant, otherwise it shall be sent by mail;

(e) excepting ***subdivision*** applications not requiring circulation under the *Act*, to circulate applications for ***subdivision*** for comments to an ***adjacent*** municipality when the original parcel boundaries are ***adjacent*** to the municipal boundary or where an intermunicipal development plan requires;

(f) prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the *Regulation*;

(g) ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality; and

(h) endorse Land Titles instruments to effect the registration of the ***subdivision*** of land.

5 DEVELOPMENT APPLICATION AND APPROVAL PROCESS

5.1 APPLICATION FOR DEVELOPMENT

5.1.1 An application for a ***development permit*** shall be completed and submitted to the ***Development Authority*** in writing, in the form required by the ***Development Authority***, and shall be accompanied by the prescribed ***development permit*** fee and application submission requirements, including:

(a) authorization of the registered landowner;

(b) a site plan (drawn to scale) showing the following:

i. legal description and north arrow;

ii. area and dimensions of the ***parcel*** boundaries, showing the required ***front***, ***rear***, and ***side yards***, if any;

iii. existing and proposed ***easements*** and rights-of-way, including dimensions and type of ***easement***, if applicable;

iv. the location and dimensions of all existing and proposed ***buildings***, ***structures***, or ***uses*** on the ***parcel*** and the measured distance to ***property line***;

v. identification of existing and proposed ***roads*** or ***lanes*** that will provide access to the ***development***; and

vi. any provision for ***off-street parking stalls*** and ***loading stalls***; and vehicle entrances to and exits from the ***parcel***;

(c) statement of existing and proposed **Utility** services (i.e. on-site or municipal);

(d) statement of the current and proposed ***use*** of the lands;

(e) the estimated cost of the project or contract price;

(f) the estimated dates of commencement and completion; and

(g) the presence of abandoned oil and gas wells in accordance with the *Regulation*.

5.1.2 The ***Development Authority*** may also require additional information in order to assess the conformity of a proposed ***development*** with this Bylaw before consideration of the ***development permit*** application shall commence. Such information may include, but is not limited to:

(a) current copy of Certificate of Title, and copies of any restrictive covenants, utility rights-of-way, ***easements***, or Village of Empress caveats registered on the Title(s);

(b) floor plans, elevations and section drawings;

(c) written rationale supporting any requested variances;

(d) samples or representations of exterior ***building*** finishing materials and colors;

(e) existing site ***grades*** at the corners of the ***parcel***, and at the corners of ***existing*** and proposed ***buildings***;

(f) stormwater management, grading or landscaping plans, prepared by a ***qualified professional***;

(g) a Real Property Report, prepared by an Alberta Land Surveyor, showing the location and distances of any existing ***buildings***, waterbodies, trees or other physical features on or ***adjacent*** to the ***parcel*** being developed;

(h) in the case of the placement of an already constructed or partially constructed ***building*** on a ***parcel*** of land, information relating to the age and condition of the ***building*** and its compatibility with the District in which it is to be located;

(i) where a proposal is considered to have a significant environmental impact, the ***Development Authority*** may request the applicant to have an ***environmental evaluation*** or report prepared and submitted or undertake its own environmental evaluation regarding the proposed ***development***, at the cost of the applicant; and

(j) a ***construction management plan***.

5.1.3 Notwithstanding 5.1.1 and 5.1.2, at the discretion of the ***Development Authority***, additional information, plans or reports may be required to adequately render a decision on an application.

5.1.4 In the case where an application for a ***development permit*** has been refused pursuant to this Bylaw or ultimately after appeal to an ***Appeal Body***, the submission of a subsequent application for a ***development permit*** on the same ***parcel*** and for the same or similar ***use*** of the land by the same or any other applicant may not be accepted by the ***Development Authority*** for at least six (6) months after the date of the previous refusal.

5.2 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION

5.2.1 A notice of complete application or incomplete application shall be issued to the applicant on the form created by the ***Development Authority*** and sent by email where consent has been granted by the applicant, otherwise it shall be sent by mail.

5.3 APPLICATION REFERRAL

5.3.1 The ***Development Officer*** may refer for comment any matter or any application for a ***development permit*** to any agency or authority it deems necessary.

5.3.2 Applications for ***development permits*** on ***parcels*** within an area covered by an Intermunicipal Development Plan shall be referred to the other municipality for review and comment in accordance with the requirements of the Plan.

5.3.3 The ***Development Authority*** may refer to an ***adjacent*** municipality for consideration and comment any matter or any application for a ***development permit*** that relates to lands, that the ***Development Authority*** deems appropriate or necessary.

5.3.4 A referral must state the location and details of the application being circulated, how more information can be obtained, the date comments are due by and to whom the comments must be sent to.

5.3.5 Having received a reply on a matter referred to any person, municipality, agency or authority, the ***Development Authority*** shall make a decision giving due consideration to the comments received.

5.3.6 After the time period identified in the circulation notice from the date of referral, the application may be dealt with by the ***Development Authority*** whether or not comments have been received.

5.4 DECISION PROCESS – DEVELOPMENT AUTHORITY

Permitted Use Permits That Meet All Requirements

5.4.1 Where a ***development permit*** application is for a ***permitted use*** in a ***building*** or on a ***parcel*** and the proposed ***development*** conforms to all of the applicable requirements and rules of this Bylaw, the ***Development Authority*** must approve the application and issue the ***development permit***. The ***Development Authority*** may impose such conditions as required to ensure compliance with this Bylaw.

Permitted Use Permits That Do Not Meet All Requirements

5.4.2 Where a ***development permit*** application is for a ***permitted use*** in a ***building*** or on a ***parcel*** and the proposed ***development*** does not conform to all of the applicable requirements and rules of this Bylaw, the ***Development Authority*** may:

(a) refuse to approve the ***development permit*** application; or

(b) approve the ***development permit*** application; and may:

i. grant a relaxation of the requirement or regulation to which the proposed ***use*** does not conform; or

ii. impose such conditions as required to ensure compliance with this Bylaw.

5.4.3 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.

Discretionary Use Permits

5.4.4 When making a decision on a ***development permit*** for a ***discretionary use*** the ***Development Authority*** must take into account:

(a) any plans and policies affecting the ***parcel***;

(b) the purpose statement in the applicable Land Use District;

(c) the appropriateness of the location and ***parcel*** for the proposed ***use***;

(d) the compatibility and impact of the proposed ***development*** with respect to ***adjacent parcels*** and the neighbourhood;

(e) the merits of the proposed ***development***;

(f) the utility servicing requirements;

(g) access, parking and transportation requirements;

(h) vehicle and pedestrian circulation within the ***parcel***;

(i) the impact on the public transportation system; and

(j) sound planning principles.

5.4.5 The ***Development Authority*** may approve a ***development permit*** application for a ***discretionary use***, and may impose such conditions considered appropriate or necessary, which may include:

(a) limiting the seasonality of occupation of a ***building*** or ***structure***;

(b) limiting hours of operation;

(c) limiting number of patrons;

(d) establishing ***landscaping*** requirements;

(e) requiring noise attenuation;

(f) requiring special provisions be made for parking;

(g) regarding the location, character and appearance of a ***building***;

(h) regarding the grading of a ***parcel*** or such other procedures as is necessary to protect the ***parcel*** from other ***developments*** or to protect other ***developments***;

(i) establishing the period of time during which a ***development*** may continue; and

(j) ensuring the ***development*** is compatible with surrounding ***uses***.

5.4.6 The ***Development Authority*** may refuse a ***development permit*** application for a ***discretionary use*** even though it meets the requirements and rules of this Bylaw.

Applications the Development Authority Must Refuse

5.4.7 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 use*** or ***discretionary use*** in the Land Use District; or

(b) is for a ***use*** containing a restriction in its definition that is not met by the proposed ***use***.

Similar Use Permits

5.4.8 In the case where a proposed specific ***use*** of land or a ***building*** is not provided for in any District in the Bylaw, the ***Municipal Planning Commission*** may determine that such ***use*** is similar in character and purpose to the definition of a ***permitted use*** or ***discretionary use*** prescribed for a particular District.

Temporary Use Permits

5.4.9 If an application is made for a ***development*** that is identified as ***temporary*** in this Bylaw, the ***Development Authority*** may consider and approve a ***development*** for a specific period of time, not exceeding one (1) year, unless otherwise allowed in this Bylaw.

5.4.10 Where a ***temporary development permit*** is issued in accordance with this Bylaw and the specified time period lapses, it is the responsibility of the applicant to request extension or renewal of the permit.

5.5 DEVELOPMENT PERMITS AND NOTICE OF DECISION

5.5.1 A ***development permit*** issued for a ***permitted use*** in compliance with the regulations and standards of this Bylaw, or a ***development permit*** issued by ***Council*** pursuant to a Direct Control District, comes into effect on the date that the decision is made.

5.5.2 When a ***development permit*** is approved for a ***discretionary use*** or for a ***permitted use*** in which a variance has been granted, the ***Development Authority*** shall:

(a) provide a notice of decision to the applicant of the approval;

(b) immediately post a notice of the decision conspicuously on the ***parcel*** the ***development permit*** has been issued;

(c) publish the notice of decision on the Village of Empress's website; and

(d) issue a ***development permit*** after the appeal period has expired.

5.5.3 A ***development permit*** issued pursuant to Subsection 5.5.2 does not come into effect until twenty-one (21) days after the date the notice of decision is posted on the ***parcel***. Any ***development*** proceeded with by the applicant prior to the expiry of this appeal period is done solely at the risk of the applicant.

5.5.4 The notices indicated in Subsection 5.5.2 must state:

(a) the legal description and the street address of the ***parcel*** of the proposed ***development***;

(b) the ***uses*** proposed for the subject ***development***;

(c) any discretion that was granted in the approval of the ***development***, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the ***Development Authority*** when the ***development permit*** was approved;

(d) the date the ***development permit*** was approved; and

(e) how an appeal may be made to the ***Appeal Body*** and the deadline for such appeal.

5.5.5 Where an appeal is made pursuant to Section **6.1 Appeals** of this Bylaw, a ***development permit*** which has been granted shall not come into effect until the appeal has been determined and the ***development permit*** has been confirmed or modified.

5.5.6 When the ***Development Authority*** refuses an application for a ***development permit***, the notice of refusal shall be issued to the applicant. The notice of refusal shall contain

reasons for the refusal.

5.5.7 After the issuance of a ***development permit***, a ***Development Authority*** may suspend or revoke a ***development permit*** in writing to the applicant at any time:

(a) where the ***development permit*** was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or

(b) where the ***development permit*** was issued in error.

5.6 CONDITIONS OF APPROVAL

5.6.1 Where a ***development permit*** application does not demonstrate that the proposed ***development*** conforms to all the applicable requirements of this Bylaw, the ***Development Authority*** may, as a condition of issuing the ***development permit***, require the applicant to amend specific elements of the plans to conform with the applicable requirements.

5.6.2 The ***Development Authority*** may, as a condition of issuing a ***development permit*** for a ***permitted use*** or ***discretionary use***, require the applicant to make satisfactory arrangements for the supply of **Utilities** including, but not limited to natural gas, cable, water, electric power, sewer service, or any one or more of them including payment of the cost of installation or construction of any such **Utility** or facility by the applicant.

5.6.3 The ***Development Authority*** may, as a condition of issuing a ***development permit*** for a ***permitted use*** or ***discretionary use***, require the applicant enter into an agreement with the Village of Empress to do any or all of the following:

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

(b) to construct or pay for the construction of:

i. a pedestrian walkway system to serve the ***development***, or

ii. pedestrian walkways to connect the pedestrian walkway system serving the ***development*** with a pedestrian walkway system that serves or is proposed to serve an ***adjacent development***, or both;

(c) to install or pay for the installation of a public **Utility** that is necessary to serve the ***development***, whether or not the public **Utility** is, or will be, located on the land that is the subject of the ***development***;

(d) to construct or pay for the construction of:

i. off-street or other parking facilities, and

ii. loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy imposed by bylaw; and

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

5.6.4 The Village of Empress may register a caveat pursuant to the provisions of the *Act* and the *Land Titles Act* in respect of an agreement under Subsection 5.6.3 against the

Certificate of Title for the land that is the subject of the ***development***. Said caveat shall be discharged when the agreement has been complied with.

5.6.5 The ***Development Authority*** may attach conditions to a ***development permit*** which may include adherence to engineering standards, the completion of any required reports and studies, or phasing requirements.

5.7 COMMENCEMENT AND COMPLETION OF DEVELOPMENT

5.7.1 If the ***development*** authorized by a ***development permit*** is not commenced within twelve (12) months from the date granted or carried out with reasonable diligence the ***development permit*** is deemed to be void, unless an extension request for the time period is submitted in writing by the applicant and granted by the ***Development Authority***. The extension request must provide reasons for the request.

5.7.2 If the ***development*** authorized by a ***development permit*** is not completed within two (2) years of the date of issue or as otherwise specified within a ***development permit***, the ***development permit*** is deemed to be void, unless an extension request for the time period is submitted in writing by the applicant and granted by the ***Development Authority***. The extension request must provide reasons for the request.

5.7.3 For the purposes of this Bylaw, commencement includes excavation, does not include ***fencing***, or demolition on the ***parcel***, or obtaining permits.

5.7.4 The approval or issuance of a ***development permit*** does not authorize commencement of construction except in conjunction with all other required permits and conditions of the ***development permit***.

5.8 DIRECT CONTROL DISTRICTS AND PERMITS

5.8.1 Upon receipt of a completed application for a ***development permit*** pursuant to a Direct Control District, the ***Council*** may, prior to making a decision, refer the application to the ***Development Authority***, any municipal department or external agency for comment.

5.8.2 Prior to deciding upon the ***development permit*** application before it, the ***Council*** may provide public notice through means and to whom it considers necessary, that a decision on a ***development permit*** pursuant to a Direct Control District is to be made and that ***Council*** may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

5.8.3 Appeals within a Direct Control District shall be in accordance with the *Act*.

6 APPEALS

6.1 DEVELOPMENT AND SUBDIVISION APPEALS

6.1.1 Appeals in respect of decisions on ***development permit*** applications are governed by the *Act*.

6.1.2 Where the ***Development Authority***:

(a) refuses or fails to render a decision on an application for a ***development permit***; or

(b) approves an application for a ***development***; or

(c) issues an order under this Bylaw;

the person applying for the permit or affected by the order, or any other affected person, as the case may be, may appeal to the ***Appeal Body*** within the dates outlined in the *Act*.

