

# VILLAGE OF HUSSAR LAND USE BYLAW 543-22

*Adopted November 10<sup>th</sup>, 2022*



**PREPARED BY:**  
PALLISER REGIONAL MUNICIPAL SERVICES

**BYLAW #543-22  
VILLAGE OF HUSSAR**

**BEING A BYLAW OF THE VILLAGE OF HUSSAR, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A NEW  
LAND USE BYLAW**

**WHEREAS**, pursuant to the provisions of Section 640(1) of the Municipal Government Act, as amended, the council of the Village of Hussar must, by Bylaw passed in accordance with Section 692 of the Municipal Government Act, adopt a Land Use Bylaw.

**AND WHEREAS**, a Public Hearing was held on September 29, 2022 as required by section 230 of the Municipal Government Act.

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

1. This Bylaw shall be cited as the "Village of Hussar Land Use Bylaw".
2. Bylaw #493-14 currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw #543-22.
3. Council adopts as the "Village of Hussar Land Use Bylaw" this text and the accompanying Schedules.
4. Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, "The Village of Hussar Land Use Bylaw."
5. This bylaw takes effect on the date of the third and final reading.

**READ A FIRST TIME THIS 24 DAY OF February, 2022**

**READ A SECOND TIME THIS 29 DAY OF September, 2022**

**READ A THIRD AND FINAL TIME THIS 10 DAY OF November, 2022**

Signed this 28 DAY OF February, 2023

  
MAYOR

  
Chief Administrative Officer

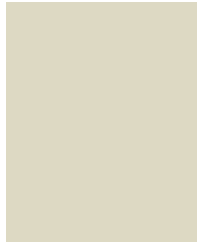




# Table of Contents

- 1 PURPOSE OF LAND USE BYLAW AND DEFINITIONS .....6**
  - 1.1 TITLE.....6
  - 1.2 PURPOSE .....6
  - 1.3 APPLICATION.....6
  
- 2 INTERPRETATION OF LAND USE BYLAW .....7**
  - 2.1 RULES OF INTERPRETATION .....7
  - 2.2 DISTRICT BOUNDARIES .....7
  - 2.3 DEFINITIONS.....8
  
- 3 ADMINISTRATION AGENCIES ESTABLISHED BY THIS BYLAW.....28**
  - 3.1 DEVELOPMENT AUTHORITY .....28
  - 3.2 DEVELOPMENT AUTHORITY – POWERS AND DUTIES .....29
  - 3.3 SUBDIVISION AUTHORITY – POWERS AND DUTIES.....29
  
- 4 REGULATIONS FOR DEVELOPMENT .....31**
  - 4.1 DEVELOPMENT PERMITS REQUIRED .....31
  - 4.2 DEVELOPMENT PERMITS NOT REQUIRED.....31
  - 4.3 APPLICATION REQUIREMENTS.....33
  - 4.4 DECIDING ON A DEVELOPMENT PERMIT APPLICATION.....34
  - 4.5 DEVELOPMENT PERMIT APPLICATION REFERRALS AND NOTICES .....36
  - 4.6 DEVELOPMENT PERMIT NOTIFICATION OF DECISION .....37
  - 4.7 DEVELOPMENT PERMIT COMMENCEMENT AND COMPLETION .....38
  
- 5 APPEAL PROCEDURES .....39**
  - 5.1 SUBDIVISION APPEAL PROCEDURES .....39
  - 5.2 DEVELOPMENT APPEAL PROCEDURES.....39
  - 5.3 ISDAB – PUBLIC HEARING PROCESS .....40
  - 5.4 LAND AND PROPERTY RIGHTS TRIBUNAL.....40
  