6.1.3 An appeal with respect to a decision on a ***subdivision*** application is governed by the *Act* and the *Regulation*.

7 BYLAW AMENDMENT PROCESS

7.1 APPLICATION TO AMEND THE LAND USE BYLAW

7.1.1 ***Council*** may at any time initiate an amendment to this Bylaw.

7.1.2 Any owner of a ***parcel***, his authorized agent, or other persons having legal or equitable interest in the ***parcel*** may apply to have the Land Use District of the ***parcel*** changed through an amendment to this Bylaw.

7.1.3 All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:

(a) the prescribed fee;

(b) a statement of the applicant's interest in the land;

(c) a title search for the land affected or other documents satisfactory to the Village of Empress that supports the applicant's interest in the said land;

(d) any drawings, plans or maps required by the Village of Empress; and

(e) any other documents as required by the Village of Empress.

7.1.4 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*.

7.1.5 The ***Council***, in considering an application for an amendment to this Land Use Bylaw, shall refer a copy of the proposed amendment to the following agencies:

(a) Palliser Regional Municipal Services;

(b) Special Areas 2 and/or the M.D. of Acadia if, the proposed amendment:

i. affects land on the boundary with Special Areas 2 and/or the M.D. of Acadia; or

ii. may otherwise have an effect on Special Areas 2 and/or the M.D. of Acadia; or

(c) such other persons or agencies as it considers necessary for comment.

7.1.6 If an application for an amendment to this Bylaw has been refused by ***Council***, ***Council*** may not accept an application for an amendment for the same ***use*** on the same ***parcel*** for twelve (12) months from the date of the refusal.

8 ENFORCEMENT

8.1 OFFENCES

8.1.1 Any owner, lessee or occupant of land or a ***building***, or the owner of a ***structure*** or a **Sign** thereon, who with respect to such land, ***building***, ***structure*** or **Sign**, contravenes, causes, or allows a contravention of any provision of the Bylaw commits an offense.

8.1.2 Any person who commences or continues ***development*** for which a ***development permit*** is required but has not been issued, has expired, has been revoked or suspended, or which is in contravention of a condition of a ***development permit*** under the Bylaw commits an offense.

8.1.3 Any person who prevents or obstructs the ***Development Authority*** or a ***Designated Officer*** from carrying out any official duty under the Bylaw or the *Act* commits an offense.

8.1.4 A ***Designated Officer*** may enforce the provisions of the Bylaw, or the conditions of a ***development permit*** pursuant to the *Act*.

8.1.5 Nothing in this Bylaw diminishes or in any way affects the rights of the Village of Empress pursuant to the *Act*, or at common law to seek an entry order, order for compliance, injunction or any other order to obtain compliance with this Bylaw.

8.2 ENTRY AND INSPECTION

8.2.1 Pursuant to the *Act*, a ***Designated Officer*** may only enter land or a ***building*** for the purpose of ensuring compliance with the *Act* and the *Regulation*, or this Bylaw if:

(a) the owner or person in possession of it gives his consent to the entry; or

(b) the entry is authorized by an Order of the Court of King's Bench; and

(c) only for the purpose of ensuring compliance with the *Act* and the *Regulation*, or this Bylaw.

8.3 ORDERS

8.3.1 Pursuant to Section 645 of the *Act* where an offense under the Bylaw occurs, the ***Development Officer*** may by written notice, order the owner or the person in possession of the land or ***buildings***, or the person responsible for the contravention to:

(a) stop the ***development*** or ***use*** of the land or ***buildings*** in whole or in part as directed by the notice; or

(b) demolish, remove or replace the ***development***; or

(c) carry out any other actions required by the notice so that the ***development*** or ***use*** complies with the Bylaw.

8.3.2 A person who receives an order referred to in Subsection 8.3.1 above may appeal to the ***Appeal Body*** in accordance with Section **6 Appeals** of this Bylaw.

8.3.3 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 added to 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 it was added to the tax roll; and

(b) it forms a special lien against the ***parcel*** of land in favour of the ***Municipality*** from the date it was added to the tax roll.

Part B – General Regulations

9 General Land Use Regulations

9.1 APPLICABILITY

9.1.1 These regulations within Section **9 General Land Use Regulations**, shall apply to all ***developments*** within the Village of Empress, unless otherwise exempted.

9.1.2 Where any regulation in this section may be in conflict with any regulation of a given **Land Use District** in Part D or the **Specific Use Regulations** in Part C, the regulation in the District or Specific Use Regulation shall take precedence.

9.2 DWELLING UNITS ON A PARCEL

9.2.1 No person shall construct or locate more than one **Dwelling Unit** on a ***parcel*** unless it is otherwise permitted in this Land Use Bylaw.

9.3 SCREENING

9.3.1 For commercial, industrial and **Apartment** developments, garbage and waste material must be stored in weather proof and animal proof containers. Garbage and waste material storage must be ***screened*** from public ***roads***, excluding ***lanes***.

9.3.2 Commercial and industrial ***developments abutting*** a ***parcel*** with a ***principal residential use*** shall be ***screened*** from view on an ***interior side parcel line*** or ***rear parcel line***, to the satisfaction of the ***Development Authority***.

9.3.3 The ***Development Authority*** may require commercial and industrial ***developments*** be ***screened*** from ***adjacent parcels*** including any ***side***, ***front*** or ***rear parcel line***, and public ***roads***.

9.3.4 On ***corner lots*** within the ***corner visibility setback***, ***screening*** shall be a maximum of 1.0 m (3.3 ft) in height above ***grade*** to ensure public safety and/or good visibility for traffic and pedestrian purposes.

9.4 UTILITY SERVICES AND INFRASTRUCTURE

9.4.1 The ***Development Authority*** must confirm there is adequate sewage collection, treatment and disposal, water supply treatment and distribution, stormwater collection and storage and ***road*** capacity necessary to serve a ***development***.

9.4.2 A ***development*** may not be permitted if the ***development*** is not served by:

(a) the municipal sewer and water system; or

(b) at the discretion of the ***Development Authority***, a provincially approved private system.

9.4.3 Where a proposed ***use*** may release contaminants or other deleterious substances into the municipal sewer system, the ***Development Authority*** may require an applicant to submit plans and reports prepared by a ***qualified professional*** to evaluate the potential impact on the sewer system and propose mitigations.

9.4.4 The ***Development Authority*** may require a fats, oil and grease (FOG) interceptor, an oil and grit separator or other such interceptor, and/or a test manhole to be installed where a ***use*** may release contaminants or other deleterious substances into the municipal sewer system.

9.4.5 Stormwater run-off shall be contained on-site or disposed of in a manner acceptable to the Village of Empress and/or as required in a stormwater management report prepared by a ***qualified professional***.

9.5 SITE GRADING AND DRAINAGE

9.5.1 ***Parcel grades*** and ***building*** elevations shall be established to ensure effective drainage and prevent drainage from one ***parcel*** to another, except where drainage conforms to an approved ***subdivision*** drainage plan.

9.5.2 The owner of a ***parcel*** shall be responsible to ensure that ***grading*** is maintained over time to provide effective drainage. Where maintenance of a common drainage swale or path at a ***property line*** is required, the responsibility of maintenance lies with the owners of both ***parcels***. Where a drainage swale or path is established within an ***easement*** or right-of-way on a ***parcel***, swale grades shall be maintained and the swale shall be kept free of any obstructions.

9.5.3 Where retaining walls are necessary or proposed in any ***development***, such walls shall be developed with professional quality and shall not negatively affect ***abutting parcels*** due to site elevations or drainage.

9.6 RELOCATION OF BUILDINGS

9.6.1 Notwithstanding Section **3 Development Not Requiring A Development Permit**, a ***development permit*** shall be required for the relocation of any ***building***, which has been previously used or occupied, to any ***parcel*** in the Village of Empress as part of the ***development*** of a ***permitted*** or ***discretionary use***.

9.6.2 A ***development permit*** for the relocation of a ***building*** may include conditions of approval that:

(a) the ***building*** and the proposed location of the ***building*** meets the requirements of the Land Use District in which the ***building*** is to be located;

(b) the ***building*** is compatible with the character of the neighbourhood in which the ***building*** is to be relocated to; and

(c) the ***building*** be renovated to a satisfactory condition within a specified time.

9.7 YARD SETBACKS AND PERMITTED PROJECTIONS

9.7.1 In all districts, the minimum ***yard setbacks*** do not apply to:

(a) construction wholly beneath the surface of the ground;

(b) driveways, ***parking stalls*** and sidewalks;

(c) ***fences***, ***patios*** and retaining walls; and

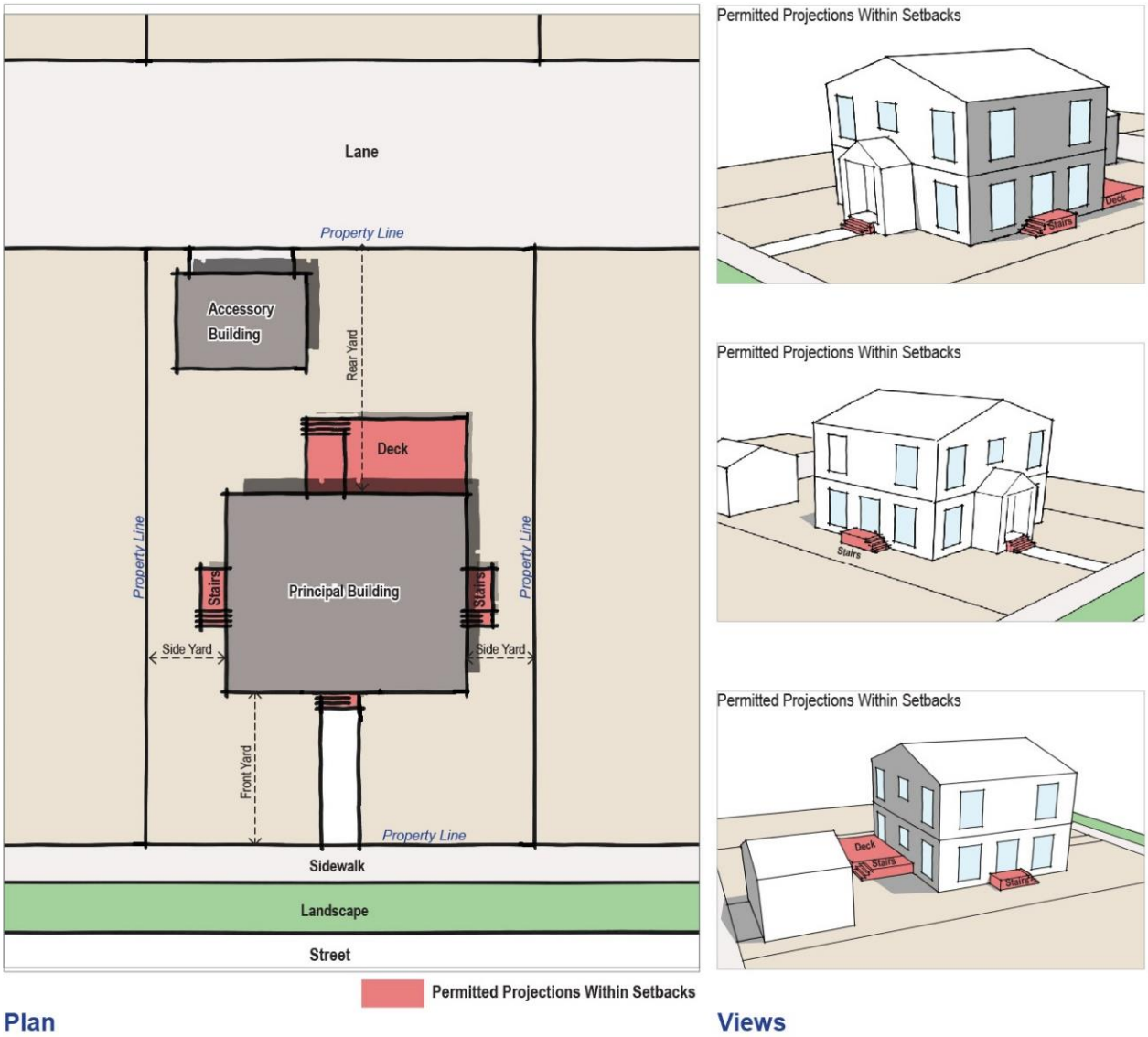
(d) ***landscaping***.

9.7.2 Where a ***building*** or ***buildings*** on the ***parcel*** are planned as a ***comprehensively planned development*** and are divided by ***condominium*** such that the ***building*** contains units that are on separate ***lots*** or Titles, the district ***yard setbacks*** do not apply within the ***development***, but shall apply from the ***property line*** of ***abutting lots***.

Residential Projections

9.7.3 Residential ***building*** projections specified in Subsections 9.7.4 to 9.7.9 into or over a required ***yard setback*** shall not require a variance (Figure 1: Permitted Projections Into Yard Setbacks).

Figure 1: Permitted Projections Into Yard Setbacks



9.7.4 The following projections may be permitted to a maximum of 2.0 m (6.6 ft) into the required ***front yard setback***:

(a) ***balconies***,

(b) ***bay windows***,

(c) ***cantilevers***,

(d) chimneys,

(e) **eaves**,

(f) ***shade projections***,

(g) stairways and ***landings***, and

(h) uncovered ***decks***.

9.7.5 The following projections may be permitted to a maximum of 50% into the required ***side yard setback***:

(a) ***cantilevers***,

(b) chimneys,

(c) ***eaves***,

(d) ***shade projections***, and

(e) stairways and ***landings*** greater than 0.6 m above ***grade***.

9.7.6 The following projections may be permitted to a maximum of 100% of the required ***side yard setback***:

(a) stairways and ***landings*** no more than 0.6 m above ***grade***.

9.7.7 The following projections may be permitted to a maximum of 1.52 m (5.0 ft) into the required ***rear yard setback***:

(a) ***balconies***,

(b) ***bay windows***,

(c) ***cantilevers***,

(d) chimneys,

(e) ***eaves***, and

(f) ***shade projections***.

9.7.8 The following projections may be permitted to a maximum of 50% into the required ***rear yard setback***:

(a) uncovered ***decks***, and

(b) stairways and ***landings***.