- 6 CONDITIONS, ENFORCEMENT & ADMINISTRATION .....41**
  - 6.1 CONDITIONS OF APPROVAL.....41
  - 6.2 COMPLIANCE WITH OTHER BYLAWS AND REGULATIONS .....43
  - 6.3 RIGHT OF ENTRY .....43
  - 6.4 BYLAW CONTRAVENTION .....43
  - 6.5 OFFENCES AND PENALTIES .....45
  - 6.6 FORMS, NOTICES AND FEES .....45
  - 6.7 AMENDMENTS TO THE LAND USE BYLAW .....45
  
- 7 GENERAL LAND USE REGULATIONS .....46**
  - 7.1 APPLICABILITY .....46
  - 7.2 SPECIAL SETBACK REQUIREMENTS .....46

7.3	UTILITIES .....	47
7.4	PARKING AND LOADING FACILITIES .....	48
7.5	ACCESSORY BUILDING.....	50
7.6	LANDSCAPING:.....	51
7.7	FENCING AND HEDGES:.....	52
7.8	CORNER LOTS, REVERSE CORNER LOTS AND IRREGULAR LOTS .....	53
7.9	SCREENING, OUTSIDE STORAGE AREAS AND GARBAGE STORAGE .....	54
7.10	BED AND BREAKFAST .....	54
7.11	HOME OCCUPATIONS .....	55
7.12	PET CARE SERVICES .....	56
7.13	KENNELS, BOARDING & BREEDING .....	56
7.14	PHYSICAL ENVIRONMENT .....	58
7.15	RELOCATION OF BUILDINGS .....	58
7.16	DEMOLITION .....	59
7.17	RESIDENTIAL BUILDINGS ON THE SAME SITE .....	60
7.18	SIGN CONTROL.....	60
7.19	NON-CONFORMING USES AND NON-CONFORMING BUILDINGS .....	62
7.20	LAND NEAR WATER OR SUBJECT TO FLOODING OR SUBSIDENCE .....	63
7.21	DRAINAGE .....	63
7.22	CONTROLLED APPEARANCE .....	63
7.23	STORAGE STRUCTURES .....	63
7.24	SECONDARY SUITES & BACKYARD SUITES.....	64
7.25	SUBDIVISION OF LAND .....	65
7.26	UNDERMINING OR SUBSIDENCE CONDITIONS .....	65
7.27	MANUFACTURED HOMES .....	65
7.28	BULK FUEL, LIQUEFIED PETROLEUM GASES AND CHEMICAL STORAGE AND DISTRIBUTION FACILITIES .....	65
7.29	TEMPORARY BUILDINGS .....	66
7.30	RENEWABLE ENERGY SYSTEMS.....	66
7.31	SMALL WIND ENERGY SYSTEMS.....	66
<b>8</b>	<b>DISTRICTS .....</b>	<b>68</b>
8.1	ESTABLISHMENT OF LAND USE DISTRICTS .....	68
8.2	DISTRICTS.....	68
8.3	DISTRICT BOUNDARIES .....	68
8.4	RESIDENTIAL DISTRICT (R) LAND USE RULES.....	70
8.5	RESIDENTIAL DISTRICT – MANUFACTURED HOME (R-MH) LAND USE RULES .....	73
8.6	COMMERCIAL DISTRICT (C) LAND USE RULES .....	76
8.7	INDUSTRIAL GENERAL DISTRICT (I) LAND USE RULES .....	79
8.8	URBAN RESERVE DISTRICT (UR) LAND USE RULES .....	82
8.9	COMMUNITY SERVICE AND RECREATION DISTRICT (CS) LAND USE RULES.....	84
<b>9</b>	<b>LAND USE DISTRICTS MAP .....</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>



# Part 1 Purpose & Definitions

## 1 PURPOSE OF LAND USE BYLAW AND DEFINITIONS

---

### 1.1 TITLE

1.1.1 The existing Bylaw shall be referred to as the Village of Hussar Land Use Bylaw.

### 1.2 PURPOSE

1.2.1 The purpose of the Bylaw is to regulate and control or to prohibit the uses and development of land and buildings within the Municipality to achieve fair, orderly, and economic development of land as well as to:

- a) divide the Municipality into districts;
- b) prescribe and regulate for each district, the intent and purpose for which land or buildings may be used;
- c) establish a method of making decisions on applications for Development Permits including the issuing of Development Permits;
- d) establish a method of making decisions on applications for Subdivision Approval and the issuing of a decision; and
- e) prescribe the procedure to notify owners of land likely to be affected by the issuance of a Development Permit or Subdivision decision.