9.7.9 Wheelchair ramps may be permitted to encroach into any required ***yard setback***, at the discretion of the ***Development Authority***, provided that the ramp:

(a) does not impede fire access to or around the ***building***;

(b) is complementary to and well-integrated into the existing ***building*** design; and

(c) does not extend beyond the ***property line***.

9.8 FENCES

9.8.1 In residential districts or a ***parcel*** with a ***principal residential use***, the maximum height above grade of a ***fence*** located within a ***yard*** shall be in accordance with Table 2: Maximum Fence Height in a Residential Yard.

Table 2: Maximum Fence Height in a Residential Yard

Yard	Maximum Fence Height From Grade
Rear	1.83 m (6.0 ft)
Interior side	1.83 m (6.0 ft)
Front	1.0 m (3.3 ft)
Exterior Side	1.0 m (3.3 ft)

9.8.2 On ***corner lots*** within the ***corner visibility setback***, fences shall be a maximum of 1.0 m (3.3 ft) in height to ensure public safety and/or good visibility for traffic and pedestrian purposes.

9.8.3 The maximum height above grade of a ***fence*** located within a ***yard*** of a commercial or industrial ***development*** shall be 3.0 m (10.0 ft).

9.8.4 Materials used to construct ***fences*** shall be wood, brick, stone, concrete, or metal or other acceptable material to the satisfaction of the ***Development Authority***, and shall be aesthetically acceptable and in general conformity with ***adjacent development***.

9.9 CORNER LOTS, REVERSE CORNER LOTS AND IRREGULAR LOTS

9.9.1 The ***parcel lines*** and ***yards*** of ***corner lots*** shall be determined by the following (Figure 2: Corner Lot and Reverse Corner Lot):

(a) the ***front parcel line*** of a ***corner lot*** is the shortest ***property line abutting*** a **road**;

(b) the ***exterior side parcel line*** of a ***corner lot*** is the longest ***property line abutting*** a ***road***;

(c) the ***interior side parcel line*** of a ***corner lot*** is the longest ***property line abutting*** a ***parcel***; and

(d) the ***rear parcel line*** of a ***corner lot*** is the shortest ***property line abutting*** a ***parcel*** or ***lane***.

9.9.2 Notwithstanding 9.9.1 or anything else in this Bylaw, the ***Development Authority*** may determine a ***corner lot*** to be a ***reverse corner lot*** (Figure 2: Corner Lot and Reverse Corner Lot).

9.9.3 The ***Development Authority*** shall determine the ***front***, ***rear*** and ***side yards*** of a ***reverse corner lot*** by taking into account:

(a) the general pattern and location of existing ***buildings*** on ***adjacent parcels***;

(b) the size and geometry of the ***corner lot***;

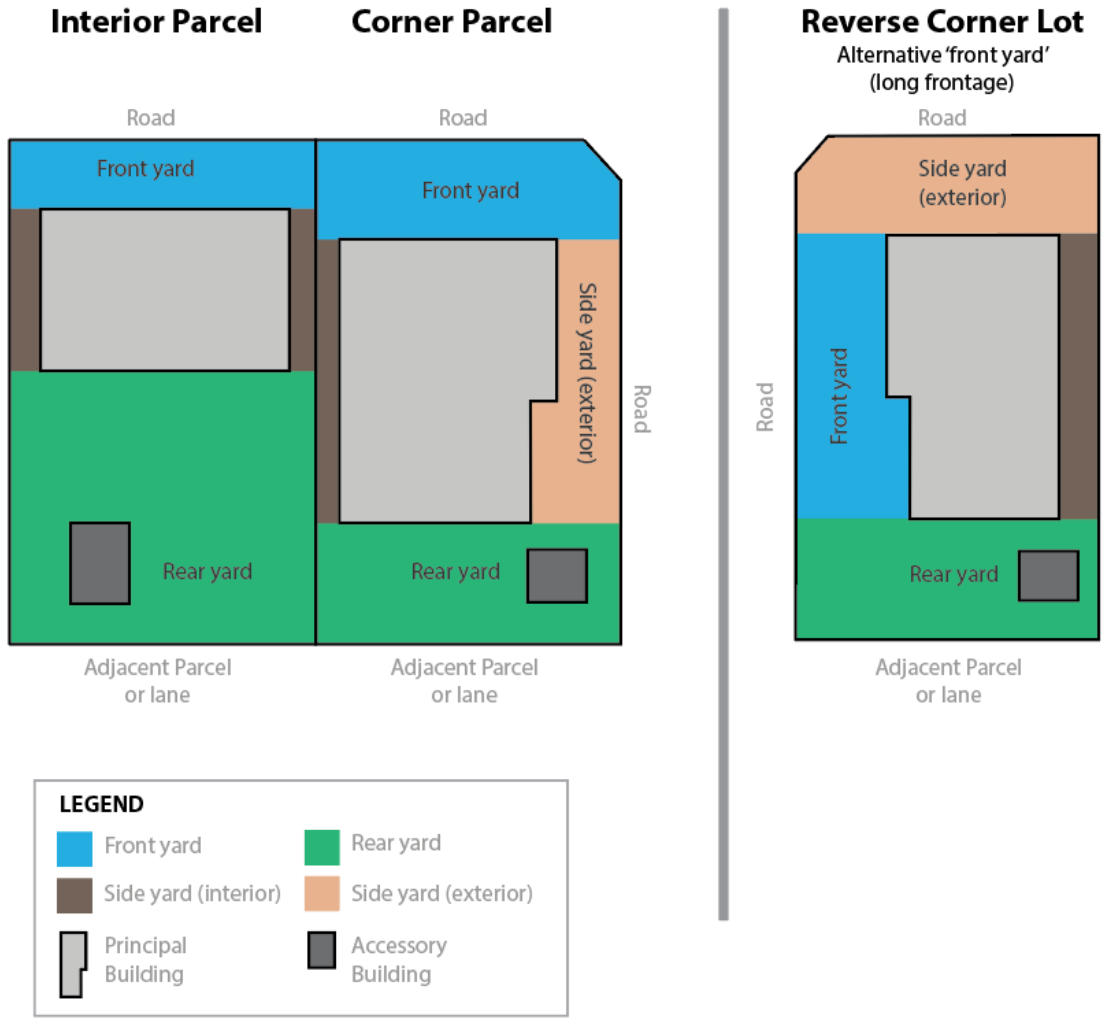
(c) the ability to create sufficient privacy on the ***parcel*** and privacy for ***adjacent parcels***;

(d) ensuring safe traffic movement at the intersection, considering the primary flow of traffic and access to the ***parcel***; and

(e) the general aesthetics, considering the location and height of ***fencing*** and hedges.

9.9.4 For ***parcels*** other than ***corner lots*** which have ***frontage*** on two ***roads***, or for ***parcels*** which are not rectangular in shape, the ***Development Authority*** shall determine the ***yard*** designations.

Figure 2: Corner Lot and Reverse Corner Lot



9.10 VEHICLE ENTRANCES AND EXITS

9.10.1 Vehicle entrances and exits shall be located at least 6.0 m (19.7 ft) from the corner along a ***property line*** at the intersection of two (2) or more ***roads***.

9.10.2 All vehicle entrances and exits onto a ***highway*** shall be approved by the Provincial

highway authority.

9.10.3 The ***Development Authority*** may require that entrances and exists for vehicles be separate, one-directional, and/or adequately signed.

9.11 RENEWABLE ENERGY SYSTEMS

9.11.1 ***Renewable energy systems*** attached to **a *principal building*** or **Accessory Building** shall:

(a) not extend above the peak of a roof;

(b) not project past a roof by 1.52 m (5.0 ft) at any point; and

(c) not generate noise, in the opinion of the ***Development Authority***, which affects the amenity or enjoyment of an ***adjacent residential use***.

9.11.2 ***Renewable energy systems*** that are freestanding must meet the height and ***setback*** regulations for an **Accessory Building** within the applicable Land Use District.

9.12 COMPREHENSIVELY PLANNED DEVELOPMENTS

9.12.1 A site plan must be provided for all ***comprehensively planned development*** applications. The site plan must clearly identify private roads, pedestrian walkways, common areas and ***buildings***, garbage and waste storage areas or ***buildings***, ***visitor parking stalls***, and the boundaries of **Dwelling Unit** plots.

9.12.2 All private roads in a ***comprehensively planned development*** shall be a minimum 6.0 m (19.7 ft) width and constructed to the satisfaction of the ***Development Authority*** for emergency access and egress.

9.12.3 Internal pedestrian walkways shall have a minimum width of 1.5 m (4.9 ft) and be surfaced to the satisfaction of the ***Development Authority***.

9.12.4 ***Visitor parking stalls*** shall be provided in the ratio of one (1) ***parking stall*** for every three (3) **Dwelling Units**. ***Visitor parking stalls*** shall be dispersed throughout the ***comprehensively planned development*** and clearly identified.

9.12.5 A minimum of 10% of the ***parcel area*** of a ***comprehensively planned development*** shall be set aside for an outdoor common ***amenity area*** or recreational use.

9.12.6 A screened ***outdoor storage*** area may be provided for vehicles and equipment such as trucks, ***recreational vehicles***, travel trailers, snowmobiles, and boats, at a location and in a manner satisfactory to the ***Development Authority***.

Part C - Specific Use Regulations

10 SPECIFIC USE REGULATIONS

This Section of the Land Use Bylaw contains regulations for specific land uses, as listed below.

10.1	**Accessory Buildings**
10.2	**Accessory Dwelling Units**
10.3	**Home Occupations**
10.4	**Bed and Breakfasts**
10.5	**Dwellings, Manufactured**
10.6	**Seasonal Accommodation**
10.7	**Short-Term Rentals**
10.8	**Pet Care Services and Kennels**
10.9	**Autobody Shops**
~~**10.10**~~	~~**Gas Bars and Service Stations**~~
10.10~~**1**~~	**Cannabis Production Facility**
10.11~~**2**~~	**Work Camps**
10.12~~**3**~~	**Signs**

10.1 ACCESSORY BUILDINGS

10.1.1 **Accessory Buildings** must be secondary and subordinate to the ***principal building*** or ***principal use*** on the same ***parcel***.

10.1.2 The determination of whether a ***use***, ***building*** or ***structure*** is considered accessory shall be at the discretion of the ***Development Authority***.

10.1.3 An enclosed ***structure*** which is attached to the ***principal building*** by a roof, a floor or a foundation is not an **Accessory Building** and is to be considered part of the ***principal building***.

10.1.4 An **Accessory Building** shall not be used as a **Dwelling Unit** unless approved in accordance with the provisions of this Bylaw.

10.1.5 The maximum ***height*** of an **Accessory Building** in a residential district shall be 5.0 m (16.4 ft).

10.1.6 No **Accessory Building** shall be located in the ***front yard*** of a ***parcel*** in a residential district or a ***parcel*** with a ***principal residential use***.

10.1.7 The minimum ***side yard setbacks*** of an **Accessory Building** in any District shall be 1.0 m (3.3 ft) except on ***corner lots***, where the minimum ***side yard setback*** shall be 3.0 m (9.8 ft) from the ***exterior side parcel line***.

10.1.8 The minimum ***rear yard setback*** of an **Accessory Building** in any District shall be 0.9 m (2.95 ft), except where the vehicle door of a detached garage opens to an ***abutting lane***, the minimum ***rear yard setback*** shall be 2.0 m (6.6 ft).

10.1.9 The maximum ***parcel coverage*** of all **Accessory Buildings** on a ***parcel*** is 15%.

Accessory Buildings - Fabric Covered

10.1.10 **Accessory Buildings - Fabric Covered** shall be:

(a) ***setback*** a minimum of 3.0 m (9.8 ft) from any ***structure*** or equipment that contains open flames (i.e. fire pits or other open flame accessories);

(b) kept in good condition and the fabric not frayed or damaged; and

(c) fully enclosed with closable doors on the ends.

10.1.11 Within residential districts **Accessory Buildings - Fabric Covered** must not:

(a) exceed one (1) **Accessory Building - Fabric Covered** per ***parcel***;

(b) exceed 20.5 m^2 (220.7 ft^2) in ***floor area***; and

(c) be used in a manner that would cause or create a nuisance by way of noise, vibration or dust to impact the privacy and enjoyment of ***adjacent residential uses*** or the amenities of the neighbourhood.

Accessory Buildings - Shipping Container

10.1.12 Within residential districts **Accessory Buildings – Shipping Container** must not:

(a) exceed one (1) **Accessory Building - Shipping Container** per ***parcel***;

(b) exceed 15.0 m^2 (161.5 ft^2) in ***floor area*** on a ***parcel*** that is less than 836.1 m^2 (9000.0 ft^2) in ***parcel area***;

~~(b)~~(c) exceed 30.0 m^2 (323.0 ft^2) in ***floor area*** on a ***parcel*** that is 836.1 m^2 (9000.0 ft^2) or greater in ***parcel area***; and

~~(c)~~(d) be used in a manner that would cause or create a nuisance by way of noise, vibration or dust to impact the privacy and enjoyment of ***adjacent residential uses*** or the amenities of the neighbourhood.

10.1.13 In residential districts, ~~T~~the ***Development Authority*** ~~may~~ shall require the exterior surface of an **Accessory Building - Shipping Container** be finished, or ***screened*** from public view, to the satisfaction of the ***Development Authority***.

10.1.14 An **Accessory Building - Shipping Container** shall not be used as a ***structure*** for installing or displaying a **Sign**.

10.2 ACCESSORY DWELLING UNITS

10.2.1 An **Accessory Dwelling Unit** may be developed only in those Land Use Districts where it is listed as a ***permitted use*** or ***discretionary use***.

10.2.2 The issuance of a ***development permit*** in no way exempts the applicant from obtaining a ***building permit*** for an **Accessory Dwelling Unit.**

10.2.3 A maximum of one (1) **Accessory Dwelling Unit** is allowed per ***parcel***.

10.2.4 Notwithstanding 10.2.3, a maximum of one (1) **Accessory Dwelling Unit – Attached** and one (1) **Accessory Dwelling Unit – Detached** may be allowed on a ***parcel*** with a ***parcel area*** of 836.1 m^2 (9000.0 ft^2) or greater.

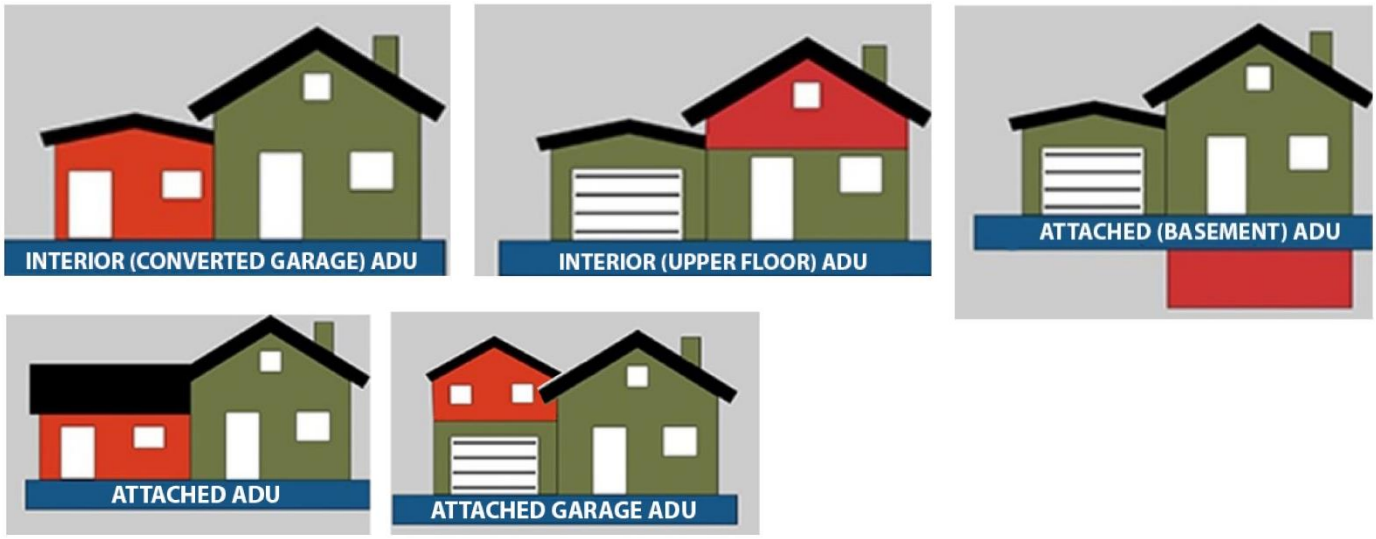
10.2.5 An **Accessory Dwelling Unit** must not be separated from the ***principal residential use*** on a ***parcel*** by the registration of a ***condominium*** or ***subdivision***.

Detached Accessory Dwelling Units

10.2.6 The maximum ***floor area*** of an **Accessory Dwelling Unit - Detached** shall not exceed 80.0 m^2 (861.1 ft^2), excluding any internal area for stairways and ***landings*** or common areas that are accessible and intended to be used by residents of both **Dwelling Units**.

10.2.7 Where an **Accessory Dwelling Unit - Detached** is located on the second ***storey***, the maximum ***building height*** shall be 7.0 m (22.97 ft) and shall not exceed the height of the ***principal building***.

Attached Accessory Dwelling Units



10.2.8 The maximum ***floor area*** of an **Accessory Dwelling Unit - Attached** shall not exceed 40% of the ***gross floor area*** of the ***principal*** **Dwelling Unit** or 80.0 m^2 (861.1 ft^2), whichever is the lesser. Internal areas for stairways and ***landings*** or common areas that are accessible and intended to be used by residents of both **Dwelling Units** shall not be included in the ***floor area*** of the **Accessory Dwelling Unit**.

10.2.9 Notwithstanding 10.2.~~7~~8, where an **Accessory Dwelling Unit - Attached** occupies:

(a) the ***basement*** within a one-storey **Dwelling, Detached**; or

(b) the second ***storey*** of a two-storey **Dwelling, Detached**;

the **Accessory Dwelling Unit - Attached** may occupy a maximum of 50% of the ***gross floor area*** of the ***building***.

10.3 HOME OCCUPATIONS

10.3.1 In accordance with Section **3 Development Not Requiring a Development Permit**, a **Home Occupation - Minor** does not require a ***development permit***.

10.3.2 Where the applicant for a **Home Occupation - Major** is not the registered owner of the **Dwelling Unit** proposed to be used for a **Home Occupation - Major**, the applicant shall provide to the ***Development Authority*** written authorization from the registered owner(s).

~~10.3.1~~10.3.3 A **Home Occupation** shall not include any activity or operation which will cause or create a nuisance by way of noise, dust, and/or smoke or other nuisance that is not characteristic of a ***residential use***.

10.3.4 A **Home Occupation – Minor** shall meet all of the following criteria:

(a) located within the ***principal*** **Dwelling Unit** only;

(b) on-site sales or customer visits totaling no greater than 9 visits per day, and no more than two customers on-site at a time;

(c) no on-site employees other than the residents of the **Dwelling Unit** (all employees must reside on the premise or work remotely);

(d) no outdoor storage or display of goods.

10.3.5 A **Home Occupation – Major** shall be determined as any **Home Occupation** which meets one or more of the following criteria:

(a) located within an **Accessory Building**; and/or

(b) on-site sales or customer visits totaling 10 or more customer visits per day, or more than two customer on-site at a time.

10.3.6 The ***Development Authority*** may require the operator of a **Home Occupation – Major** to maintain a register of the number and purpose of customer visits to the ***parcel*** on a daily basis.

~~10.3.2 A **Home Occupation** shall not employ more than three (3) persons to work in the **Dwelling Unit** that do not reside in the **Dwelling Unit.**~~

~~10.3.3 A **Home Occupation** shall not cause greater than ten (10) customer visits or deliveries to the ***parcel*** per day.~~

~~10.3.4 Storage of materials shall be limited to inside the **Dwelling Unit** or an **Accessory Building**.~~

~~10.3.5~~10.3.7 A maximum of one (1) **Sign** for a **Home Occupation** may be displayed.

10.4 BED AND BREAKFASTS

10.4.1 **Bed and Breakfasts** shall:

(a) not provide cooking facilities in guest rooms;

(b) not change the residential character or external appearance of the ***building.***

10.4.2 A maximum of one (1) **Sign** for a **Bed and Breakfast** may be displayed.

10.4.3 The ***Development Authority*** shall issue a ***temporary development permit*** for a **Bed and Breakfast** for a maximum of five (5) years.

10.4.4 The issuance of a ***development permit*** in no way exempts the applicant from obtaining any other provincial approvals that may be required.

10.5 DWELLINGS, MANUFACTURED

10.5.1 **Dwellings, Manufactured** constructed greater than ten (10) years at the time of ***development permit*** application may not be approved at the discretion of the ***Development Authority*** in consideration of its condition and appearance.

10.5.2 In determining the suitability of a **Dwelling, Manufactured** for placement on a ***parcel***, consideration shall be given to its condition and appearance in context with the

adjacent parcels.

10.5.3 The undercarriage of a **Dwelling, Manufactured** shall be screened from view by the foundation or by skirting within 30 days of placement of the **Dwelling, Manufactured**.

10.5.4 All accessory ***structures*** such as stairways and ***landings***, ***patios***, ***decks***, and skirting shall be of complementary quality and design to the **Dwelling, Manufactured**.

10.5.5 All **Dwellings, Manufactured** shall be provided with stairways and ***landings*** to all entrances within 45 days of their placement.

10.6 SEASONAL ACCOMMODATION

10.6.1 A maximum of one (1) ***recreational vehicle***, ***park model*** or similar ***structure*** may be located on a ***parcel*** with an approved **Seasonal Accommodation** ***use***.

10.6.2 A ***recreational vehicle*** or ***park model*** constructed greater than ten (10) years at the time of ***development permit*** application may not be approved at the discretion of the ***Development Authority*** in consideration of its condition and appearance.

10.6.3 As part of an application for a ***development permit*** for **Seasonal Accommodation**, the following are required:

(a) proof of valid vehicle registration and insurance of a ***recreational vehicle*** or ***park model***;

(b) information regarding proposed servicing of the ***development***; including water and disposal of sanitary wastes;

(c) current photographs indicating the condition of the proposed ***recreational vehicle***, ***park model*** or similar ***structure***;

(d) a site plan showing the placement of the ***recreational vehicle***, ***park model*** or similar ***structure***, including any ***patios***, ***decks*** or **Accessory Buildings**; and

(e) any proposed ***landscaping*** or ***screening***.

10.6.4 A ***recreational vehicle*** or ***park model*** or similar ***structure*** shall only be occupied for **Seasonal Accommodation** from March 1 to October 31, annually.

10.6.5 Where a **Seasonal Accommodation** ***development*** is connected to municipal water and sanitary services, these services shall be disconnected annually from the first day of November to the last day in the month of February. The owner shall be responsible to pay any disconnection or connection fees as per the Village of Empress Water and Sewer Bylaws.

10.6.6 Any ***decks***, ***patios*** or **Accessory Buildings** on a ***parcel*** with a **Seasonal Accommodation** ***development*** shall not be placed in a manner to restrict or prevent the removal of the ***recreational vehicle*** or ***park model*** or similar ***structure***.

10.6.7 A ***recreational vehicle*** or ***park model*** or similar ***structure*** shall be maintained and kept in good condition. Any ***recreational vehicle*** or ***park model*** or similar ***structure*** that is considered, in the opinion of the ***Development Officer***, to be a ***derelict vehicle*** (i.e. broken windows, damaged siding) may be required to be removed from the ***parcel*** in accordance with the provisions of **Section 8 Enforcement**.

10.6.8 A ***temporary development permit*** for **Seasonal Accommodation** shall be issued for a maximum of five (5) years.

10.6.9 A copy of valid vehicle registration and insurance of a ***recreational vehicle*** or ***park model*** shall be provided annually to the ***Development Officer***. Where proof of insurance and registration is not provided, the ***Development Officer*** may require the ***recreational vehicle*** or ***park model*** be removed from the ***parcel*** in accordance with the provisions of **Section 8 Enforcement**.

10.7 SHORT-TERM RENTALS

10.7.1 A ***development permit*** for **Short-Term Rental** of a **Dwelling Unit** shall be issued for a maximum of five (5) years.

10.7.2 A **Short-Term Rental** may be allowed to operate year-round.

10.8 PET CARE SERVICES AND KENNELS

10.8.1 **Pet Care Services** and **Kennels** shall be designed, constructed and operated in a manner to prevent a nuisance to any ***adjacent residential use*** or other ***adjacent uses*** in regard to factors such as noise, odors and waste. Outside enclosures, pens, runs or exercise areas may be allowed at the discretion of the ***Development Authority***.

10.8.2 The ***Development Authority*** may, as a condition of a ***development permit*** for a **Pet Care Service** or **Kennel**, limit the maximum number of animals that may be kept at any one time.

10.9 AUTO BODY SHOPS

10.9.1 All ***buildings*** and ***outdoor storage*** areas related to the **Auto Body Shop** must be oriented on the ***parcel*** to minimize any potential adverse effects on ***adjacent uses***.

10.9.2 An **Auto Body Shop** may include ***outdoor storage*** and activities associated with the ***use*** located outside of a ***building*** provided those areas of the ***parcel*** are ***fenced*** to a minimum height of 2.44 m (8.0 ft) , and the ***fence*** is a solid ***fence*** of either metal or wood, designed and constructed to the satisfaction of the ***Development Authority***.

~~10.10 GAS BARS AND SERVICE STATIONS~~

~~10.10.1 **Gas Bars and Service Stations** shall comply with the following standards:~~

~~(a) no part of a service station ***building*** or any pump island shall be within 6.0 m (19.7 ft) of ***front***, ***side*** or ***rear parcel*** lines;~~

~~(b) a ***front yard*** of no less than 12.0 m (39.4 ft);~~

~~(c) no pumping island closer than 4.5 m (14.8 ft) to a ***building***;~~

~~(d) vehicle entrances from a ***road*** shall be located at the discretion of the ***Development Authority*** and shall not exceed 10.67 m (35.0 ft) in width; and~~

~~(e) the ***parcel*** boundaries of a **Gas Bar and Service Station**, other than those fronting a ***road***, shall be appropriately ***screened*** to the satisfaction of the **Development Authority**.~~

~~10.11~~10.10 CANNABIS PRODUCTION FACILITY

~~10.11.1~~10.10.1 The ***Development Authority*** may require for a complete application for a **Cannabis Production Facility**, the submission of a waste management plan completed by a ***qualified professional***, which includes but is not limited to:

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

(b) the method and location of collection and disposal of liquid and solid waste material discharged by the facility; and

(c) the incineration of waste products and method of treatment of airborne emissions, including odours.

~~10.11.2~~10.10.2 The issuance of a ***development permit*** in no way exempts the applicant from obtaining any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

~~10.11.3~~10.10.3 As a condition of a ***development permit*** and prior to the operation of the facility, the developer must provide a copy of the current license for all activities associated with cannabis production as issued by Health Canada.

~~10.11.4~~10.10.4 All processes and functions related to a **Cannabis Production Facility** must be fully contained within a ***building*** including all loading stalls and docks, garbage receptacles and waste material.

~~10.11.5~~10.10.5 A **Cannabis Production Facility** shall not include ***outdoor storage*** of goods, materials or supplies.

~~10.11.6~~10.10.6 A **Cannabis Production Facility** shall not be allowed to operate on a ***parcel*** with any other ***use***.

~~10.11.7~~10.10.7 A **Cannabis Production Facility** must include equipment in the ventilation system designed and intended to remove odours from the air where it is discharged from the ***building***.

~~10.12~~10.11 WORK CAMPS

~~10.12.1~~10.11.1 A ***temporary development permit*** for a **Work Camp** may be issued for up to three (3) years, unless otherwise approved by the ***Development Authority*** as a condition in a ***development permit***.

~~10.12.2~~10.11.2 In addition to the requirements in Section **5.1 Development Permit Applications**,

an application for a **Work Camp** shall include:

(a) a description of the location, type and purpose of the **Work Camp**;

(b) a plan showing the location, number and type of accommodations;

(c) a plan showing the ***adjacent*** land uses, and any proposed ***screening*** or ***fencing***;

(d) a plan and/or description of the method of supplying water, sewage and solid waste disposal to the **Work Camp**;

(e) the number of persons proposed to reside in the **Work Camp**;

(f) the anticipated start date of construction of the **Work Camp**, date of occupancy and removal date; and

(g) reclamation measures once the **Work Camp** is completed and removed.