### 1.3 APPLICATION

1.3.1 This Bylaw shall apply to the whole of the Village of Hussar, being all lands contained within its boundaries.

# Part 2 Interpretation

## 2 INTERPRETATION OF LAND USE BYLAW

---

### 2.1 RULES OF INTERPRETATION

- 2.1.1 Unless otherwise required by the context, words used in the present tense include the future tense; and the word person includes a corporation as well as an individual. The Alberta Interpretation Act shall be used in interpretation. Words have the same meaning whether they are capitalized or not. Gender specific terms shall be taken to mean any gender.
- 2.1.2 The written regulations take precedence over any diagrams if there is a perceived conflict.
- 2.1.3 The Land Use District Map (Found in Part 9) takes precedence over any diagram in the district regulations if there is an apparent conflict.

### 2.2 DISTRICT BOUNDARIES

- 2.2.1 Where a boundary follows a public roadway, lane, railway, pipeline, power line, utility right-of-way or easement it follows the centre line, unless otherwise clearly indicated on the Map.
- 2.2.2 Where a boundary is shown as approximately following the Municipal boundary, it follows the Municipal Boundary.
- 2.2.3 Where a boundary is shown as approximately following a property line, it follows the property line.
- 2.2.4 Where a boundary is shown as approximately following a topographic contour line or a top-of-bank line it follows that line. In the event of change of the topographic line, it shall move with that line.
- 2.2.5 Where a boundary is shown as being parallel to or as an extension of any of the features listed above, it shall be so.
- 2.2.6 In circumstances not covered above, the boundary shall be determined by a resolution of Council.
- 2.2.7 When any public roadway is closed, the roadway lands have the same district as the abutting land. When abutting lands are governed by different districts, the centre of roadway is the district boundary unless the district boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an

adjoining parcel, the parcel’s district designation applies to affected portions of the roadway.

## 2.3 DEFINITIONS

- 2.3.1 Words and terms used in this Bylaw shall have the same meaning as given to them in the Municipal Government Act unless otherwise defined in this section.
- 2.3.2 When no definition is provided in the Municipal Government Act, the Alberta Interpretation Act or this Bylaw, Webster’s New Collegiate Dictionary shall be used.
- 2.3.3 All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act Revised Statutes of Alberta 2000 Ch. M.26 as amended.

TERM	DEFINITION
<b>A</b>	
<b>ABATTOIR</b>	means the use of land or buildings as a facility for the slaughtering of animals and the processing of meat products
<b>ABUT or ABUTTING</b>	means immediately contiguous to, or physically touching, and when used with respect to a lot or a site, means that the lot or site physically touches another lot, site, or development, and shares a property line or boundary line with it.
<b>ACCESSORY BUILDING OR STRUCTURE</b>	means a building or structure, the use of which is incidental or subordinate to the use of the principal building which is located on the same parcel. A structure which is attached to the principal building by a roof, a floor or a foundation is not an accessory building, it is to be considered part of the principal building. Examples include, but are not limited to, sheds, detached garages, and gazebos.
<b>ACCESSORY USE</b>	means the use which, in the opinion of the Development Officer, is subordinate or incidental to the principal building or use located on the same site or the purpose and intent of the Land Use District in which the use is proposed.
<b>ACCESSORY STRUCTURE – FABRIC COVERED</b>	means a wood or metal framed, fabric-membrane pre-engineered structure for temporary & permanent residential applications including dwellings. All fabric covered buildings shall require the building permits to ensure all aspects of the development is in accordance with the Alberta Safety Codes including appropriate foundation construction and building anchoring.
<b>ACT</b>	means the Municipal Government Act, Revised Statutes of Alberta 2000, Ch. M-26, as amended, and any parallel or successor legislation.
<b>ADJACENT LAND</b>	means land that is contiguous to the parcel of land proposed for development, subdivision or re-designation and includes land that would be contiguous if not for a highway, street, road, river, stream, Municipal Reserve or Environmental Reserve.
<b>AGRICULTURAL SUPPLY DEPOT</b>	means a facility for the purpose of supplying goods, materials, and/or services that support agricultural uses, whether retail, wholesale, or in bulk. This shall include such goods and services as sale and storage of seeds, feeds, fertilizers, chemical products, fuels, lubricants, parts or the rental, sale, repair and servicing of farm machinery and equipment but does not include the buying or selling of farm produce or animals.