~~10.12.3~~10.11.3 A **Work Camp** must be directly associated with the construction of an industrial or commercial ***development*** within the municipal boundary or the ***adjacent*** area, and must be located in close proximity to the ***development***.

~~10.12.4~~10.11.4 Once completed, a **Work Camp** site must be:

(a) reclaimed to its original condition; or

(b) reclaimed to a state where sediment and dust are controlled, and the aesthetics are returned to an acceptable condition, to the satisfaction of the ***Development Authority***.

~~10.13~~10.12 SIGNS

~~10.13.1~~10.12.1 Except for election signs, no **Sign** shall be erected on or affixed to municipal property without the prior consent of the Village of Empress.

~~10.13.2~~10.12.2 No **Sign** shall resemble or conflict with a traffic sign, signal or device.

~~10.13.3~~10.12.3 All **Signs** shall be designed and manufactured to a professional standard of quality.

~~10.13.4~~10.12.4 A **Sign** shall not be located to obstruct the movement or free and clear vision of a pedestrian or motorist.

~~10.13.5~~10.12.5 All **Signs** shall be kept in a safe, clean, tidy and legible condition and may, at the discretion of the ***Development Authority***, be required to be renovated or removed if not kept in a safe, clean, tidy or legible condition.

Part D - Districts

11 DISTRICTS ADMINISTRATION

11.1 ESTABLISHMENT OF DISTRICTS

11.1.1 For the purpose of this Bylaw, the ***Municipality*** is divided into the following Land Use Districts.

Short Title	District Name
Residential Districts	
R	Residential District
Commercial Districts	
C	Commercial District
Industrial Districts	
I	Industrial District
Miscellaneous Districts	
G	General Village District
REC	Recreational District

11.2 DISTRICT BOUNDARIES

11.2.1 The locations and boundaries of the Land Use Districts are shown on the Land Use District Maps in Part F **Land Use Districts Map**, which forms part of this Bylaw.

11.2.2 The locations of boundaries shown on the Land Use Districts Map shall be governed by the following rules:

(a) where a boundary is shown as following the municipal boundary, it shall be deemed to follow the municipal boundary;

(b) where a boundary is shown as approximately following a ***property line***, it shall be deemed to follow the ***property line***; and

(c) where a boundary is shown to follow the shoreline of a bank of a waterbody, it follows that line.

11.2.3 Where the exact location of the boundary of a Land Use District cannot be determined, using the rules in Subsection 11.2.2 above, the ***Council***, on its own motion or on a written request, shall fix the location:

(a) in a manner consistent with the provisions of this Bylaw; and

(b) with the appropriate degree of detail required.

11.2.4 The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

11.3 DIRECT CONTROL DISTRICTS

11.3.1 Direct Control Districts provide for development that, due to its unique characteristics, unusual site conditions, or innovative design, requires specific regulations unavailable in other Land Use Districts. Land Uses within a Direct Control District shall be determined by ***Council***.

11.3.2 Direct Control Districts may not be substituted for any other Land Use District if the same outcome can occur in that Land Use District through the approval of a variance or relaxation to development standards.

11.3.3 Where ***Council*** deems there are sufficient and appropriate regulations within a Direct Control Bylaw, authority to approve ***development*** within the Direct Control District may be delegated to the ***Development Authority***.

12 R – RESIDENTIAL DISTRICT

12.1 PURPOSE

12.1.1 To provide for low ***density*** residential ***development*** and other compatible residential neighbourhood ***uses***.

12.2 PERMITTED USES

12.2.1 The following ***uses*** are ***permitted uses*** in the R - Residential District:

Accessory Building*
Accessory Dwelling Unit - Attached*
Accessory Dwelling Unit - Detached*
Dwelling, Detached
Dwelling, Duplex
Home Occupation - Minor*
Dwelling, Manufactured*
Park
Sign*
Utilities

*See Section **10 Specific Use Regulations**

12.3 DISCRETIONARY USES

12.3.1 The following ***uses*** are ***discretionary uses*** in the R - Residential District:

Accessory Building - Fabric Covered*
Accessory Building - Shipping Container*
Attached Housing
Bed and Breakfast*
Child Care Centre
Care Facility
Home Occupation – Major*
Public Building
Short-Term Rentals*
Worship Facility

*See Section **10 Specific Use Regulations**

12.4 REGULATIONS

12.4.1 The minimum ***parcel area*** is 279.0 m^2 (3,003.1 ft^2), except 204.0 m^2 (2,195.8 ft^2) for each **Dwelling Unit** in **Attached Housing**.

12.4.2 The minimum ***parcel width*** is 7.4 m (25.0 ft), except 6.0 m (19.7 ft) for each **Dwelling Unit** in **Attached Housing**.

12.4.3 The minimum ***front yard setback*** is 4.87 m (16.0 ft).

12.4.4 The minimum ***side yard setback*** is 1.22 m (4.0 ft).

12.4.5 The minimum ***rear yard setback*** is 6.01 m (20.0 ft).

12.4.6 The maximum ***building height*** of a ***principal*** **Dwelling Unit** is 10.0 m (32.8 ft).

12.5 ADDITIONAL REQUIREMENTS

12.5.1 A ***recreational vehicle*** shall only be stored or parked on a ***parcel*** with an approved ***principal residential use.***

12.5.2 A ***recreational vehicle*** shall not be parked or stored in the ***front yard.***

12.5.3 A **Short-Term Rental** shall not interfere with the rights of nearby residents to quiet enjoyment of a residential neighbourhood.

13 C – COMMERCIAL DISTRICT

13.1 PURPOSE

13.1.1 To provide for commercial ***development***.

13.2 PERMITTED USES

13.2.1 The following ***uses*** are ***permitted uses*** in the C - Commercial District:

Accessory Building*
Accessory Building - Fabric Covered*
~~**Accessory Building - Shipping Container***~~
Amusement Centre
Artist Studio
Athletic and Recreational Facility - Indoor
Automotive Sales
Car Wash
Clinic
Contractor Services - Minor
Convenience Store
Cultural Establishment
Dwelling Units (above the first storey or to the rear)
Eating and Drinking Establishment
Financial Institution
Funeral Home
Hotel/Motel
Office
Park
Parking Lot
Personal Service Establishment
Public Building
Retail Store
Sign*
Utilities
Wholesale Outlet
~~**Worship Facility**~~

*See Section **10 Specific Use Regulations**

13.3 DISCRETIONARY USES

13.3.1 The following ***uses*** are ***discretionary uses*** in the C - Commercial District:

Accessory Building - Shipping Container*
Automotive Repair and Service
Building Supply Centre
Cannabis Retail Store
Drinking Establishment
Gas Bar and Service Station*
Greenhouse
Laundry Facility
Liquor Store
Pet Care Services*
Worship Facility
Veterinary Clinic

*See Section **10 Specific Use Regulations**

13.4 REGULATIONS

13.4.1 The minimum ***parcel area*** is 300.0 m^2 (3,229.2 ft^2).

13.4.2 The minimum ***parcel width*** is 7.6 m (25.0 ft)

13.4.3 The minimum ***front yard setback*** is zero.

13.4.4 The minimum ***side yard setback*** is 1.22 m (4.0 ft), except:

(a) zero where a ***fire wall*** is provided; and

(b) 1.52 m (5.0 ft) where ***abutting*** a ***parcel*** with a ***principal residential use***.

13.4.5 The minimum ***rear yard setback*** is 3.0 m (10.0 ft).

14 I – INDUSTRIAL DISTRICT

14.1 PURPOSE

14.1.1 To provide for a range of manufacturing, warehousing and other industrial ***uses***.

14.2 PERMITTED USES

14.2.1 The following ***uses*** are ***permitted uses*** in the I – Industrial District:

Accessory Building*
Accessory Building - Fabric Covered*
Accessory Building - Shipping Container*
Agricultural Supply Depot
Artist Studio
Athletic and Recreational Facility - Indoor
Auto Body Shop
Automotive Repair and Service
Building Supply Centre
~~**Bulk Fuel Station**~~
Car Wash
Contractor Services - Minor
Contractor Services - Major
Equipment Rental Shop
Food Processing Storage and Sales
~~**Gas Bar and Service Station**~~
Greenhouse
Heavy Equipment Sales and Service
Manufacturing - Light
Print Shop
Public Building
Recycling Depot
Sign*
Self-Storage Facility
Storage Yard
Utilities
Veterinary Clinic
Warehousing and Distribution

*See Section **10 Specific Use Regulations**

14.3 DISCRETIONARY USES

14.3.1 The following ***uses*** are ***discretionary uses*** in the I – Industrial District:

Auction Facility
Bulk Fuel Station
Cannabis Production Facility*
Drinking Establishment
Dwelling Unit (accessory to industrial use)
Gas Bar and Service Station
Grain Elevator and Seed Cleaning
Kennel*
Manufacturing - Heavy
Park
Retail Store
Truck and Freight Terminal
Waste Transfer Station
Wrecker and Salvage

*See Section **10 Specific Use Regulations**

14.4 REGULATIONS

14.4.1 The minimum ***parcel area*** is 464.0 m^2 (4,994.5 ft^2).

14.4.2 The minimum ***front yard setback*** is 4.87 m (16.0 ft).

14.4.3 The minimum ***side yard setback*** is 3.0 m (10.0 ft), excepting no ***side yard*** is required where a ***fire wall*** is provided.

14.4.4 The minimum ***rear yard setback*** is 6.0 m (19.7 ft).

14.5 ADDITIONAL REQUIREMENTS

14.5.1 For an application for an industrial ***development***, the ***development permit*** application shall contain the following information:

(a) the type and nature of the industry;

(b) the estimated number of employees;

(c) the estimated water demand and source;

(d) the type of effluent and method of treatment;

(e) the release of airborne pollutants or odors;

(f) the storage or release of any hazardous, flammable or explosive materials;

(g) transportation routes to be used; and

(h) any accessory works required.

15 G – General Village District

15.1 PURPOSE

15.1.1 To provide for a variety of community service, ~~commercial,~~ residential and other general ***uses*** and acts as a transitional area between the commercial or industrial areas and residential areas.

15.2 PERMITTED USES

15.2.1 The following ***uses*** are ***permitted uses*** in the G – General Village District:

Accessory Building*
Apartment
~~**Artist Studio**~~
Athletic and Recreational Facility - Indoor
Athletic and Recreational Facility - Outdoor
Attached Housing
Care Facility
~~**Contractor Services – Minor**~~
Child Care Centre
Clinic
Cultural Establishment
Dwelling, Detached
Dwelling, Duplex
Dwelling, Manufactured*
Dwelling Units (above the first storey or to the rear)
~~**Eating and Drinking Establishment**~~
Educational Institution
~~**Financial Institution**~~
Home Occupation - Minor*
Home Occupation – Major*
~~**Office**~~
Park
Parking Lot
~~**Personal Service Establishment**~~
Public Building
~~**Retail Store**~~
~~**Seasonal Accommodation***~~
Short-Term Rentals*
Sign*
Utilities
~~**Worship Facility**~~

*See Section **10 Specific Use Regulations**

15.3 DISCRETIONARY USES

15.3.1 The following ***uses*** are ***discretionary uses*** in the G – General Village District:

Accessory Building - Fabric Covered*
Accessory Building - Shipping Container*
Artist Studio
Automotive Repair and Service
Automotive Sales
~~**Building Supply Centre**~~
Campground
~~**Cannabis Production Facility***~~
Cannabis Retail Store
~~**Car Wash**~~
Contractor Services - Minor
~~**Contractor Services – Major**~~
Drinking Establishment
Eating and Drinking Establishment

Extensive Agriculture
Financial Institution
Funeral Home
Greenhouse
Hospital
Hotel/Motel
Liquor Store
Manufactured Dwelling Park
Office
Personal Service Establishment
Pet Care Services*
Retail Store
Veterinary Clinic
Work Camp*
Worship Facility

***See Section **10 Specific Use Regulations**

15.4 REGULATIONS

15.4.1 The regulations for any ***principal residential use*** shall be those specified in Section 12.4 and 12.5 of the R – Residential District.

15.4.2 For all other ***uses***, the regulations shall be those specified in Section 13.4. of the C – Commercial District.

16 REC - RECREATIONAL DISTRICT

16.1 PURPOSE

16.1.1 To provide for areas of the Village specifically designated for **Manufactured Dwellings**, **Seasonal Accommodation** and **Campground *uses***.

16.2 PERMITTED USES

16.2.1 The following ***uses*** are ***permitted uses*** in the REC – Recreational District:

Accessory Buildings*
Dwellings, Manufactured*
Home Occupation – Minor*
Parks
Public Building
Seasonal Accommodation*
Signs*
Utilities

*See Section **10 Specific Use Regulations**

16.3 DISCRETIONARY USES

16.3.1 The following ***uses*** are ***discretionary uses*** in the REC – Recreational District:

Accessory Buildings – Fabric Covered*
Accessory Buildings – Shipping Container*
Campground
Dwelling, Detached
Home Occupation – Major*
Manufactured Dwelling Park

*See Section **10 Specific Use Regulations**

16.4 REGULATIONS

16.4.1 The minimum ***parcel area*** is 279.0 m^2 (3,003.1 ft^2), except 1.0 ha (2.5 ac) for a **Manufactured Dwelling Park**.

16.4.2 The minimum ***parcel width*** is 7.4 m (25.0 ft).

16.4.3 The minimum ***front yard setback*** is 4.87 m (16.0 ft).

16.4.4 The minimum ***side yard setback*** is 1.22 m (4.0 ft).

16.4.5 The minimum ***rear yard setback*** is 6.01 m (20.0 ft).

16.4.6 The maximum ***building height*** of a ***principal building*** is 6.1 m (20.0 ft).

Part E - Definitions

~~16~~17 DEFINITIONS

~~16.1.1~~17.1.1 The following definitions pertain to terms and ***uses*** within the Land Use Bylaw.

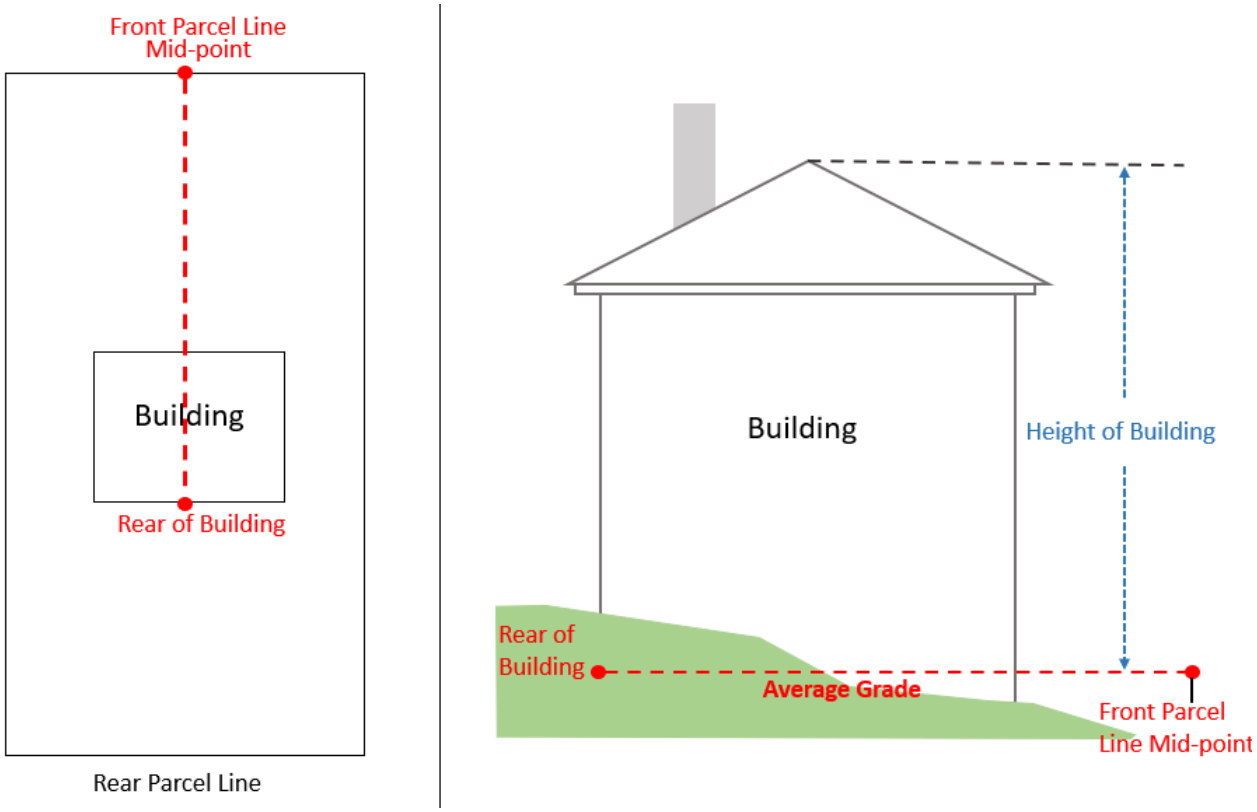
Quick links – click on the letter to jump to the definitions.

A	B	C	D	E	F	G	H	I
J	K	L	M	N	O	P	Q	R
S	T	U	V	W	X	Y	Z	

A	[**Click to Return to Definitions Index**]
abut or ***abutting***	means immediately contiguous to, or physically touching, and when used with respect to a ***lot*** or a ***parcel***, means that the ***lot*** or ***parcel*** physically touches another ***lot***, ***parcel***, or ***development***, and shares a ***property line*** with it.
Accessory Building	means a ***use*** where a ***building*** or ***structure*** accommodates a ***use*** which is related to, but is incidental or subordinate to, the ***use*** of the ***principal building*** located on the same ***parcel***. This includes ***buildings*** or ***structures*** such as sheds, carports, detached garages and greenhouses.
Accessory Building - Fabric Covered	means a ***use*** where a ***structure*** accommodates a ***use*** which is related to, but is incidental or subordinate to, the ***use*** of the ***principal building*** located on the same ***parcel***. An **Accessory Building, Fabric Covered** is designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film.
Accessory Building - Shipping Container	means a ***use*** where a ***shipping container*** accommodates an ***accessory use*** which is related to, but is incidental or subordinate to, the ***principal use*** of the ***parcel***.
Accessory Dwelling Unit	means a self-contained **Dwelling Unit** that is subordinate to and under one title with the ***principal residential use***.
Accessory Dwelling Unit - Attached	means a ***use*** where an **Accessory Dwelling Unit** is located within or attached to the ***building*** containing the ***principal residential use***.
Accessory Dwelling Unit - Detached	means a ***use*** where an **Accessory Dwelling Unit** is located on the same ***parcel*** as, but within a separate ***building***, from the ***principal residential use***.
accessory use	means a ***use*** which is related to, but is subordinate or incidental to the ***principal use*** located on the same ***parcel***.
Act	means the *Municipal Government Act, Revised Statues of Alberta 2000, Ch. M-26*, as amended, and any parallel or successor legislation.
adjacent	means land that is contiguous to a ***parcel*** of land and includes land that would be contiguous if not for a ***highway***, ***road***, river, stream, or railway.
Agricultural Supply Depot	means a ***use*** where goods, materials or services that support agricultural activities are provided, whether retail, wholesale or in bulk. This includes such goods and services as sale and storage of seeds, feeds, fertilizers, chemical products, fuels, and lubricants but does not include the buying or selling of farm produce or animals.
amenity area	means an indoor or outdoor space provided for the active or passive recreation and enjoyment of the occupants of a ***development***, which may be for private or communal use and owned individually or in common.
Amusement Centre	means a ***use*** where entertainment is provided to customers for a fee, which may include, but is not limited to facilities such as bowling alleys, theaters,

	axe throwing, golf simulator or mini golf, go-cart courses, and billiard parlours.
Appeal Body	means the board hearing a ***subdivision*** or ***development permit*** appeal in accordance with the *Act*.
Apartment	means a ***use*** where a ***building*** designed for ***residential use*** contains five (5) or more **Dwelling Units** with a shared or common entrance.
Artist Studio	means a ***use***: (a) where art is produced by individuals; (b) that may include the instruction of art to individuals or groups; and (c) that may include the sale of art pieces produced by that use.
Athletic and Recreational Facility - Indoor	means a ***use*** for the purpose of providing indoor active recreation or athletic activities where patrons are predominantly participants and any spectators are incidental. This includes but is not limited to gyms, athletic studios, skating and hockey rinks, swimming pools, rifle, archery and pistol ranges, and racquet courts.
Athletic and Recreational Facility - Outdoor	means a ***use*** for the purpose of providing outdoor active recreation or athletic activities. This includes but is not limited to golf courses, driving ranges, sports fields, tennis courts, ice surfaces or rinks, athletic fields, splash parks, bowling greens, and riding stables.
Attached Housing	means a ***use*** where a ***building*** designed for ***residential use*** consists of three (3) or more **Dwelling Units**, each of which has an individual entrance to the outdoors. This includes rowhouses, townhouses, triplexes and fourplexes.
Auction Facility	means ***use*** intended for the auctioneering of livestock, goods, equipment and may include temporary storage of such goods and holding of the livestock. This does not include on-site slaughtering such as an abattoir or one-time on-site estate auction sales.
Auto Body Shop	means a ***use*** where the bodies, but not other parts, of motor vehicles are repaired and painted.
Automotive Repair and Service	means a ***use*** for the servicing and repair of motor vehicles within a ***building***, excluding an **Auto Body Shop**.
Automotive Sales	means a ***use*** where motor vehicles are sold or leased and stored on portions of the ***parcel*** approved exclusively for storage or display, and may have buildings for administrative functions associated with the ***use***.
average grade	means the average elevation at the mid-point along the ***front parcel line*** and the finished ground elevation at the rear of the ***building***. (Refer to ***building height***)
B	[**Click to Return to Definitions Index**]
balcony	means a projecting platform on a ***building***, which is greater than 0.6 m above ***grade***. A ***balcony*** is only accessible from within the ***building*** and is

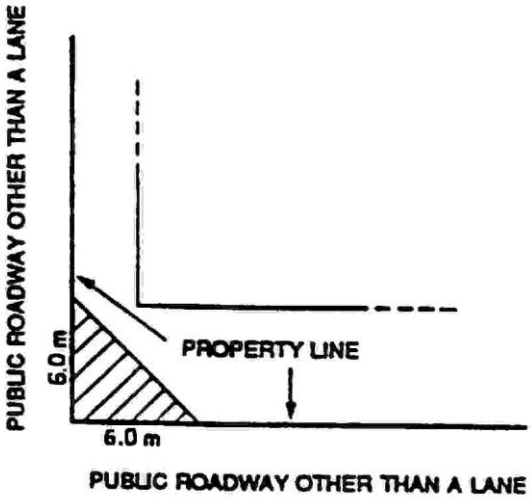
	enclosed by a railing. It may be cantilevered from the ***building*** or supported from below.
bareland condominium	means the ***subdivision*** of land into individual bare land units and registered as a ***condominium*** plan at Land Titles, and where shared areas such as ***roads*** and ***utilities*** are contained within common property.
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***.
bay window	means a type of window that protrudes outwards from a wall.
Bed and Breakfast	means a ***use*** where sleeping accommodation, with or without meals, is provided to guests as an ***accessory use*** to a ***principal*** **Dwelling Unit**, and where the **Dwelling Unit** is occupied by the owner or operator.
boulevard	means that portion of a ***road*** which is public land and is often landscaped or planted to distinguish private lands from the ***road***.
buffer	means a row of trees, shrubs, earth berm, or ***fencing*** to provide visual ***screening*** and separation between ***parcels*** and districts.
building	means anything constructed or placed on, in, over or under land that does not include a ***highway*** or ***road***.
building height	means the vertical distance measured from the ***average grade*** and the highest point of a ***building***, excluding a roof, stairway entrance, elevator shaft, ventilating fan , skylight, steeple, chimney, smoke stack, ***fire wall*** or parapet, flagpole, or similar devices not structurally essential to the ***building***.

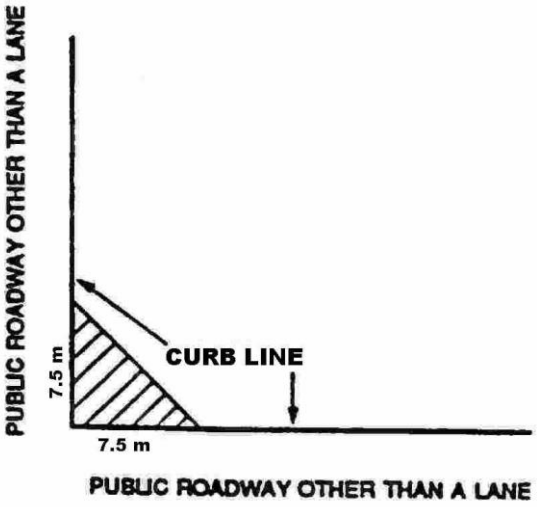


building permit	means a permit or document issued in writing by a designated Safety Code Officer within the building discipline pursuant to the *Safety Codes Act* authorizing the commencement of a ***use***, occupancy, relocation, construction, or demolition of any ***building***.
Building Supply Center	means a ***use*** where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include ***outdoor storage***.
Bulk Fuel Station	means a ***use*** for the purpose of storing fuel for the distribution to customers, typically for vehicles with a gross vehicle weight (G.V.W.) greater than 4536 kg. This does not include a **Gas Bar and Service Station**.
C	[**Click to Return to Definitions Index**]
Campground	means a ***use*** for the purpose of providing temporary accommodation for the public in ***recreational vehicles*** or tents. A ***campground*** is not construed to mean a ***use*** for the purpose of accommodating long-term or permanent occupancy in ***recreational vehicles*** or **Dwelling, Manufactured**. A ***campground*** may include facilities such as an administration building and laundry facilities.
Cannabis Production Facility	means a ***use*** where Cannabis is for grown, produced, tested, destroyed, stored or distributed in a federally approved and licensed facility. This does not include **Cannabis Retail Sales**.

Cannabis Retail Sales	means a ***use*** where Cannabis is sold for consumption off the premises and may include the retail sale or rental of merchandise. **Cannabis Retail Sales** offers cannabis for sale from a federally approved and licenced facility and has been licenced to operate by the Alberta Government.
canopy	means a non-retractable solid projection extending from the wall of a ***building*** intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, mounding, architraves and pediments, but includes a marquee.
cantilever	means a projection from the wall of a ***building*** to increase the useable ***gross floor area***. A ***cantilever*** does not have external bracing.
Car Wash	means a ***use*** intended for the washing, cleaning, or polishing of motor vehicles.
Care Facility	means a ***use*** where a public or private facility provides for the care, supervision or rehabilitation of individuals, or for palliative and end-of-life-care, containing overnight accommodation and operated in accordance with any relevant legislation or regulations of the Province of Alberta. Units within a **Care Facility** may, at the discretion of the ***Development Authority***, be considered both long-term care units or **Dwelling Units** as these may be for permanent residences for the occupants.
Child Care Centre	means a ***use*** where children are supervised and cared for, and may include group day care, family daycare, nursing school, child minding, out of school care, or specialized daycare. This does not include a ***dayhome***.
Clinic	means a ***use*** where public or private medical, surgical, physiotherapeutic or other professional healing treatment is provided, and includes but is not limited to offices for medical, dentistry, physiotherapy, massage or chiropractic services and Community Health Centres.
comprehensively planned	means a ***development*** where multiple **Dwelling Units** are located on a single ***parcel*** or a ***parcel*** divided by bareland ***condominium*** and is serviced by private roads and utilities.
condominium	means a condominium plan registered with the Land Titles Office that complies with the requirements of the *Condominium Property Act*.
Confined Feeding Operation	means a ***use*** where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the *Agricultural Operations Practices Act* through the Natural Resources Conservation Board.
construction management plan	means a plan that considers all relevant aspects of demolition, development and building work and outlines methods for avoidance and mitigation of identified impacts. A ***construction management plan*** typically addresses issues such as public safety, traffic control, operating hours, control of noise and vibration, air quality and dust management, stormwater and sediment control, site contamination, waste disposal and materials re-use or recycling and weed control.