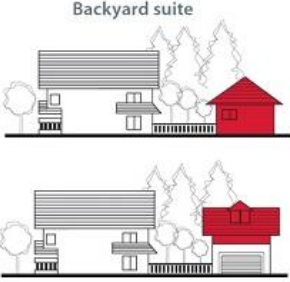
<b>ALTERNATIVE HEALTH CARE SERVICES</b>	means an establishment or facility that is engaged in the furnishing of natural health care services and products which are an alternative or complementary to health care provided by surgery, hospitalization and drug treatments and are provided on an outpatient basis. Included in this use category, but not limited to, are acupuncture, herbology, homeopathic, exercise, massage, touch and mechanical therapy, counseling, and the sale of organic food and herb products.
<b>AMUSEMENT CENTRE</b>	means a facility or establishment that provides amusement, entertainment, or games through the use of any coin or token operated machine or device. The machine or device may be mechanical, electrical, or electronic.
<b>APPEAL BODY</b>	means the board hearing a subdivision or development permit appeal in accordance with the Municipal Government Act.
<b>ART AND CRAFT STUDIOS</b>	means development used for the purpose of small scale, on-site production of goods by hand or manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic and sculpture studios, jewelry and toy manufacturing and artist studios.
<b>ARTERIAL ROADWAY OR STREET</b>	means a street intended to carry large volumes of all types of traffic moving at medium to high speeds, to serve the major traffic flows between principal areas of traffic generation and also connect to rural arterials and collectors. Arterial roadways or streets desirably have no direct access to development.
<b>AUCTION ROOMS</b>	means development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment
<b>AUTO BODY AND PAINT SHOP</b>	means premises where the bodies, but not other parts, of motor vehicles are repaired and where motor vehicle bodies and other metal machine components or articles may be painted.
<b>AUTOMOTIVE REPAIR AND SERVICE</b>	means a use for the servicing and repair of motor vehicles within a building, excluding an auto body and paint shop, and includes such facilities as alignment shops, muffler shops, transmission repair shops, rustproofing, brake shops and other similar uses.
<b>AUTOMOTIVE VEHICLE SALES</b>	means a use where motor vehicles are sold or leased, where vehicles are stored or displayed and may have a building for administrative functions associated with the use.
<b>AVERAGE GRADE</b>	means the average elevation at the mid -point along the front parcel line and the finished ground elevation at the rear of the building.  *See “ <b>Building Height</b> ” definition for diagram
<b>B</b>	
<b>BALCONY</b>	means a projecting platform on a building, which is enclosed by a railing and is greater than 0.6m above grade. It may be cantilevered from the building or supported from below.
<b>BAY</b>	means a self-contained unit of part of a building, or of the whole building, which can be sold or leased for individual occupancy.
<b>BARELAND CONDOMINIUM</b>	means land that is situated within a parcel and is a unit in a bareland condominium plan or a proposed bareland condominium plan. In this Bylaw a bareland condominium unit is considered to be a site area.