Contractor Services - Major	means a ***use*** for the provision of contractor services in the building trades and services, or ***road*** and ***utility*** construction where materials and equipment may not be stored within a building and includes ***outdoor storage***.
Contractor Services - Minor	means a ***use*** for the provision of contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services, and where all materials are primarily kept within an enclosed building, and there are no associated primary manufacturing activities. This does not include the ***outdoor storage*** of goods or equipment.
Convenience Store	means a ***use*** where a limited range of household goods and groceries are stocked and sold in small neighbourhood retail stores. This does not include **Cannabis Retail Sales**.
corner lot	means a ***lot*** situated at the intersection of two or more ***roads***, or at the intersection of two parts of the same ***road*** which parts have an intersection of not more than 135 degrees.
corner visibility setback	means a triangular area formed on a ***corner lot*** by the two curb lines and a straight line which intersects them 7.5 m from the corner where they meet. In the case where there is no curb on one or more ***roads***, 6.0 m from the corner where they meet.





Council	means the duly elected Council of the Village of Empress.
Cultural Establishment	means a ***use*** which is available to the public for the purpose of assembly, instruction, cultural or community activity and includes such things as a library, museum, art gallery, community centre and similar activities.
D	[**Click to Return to Definitions Index**]

day home	means a type of **Home Occupation - Major** where temporary care, development and supervision is provided within a **Dwelling Unit** for periods not exceeding 24 consecutive hours to a maximum of six (6) children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home.
deck	means a flat, floored concrete or wooden platform, elevated more than 0.6 m above grade and usually adjoining a ***building***.
density	means a measure of ***development*** intensity expressed as a ratio of the number of **Dwelling Units** to ***parcel area***.
derelict vehicle	means any vehicle no longer in road worthy condition, in a state of disrepair, wrecked or being dismantled but does not include vehicles stored in ***buildings***, commercial or farm vehicles or vehicles used for commercial or industrial purposes on land designated for commercial or industrial use in this Bylaw.
Designated Officer	means a position established by bylaw whereby ***Council*** has delegated powers, duties, and/or functions.
development	means: (a) an excavation or stockpile and the creation of either of them; or (b) a ***building*** or an addition to, or replacement or repair of a ***building*** and the construction or placing in, on or under land of any of them; or (c) a change of ***use*** of land or a ***building***, or an act done in relation to land or a ***building*** that results or is likely to result in a change in the land or the ***building***; or (d) a change in the intensity of ***use*** of land or ***building*** that results in or is likely to result in a change in the intensity of ***use*** of the land or ***building***.
Development Authority	means a person or persons appointed as a ***Development Authority*** as contemplated by and in accordance with the *Act*.
Development Officer	means a person or persons appointed as a ***Development Officer*** as contemplated by and in accordance with the *Act*.
development permit	means a document authorizing a ***development***, issued by the ***Development Authority*** pursuant to this Bylaw, and includes the plans and conditions of approval.
discretionary use	means the ***use*** of land or of a ***building*** which is listed as such a ***use*** in a Land Use District or a Direct Control District.
Drinking Establishment	means a ***use***: (a) where the primary function is the servicing of alcoholic beverages for consumption on the premises and is licensed by Alberta Gaming, Liquor and Cannabis. Typical businesses include taverns, pubs, bars and nightclubs; and (b) may include supplementary preparation and sale of food for

	consumption on the premises.
Dwelling, Detached	means a ***use*** where a ***building*** designed for ***residential use*** contains one ***principal*** **Dwelling Unit**.
Dwelling, Duplex	means a ***use*** where a ***building*** designed for ***residential use*** contains two ***principal*** **Dwelling Units**, each having a separate entrance from the outside and may be located one above the other or side-by-side.
Dwelling, Manufactured	means a ***use*** where a transportable, single or multiple section ***building*** conforming to CSA standards at the time of construction that contains a **Dwelling Unit** and when placed on a permanent foundation is ready for ***residential use*** and occupancy. A **Manufactured Dwelling** includes such styles known as modular homes, manufactured homes and Ready to Move (RTM) Homes.
Dwelling Unit	means a ***use*** where a ***building*** or a self-contained portion of a ***building*** contains sleeping, cooking and toilet facilities for the ***residential use*** of one or more people.
E	[**Click to Return to Definitions Index**]
easement	means a right to the limited use of land held by another, generally for access to another ***parcel*** or as a right-of-way for a ***utility*** and is registered on the ***parcel*** with the Land Titles Office in accordance with the *Land Titles Act*.
eave	means the edges of the roof that overhang past the walls of a ***building*** that primarily function to protect a ***building*** from rain and to provide ventilation.
Eating and Drinking Establishment	means a ***use*** where food and beverages are prepared and served and includes supplementary alcoholic beverage service licensed by the Alberta Gaming and Liquor Commission. This includes restaurants, cafes, and cafeterias, and may include a ***drive though***.
Educational Institution	means a ***use*** where persons are assembled for educational purposes within ***buildings*** and ***structures***, including classrooms, libraries, offices, recreational facilities and other related facilities, and where dormitory accommodations and common kitchen and dining facilities may also be provided.
environmental evaluation	means a study or report prepared by a ***qualified professional*** that considers relevant environmental impacts and mitigations related to a proposed development, and may include considerations such as: (a) fish or wildlife and associated habitat; (b) vegetation, soils and terrain; (c) groundwater or surface water; (d) air quality; and (e) cumulative effects.

Equipment Rental Shop	means a ***use*** for the rental of tools, appliances, office machines, light construction equipment or similar items but not the rental of motor vehicles.
existing	means existing as of the effective date of this Bylaw.
Extensive Agriculture	means a ***use*** where systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes **Accessory Buildings** and other ***structures*** incidental to the operation. This does not include a **Confined Feeding Operation**, or ***residential uses***.
F	[Click to Return to Definitions Index]
fence	means a vertical physical barrier constructed out of typical ***building*** material to prevent visual or unauthorized access, or both.
Financial Institution	means a ***use*** where banks, credit unions, trust companies and treasury branches operate within a ***building*** and may include automated banking machines. This does not include businesses such as a pawn shop.
fire wall	means a type of fire separation of non-combustible construction which internally divides a ***building*** or separates adjoining ***buildings*** to resist the spread of fire and which has a fire resistance rating.
floor area	means the area of a ***building*** or specified portion of a ***building***, measured to the outside surface of the exterior walls, or where ***buildings*** are separated by ***fire walls***, to the centre line of the common ***fire walls***, and excludes all mechanical equipment areas and all open areas inside a ***building*** that do not contain a floor including atriums, elevator shafts, stairwells and similar areas.
Food Processing, Storage, and Sales	means a ***use*** where raw farm products, combined with other consumable ingredients, produce marketable products for consumption that can be easily prepared and served by the consumer, and where raw farm products may be warehoused prior to being sold either directly to consumers or for wholesale, and the selling of raw farm products either directly to consumers or for wholesale.
frontage	means a ***property line*** of a ***parcel*** which ***abuts*** a ***highway*** or ***road***.
Funeral Home	means a ***use*** where funerals are arranged and held, where the deceased are prepared for burial or cremation, and where not more than one cremation chamber is provided.
G	[Click to Return to Definitions Index]
Gas Bar and Service Station	means a ***use*** where fuel, lubricating oils and minor accessories for motor vehicles are sold and may include a portion of the premises for the servicing and minor repairing of motor vehicles.
grade	means the geodetic elevation of the existing ground in an undisturbed natural state or an approved design grade as described in a grading plan.

Grain Elevator and Seed Cleaning	means a ***use*** where grain is stored and stockpiled in towers, and includes the cleaning of seeds to remove any debris or unwanted seeds.
~~**Gravel and Sand Excavation and Storage**~~	~~means a ***use*** where aggregate materials are excavated and/or stockpiled.~~
Greenhouse	means a ***use*** which is devoted to the commercial cultivation of vegetables, flowers or other plants within a ***building***, and where such vegetables or plants may be sold wholesale or directly to the consumer. This does not include a **Cannabis Production Facility**.
gross floor area	means the sum of the areas of all above ***grade*** floors of a ***building*** measured to the outside surface of the exterior walls, or where ***buildings*** are separated by ***fire walls***, to the centre line of the common ***fire walls***, and includes all mechanical equipment areas and all open areas inside a ***building*** that do not contain a floor including atriums, elevator shafts, stairwells and similar areas. For greater clarity, a walk-out ***basement*** is not included in the calculation of ***gross floor area***, but **Dwelling units** in the ***basement*** of an **Apartment** shall be included in the calculation of ***gross floor area***.
H	[**Click to Return to Definitions Index**]
Heavy Equipment Sales and Service	means a ***use*** where farm and heavy industrial equipment is sold, rented and serviced.
highway	means a road designated and classified as a provincial highway by the Province of Alberta.
Home Occupation	means an occupation, trade, profession, or craft operated by an occupant of a **Dwelling Unit** as an ***accessory use*** to the ***principal residential use*** of the ***building*** pursuant to this Bylaw.
Home Occupation – Major	means a ***use*** where a **Home Occupation** is operated which may be detectable outside of the **Dwelling Unit** but does not negatively impact the general residential nature of the neighbourhood.
Home Occupation – Minor	means a ***use*** where a **Home Occupation** is operated which allows for limited customer visits and deliveries but does not impact adjacent ***residential uses*** beyond that of a typical **Dwelling Unit.**
Hospital	means a ***use*** where in-patient and out-patient health care is provided to the public.
Hotel/Motel	means a ***use*** where temporary or short-term sleeping accommodations are provided in rooms or suites, which may contain kitchen facilities. This definition includes hotels, motels, hostels and similar overnight accommodations. This may include additional facilities or services such as **Eating and Drinking Establishments**, meeting or banquet rooms, **Personal Service Establishments**, a manager's suite and convention facilities.
I	[**Click to Return to Definitions Index**]

J	[Click to Return to Definitions Index]

K	[Click to Return to Definitions Index]
Kennel	means a ***use*** where dogs or cats or other domestic pets may be maintained, boarded, bred or trained and may include the incidental sale of products related to the services provided, but does not include a **Veterinary Clinic**.

L	[Click to Return to Definitions Index]
landing	means a platform that primarily functions as an entrance into a ***building***. ***Landings*** are a separate ***building*** element to ***balconies***, ***decks*** and ***patios*** as they are not intended to provide or function as an ***amenity area***.
landscaped area	means that portion of a ***parcel*** which is required to be ***landscaped*** pursuant to district regulations or conditions of approval of a ***development permit***.
landscaping	means the modification and enhancement of a ***parcel*** or a portion of a ***parcel*** through the use of any combination of trees, bushes, shrubs, plants, flowers, lawns, bark mulch or other ground cover, and hard landscaping materials such as brick, stone, concrete tile or wood, but excludes all areas used for a ***parking area*** or driveway and retaining walls 1.0 m (3.3 ft) in height or greater.
lane	means a public thoroughfare usually less than 10.0 m (32.8 ft) wide typically providing secondary access to one or more ***parcels***. For the purpose of this Bylaw, a ***lane*** is not a ***road***.
Laundry Facility	means a ***use*** where clothes and other fabric goods are cleaned or pressed. This includes businesses such as a laundromat and dry cleaners.
Liquor Store	means a ***use*** where alcoholic beverages are sold for off-site consumption from a retail store licensed by the Alberta Gaming and Liquor Commission.
loading stall	means a space for parking a vehicle while it is being loaded or unloaded.
lot	means a ***lot*** as defined in the *Act*.

M	[Click to Return to Definitions Index]
Manufactured Dwelling Park	means a ***use*** where a ***parcel*** of land under one Title is ***comprehensively planned*** for the placement of **Dwellings, Manufactured** for permanent ***residential use***. A **Manufactured Dwelling Park** may also include **Accessory Buildings** and ***accessory uses*** such as maintenance buildings, ***amenity areas*** and common facilities.
Manufacturing - Heavy	means a ***use*** where goods or products are fabricated, processed, assembled, or packaged for distribution, where all or part of the processes associated with the ***use*** are located outside of a ***building***, and which may generate a nuisance beyond the boundary of the ***parcel***. **Heavy Manufacturing** does not include a **Cannabis Production Facility**.
Manufacturing - Light	means a ***use*** where goods or products are fabricated, processed, assembled, or packaged for distribution, where all of the processes associated with the ***use*** are located inside of a ***building***, and which does not

	generate any nuisance beyond the boundary of the ***parcel***. **Light Manufacturing** does not include **a Cannabis Production Facility**.
Municipal Planning Commission **(MPC)**	means the ***Municipal Planning Commission*** established by Bylaw pursuant to the *Act*.
Municipality	means the Village of Empress.
N	[**Click to Return to Definitions Index**]
non-conforming building	means a ***building*** that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw affecting the ***building*** or the land on which the ***building*** is situated becomes effective and that on the date the Land Use Bylaw becomes effective does not, or when fully constructed will not, comply with the Land Use Bylaw.
non-conforming use	means a lawful, specific ***use*** 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 affecting the land or ***building*** becomes effective and that on the date the Land Use Bylaw becomes effective does not, or in the case of a ***building*** under construction will not, comply with the Land Use Bylaw.
O	[**Click to Return to Definitions Index**]
Office	means a ***use*** for the provision of professional, management, administrative, and consulting services. This does not include a **Clinic**.
outdoor storage	means the storing, stockpiling, or accumulation of goods, equipment or materials in an area that is open or exposed to the natural elements, and includes vehicles, ***recreational vehicles*** and boats, waste materials, debris or garbage.
P	[**Click to Return to Definitions Index**]
parcel	means the aggregate of the one or more ***lots*** described in a Certificate of Title or described in a Certificate of Title by reference to a plan file or registered in a Land Titles Office.
parcel area	means the total area of land within the ***parcel***.
parcel coverage	means the percentage of the ***parcel area*** covered by the area of all ***buildings*** including **Accessory Buildings**, and excludes ***balconies***, ***bay windows***, ***canopies, shade projections***, cornices, ***eaves*** and gutters, roof overhangs, fire escapes, sills, stairways and ***landings***, ***patios*** and ***decks*** or similar projections.
parcel line, exterior side	means a ***property line***, other than the ***front parcel line***, which ***abuts*** a ***road***.
parcel line, front	means the shortest ***property line*** that ***abuts*** a ***road***, unless otherwise determined by the ***Development Authority*** in accordance with this Bylaw.
parcel line, interior side	means a ***property line*** other than a ***front parcel line*** or ***rear parcel line***, which ***abuts*** another ***parcel*** or a ***lane***.

parcel line, rear	means the ***property line*** which is opposite to and is not connected to the ***front parcel line***, excepting in the case for a ***reverse corner lot*** where the ***rear parcel line*** is opposite to the ***exterior side parcel line***.
parcel width	means the average horizontal distance between two ***side parcel lines***.
Park	means a ***use*** where land is designated or reserved for active or passive recreation, or to be left in a natural state, and/or areas of cultural or scenic value. This may include facilities such as playgrounds, picnic grounds, pathways and trails, landscaped ***buffers***, gardens and fields.
park model	means a type of ***recreational vehicle*** that provides for temporary or seasonal accommodation and may be connected to ***utilities***. A ***park model*** is not a **Dwelling Unit**.
parking area	means an open area of land, above or underground, other than a ***road***, used for the parking of vehicles and shall include ***parking stalls***, vehicle entrances and exits, and maneuvering aisles.
Parking Lot	means a ***use*** where the primary purpose of the land is for the parking of motor vehicles at grade, or in a parking ***structure*** which may be above or below grade.
parking, off-street	means a ***parking area*** located on the same ***parcel*** as the ***building***, ***structure***, or ***use***.
parking stall	means a space within a ***building*** or ***parking area***, for the parking of one vehicle, excluding driveways, aisles, and ramps.
parking stall, visitor	means a ***parking stall*** intended only for the use of visitors to **Dwelling Units**.
patio	means a platform, the height of which may be up to but does not exceed 0.61 m (2.0 ft) from ***grade***, that may or may not be attached to a ***building***.
permitted use	means the ***use*** of land or a ***building*** which is listed as such ***use*** in a Land Use District or Direct Control District.
Personal Service Establishment	means a ***use*** where personal services are provided to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. This includes but is not limited to such businesses as barber shops, hair and/or beauty salons, and tailors.
Pet Care Services	means a ***use*** where domestic pets are cleaned, groomed and cared for, where no boarding or kenneling of any animals occurs, and may include the incidental sale of products related to the services provided. This does not include a **Kennel** or **Veterinary Clinic**.
principal	means the main purpose for which a ***building*** or ***parcel*** is used.
Print Shop	means a ***use*** where retail photocopying and/or commercial printing service, or industrial printing and publishing services, are provided.
property line	means the legal boundary of a ***parcel*** or ***lot***.

Public Building	means a ***use*** where facilities or ***buildings*** that are owned or operated by, or for, the Municipality, the Provincial Government, the Federal Government or a corporation under federal or provincial statute, for the purpose of furnishing services or commodities to, or for the use of, the inhabitants of the municipality.
Q	[**Click to Return to Definitions Index**]
qualified professional	means individuals with experience and training in a particular discipline with a recognized degree, certification, license or registration.
R	[**Click to Return to Definitions Index**]
recreational vehicle	means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its own wheels, to provide temporary living accommodation for travel and recreational purpose and includes, but is not limited to, such vehicles as a motor home, camper, holiday (travel) trailer and a tent trailer, but does not include a **Dwelling, Manufactured** or a **Dwelling Unit**.
Recycling Depot	means a ***use*** where recyclable materials are collected, sorted and transferred off-site for processing or manufacturing.
Regulation	means the *Matters Related to Subdivision and Development Regulation AR84/2022*, as amended, and any parallel or successor legislation.
renewable energy system	means a system that produces electrical power or heat to be used for on-site consumption or heating requirements by means such as, but not limited to, active and passive solar collectors, geothermal energy or heat exchange systems. A ***renewable energy system*** may provide residual power to the grid but is not intended to produce power primarily for resale.
residential use	means the ***use*** of a ***parcel*** for the purpose of a residence by a person or persons and does not include ***use*** of the property for commercial purposes. A ***residential use*** is one where the occupants have exclusive ***use*** for an indefinite amount of time except in accordance with a tenancy agreement under the *Residential Tenancies Act* or the *Mobile Homes Site Tenancies Act*.
Retail Store	means a ***use*** where the primary function is for the sale of finished products or goods to customers, and also includes rental services. This does not include a **Building Supply Centre**, **Cannabis Retail Sales**, a **Convenience Store**, a **Liquor Store** or **Wholesale Outlet**.
reverse corner lot	means a residential ***corner lot*** where the front façade of the **Dwelling Unit** is oriented towards the longest ***property line*** which ***abuts*** a ***road*** which is considered the ***front parcel line***. The ***exterior side parcel line*** of a ***reversed corner lot*** is the shorter ***property line*** which ***abuts*** a ***road***.
road	means any public road, including the ***boulevards***, sidewalks and improvements, but excluding a ***lane***, ***highway*** or private road.
S	[**Click to Return to Definitions Index**]

screening	means a ***fence***, earth berm, or hedge used to visually separate between ***parcels***, districts or ***uses***.
Seasonal Accommodation	means a ***use*** of a ***parcel*** for the purpose of seasonal or temporary accommodation of a ***recreational vehicle***, ***park model*** or similar ***structure***. **Seasonal Accommodation** does not provide for ***residential use*** or the commercial ***use*** of the ***parcel*** as a **Campground**.
Self-Storage Facility	means a ***use***: (a) where goods are stored in a ***building***; (b) where the building is made up of separate compartments and each compartment has separate access; (c) that may be available to the general public for the storage of personal items; (d) that may include the administrative functions associated with the ***use***; and (e) that may incorporate custodial quarters for the custodian of the facility.
setback	means the minimum distance as required by the district between a ***building***, ***structure***, or ***use***, or from each of the respective ***property lines***, or from a natural boundary or other reference line.
shade projection	means a ***structure*** that is attached to and projects from a ***building*** with the intent of providing shade or cover, and may include a ***canopy***, awning, shade louvre, or pergola.
shipping container	means a large metal container with suitable strength for the shipping, storage and handling of goods. ***Shipping containers*** are also commonly known as sea cans or intermodal containers.
Short-Term Rental	means a ***use*** where a **Dwelling Unit** is operated as a temporary place to stay and includes vacation rentals of a **Dwelling Unit**. The characteristics of a **Short-Term Rental** may include, but is not limited to: the intent of the occupant to stay for short-term ~~vacation~~ purposes rather than as a residence; the management and advertising of the property as a ~~vacation~~ short-term accommodation property; and/or the use of a system for reservations, deposits, confirmations, credit cards or other forms of electronic payment.
Sign	means any device or fixture intended to convey information or to advertise or attract attention to any person, business, matter, message, object or event.
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 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***.
storey	means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it.
storey, first	means the ***storey*** with its floor closest to ***grade*** and having its ceiling more than 1.8 m above ***grade***.
structure	means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, but does not include a ***fence*** or a **Sign**.
subdivision	means the division of a ***parcel*** by an instrument and the word "subdivide" has corresponding meaning.
Subdivision Authority	means a person or body appointed as a ***Subdivision Authority*** in accordance with the *Act*.
T	[**Click to Return to Definitions Index**]
Telecommunication Structure	means a device that requires a permit from the Federal Government and is used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from, or to be received by, other antennas. **Telecommunication Structures** include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. A **Telecommunication Structure** may be freestanding or mounted on an existing ***building*** or ***structure***.
temporary	means a limited period of time as decided by the ***Development Authority***.
Truck and Freight Terminal	means a ***use*** where goods/freight are received, transferred, stored short-term, and dispatched for transport by truck.
U	[**Click to Return to Definitions Index**]
use	means a ***permitted use*** or ***discretionary use***.
Utility	means a ***use*** where a system or works are provided for treatment, storage or distribution of one or more of the following: (a) waterworks; (b) sewage disposal; (c) public transportation; (d) irrigation; (e) drainage;

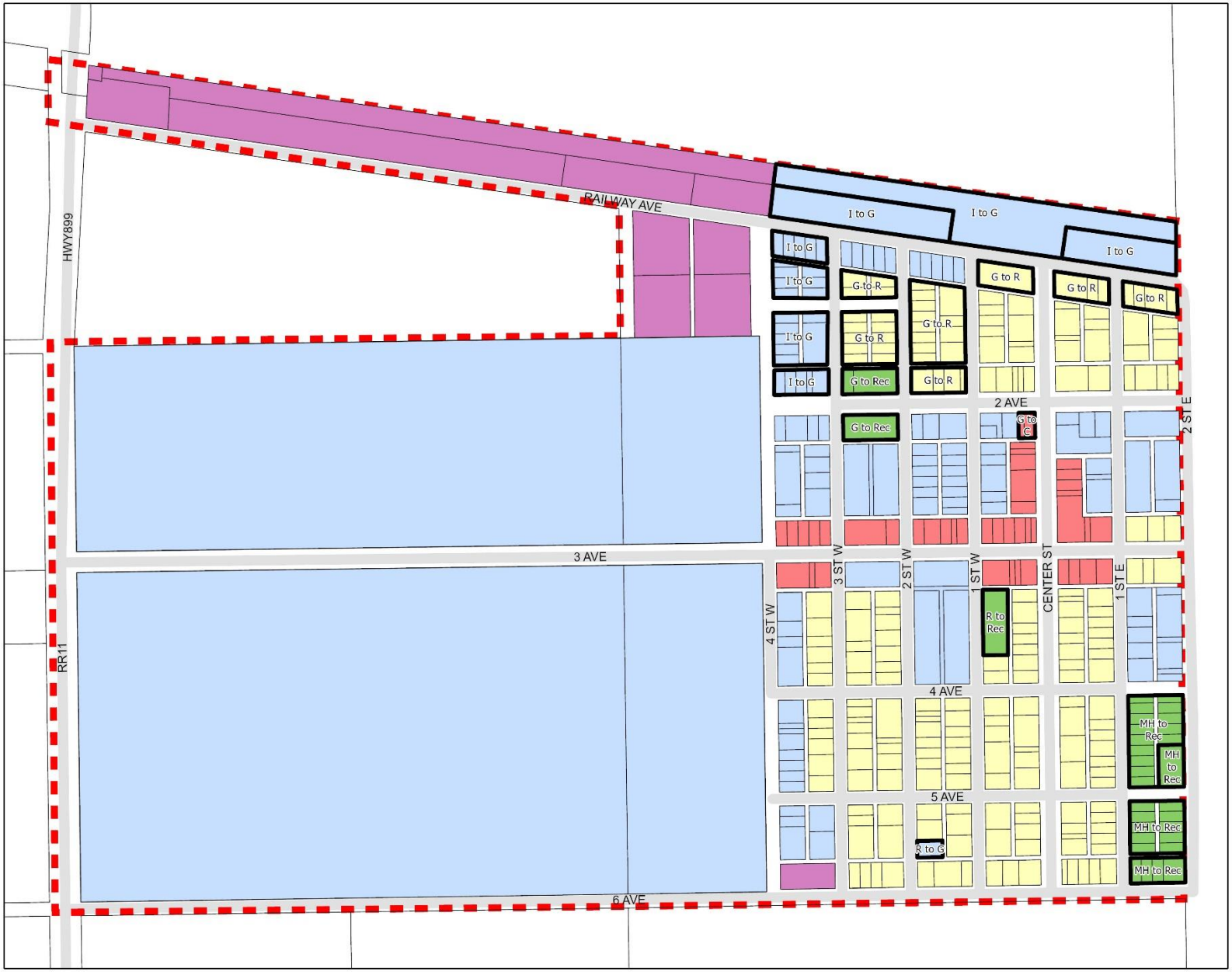
	(f) fuel; (g) electric power; (h) heat; (i) waste management (excluding a **Waste Transfer Station**); and (j) communications (excluding a **Telecommunication Structure**).
V	[**Click to Return to Definitions Index**]
Veterinary Clinic	means a ***use*** for the medical treatment of animals and includes provision for their overnight accommodation within the ***building*** only, and may include associated office space. This does not include **Pet Care Services** or **Kennels**.
W	[**Click to Return to Definitions Index**]
Warehousing and Distribution	means a ***use*** where goods are stored inside a ***building*** and transferred to and from other locations. **Warehousing and Distribution** does not include any manufacturing, display or sales of the goods, but may include associated administrative functions.
Waste Transfer Station	means a ***use*** where solid waste materials are received from collection vehicles and consolidated into larger vehicles for transport to the landfill.
Wholesale Outlet	means a ***use*** where goods are sold for retail in larger quantities to other retailers or direct to consumers.
Work Camp	means a ***use*** where ***temporary*** living accommodation for employees involved in the construction of a commercial or industrial development is provided in a camp. This may include accommodation in the form of ~~mobile homes, trailers, tent trailers~~ ***manufactured dwellings***, ***park models***, ***recreational vehicles***, or tents.
Worship Facility	means a ***use*** for the purpose of spiritual worship. Examples may be, but are not limited to, churches, temples, mosques and synagogues.
Wrecker and Salvage	means a ***use***: (a) where ***derelict vehicles*** are stored, dismantled or crushed; (b) where used motor vehicle parts may be sold; (c) where motor vehicles in their complete and operable state are not displayed or sold; (d) that may have equipment used for crushing, dismantling or moving motor vehicle parts; and (e) that may have a ***building*** for administrative functions associated with the ***use***.
X	[**Click to Return to Definitions Index**]
Y	[**Click to Return to Definitions Index**]

yard	means any open space on a ***parcel***, unoccupied and unobstructed and is the distance between the ***property line*** to the foundation of the ***principal building*** or the exterior finishing materials of an **Accessory Building**.
yard, exterior side	means the area of a ***parcel*** extending from the front foundation of the ***principal building*** to the rear foundation of the ***principal building*** and between the side foundation of the ***principal building*** to the ***exterior side parcel line***.
yard, front	means the area of a ***parcel*** extending across the full width of the parcel between the ***front parcel line*** and the front foundation of the ***principal building***.
yard, interior side	means the area of a ***parcel*** extending from the front foundation of the ***principal building*** to the rear foundation of the ***principal building*** and between the side foundation of the ***principal building*** to the ***interior side parcel line***.
yard, rear	means the area of a ***parcel*** extending across the full width of the parcel between the ***rear parcel line*** and the rear foundation of the ***principal building***
Z	[**Click to Return to Definitions Index**]

~~16.1.2~~17.1.2 All other words and phrases mean the same as they do in the *Act*.

Part F – Land Use Districts Map

~~17~~18 LAND USE DISTRICTS MAP



Land Use District Map

Draft Version - 3
December 19th 2024

- New Lub Designation
- Commercial District
- General District
- Industrial District
- Residential District
- Recreational District
- Legal Parcels
- Existing Road
- Village Boundary

Palliser
Regional Municipal Services