<b>BASEMENT</b>	means that portion of a building or structure which is wholly or partially below grade and has no more than 1.8m of its clear height above grade and lies below the finished level of the floor directly above. A basement does not constitute a storey for the purpose of this Bylaw.
<b>BED AND BREAKFAST</b>	means a principal dwelling where sleeping accommodation, with or without light meals, is provided to members of the travelling public for remuneration. A Bed and Breakfast home shall not include more than two commercial accommodation units.
<b>BILLBOARD</b>	means a sign directing attention to a business, commodity, services, or entertainment conducted, sold, or offered elsewhere than upon the site where the sign is maintained. The advertisement copy is pasted, glued, painted, or otherwise fastened to permit its periodic replacement.
<b>BUFFER</b>	means a row of trees, shrubs, earth berm, or fencing to provide visual screening and separation between sites and districts.
<b>BUILDING</b>	means a roofed structure with solid exterior walls and which is used or intended to be used as a shelter for persons, animals, equipment, or goods and services.
<b>BUILDING HEIGHT</b>	<p>means the vertical distance measured from the <b>average grade</b> and the highest point of a <b>building</b>, excluding a roof, stairway entrance, elevator shaft, ventilating fan, skylight, steeple, chimney, smoke stack, <b>fire wall</b> or parapet, flagpole, antenna structures or similar devices not structurally essential to the <b>building</b>.</p> <div data-bbox="553 926 1398 1486" data-label="Diagram"> </div> <p><b>Figure 1: Building Height</b></p>
<b>BUILDING LINE</b>	means a line parallel to a parcel line drawn across the parcel through the point where any portion of the building is closest to the parcel line.
<b>BUILDING LINE, FRONT</b>	means a line parallel to the Front Parcel Line drawn across the parcel through the point where a Building on the parcel is closest to the Front Parcel Line.

<b>BUILDING LINE, REAR</b>	means a line parallel to the Rear Parcel Line drawn across the parcel through the point where a Building on the parcel is closest to the Rear Parcel Line.
<b>BUILDING LINE, INTERIOR SIDE</b>	means a line parallel to the Interior Side Parcel Line drawn across the parcel through the point where a Building on the parcel is closest to the Interior Side Parcel Line.
<b>BUILDING LINE, EXTERIOR SIDE</b>	means a line parallel to the Exterior Side Parcel Line drawn across the parcel through the point where a Building on the parcel is closest to the Exterior Side Parcel Line.
<b>BUILDING PERMIT</b>	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.
<b>BUILDING SUPPLY CENTRE</b>	means a commercial, retail store where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include outside storage.
<b>BULK FUEL STORAGE AND DISTRIBUTION</b>	means a development for the purpose of storing natural gas and petroleum products for distribution to customers. Total water capacity for storage of liquefied petroleum gases in above ground tanks must exceed 7570 L (2000 U.S. gals).
<b>BUS TERMINAL</b>	means where transport vehicles load or unload passengers or goods.
<b>C</b>	
<b>CAMPGROUND</b>	means a recreational development for the purpose of providing short term or occasional accommodation for recreational vehicles or tents. A campground is not construed to mean a development for the purpose of accommodating long term (e.g. longer than twenty-one (21) consecutive days permanent occupancy. The duration does not apply to summer work crews utilizing the campground facilities.
<b>CANOPY</b>	means a non-retractable solid projection extending from the wall of the 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 the structure known as the theatre marquee.
<b>CAR WASHING ESTABLISHMENT</b>	means a facility for the washing, cleaning, or polishing of motor vehicles. Processes whereby the exterior and upholstery of the vehicles is treated to enhance and protect its cosmetic appearance may also be carried out at such a facility. This process may include, but is not limited to, undercoating, rustproofing, and protecting the paint of the vehicle against rock chips.
<b>CEMETERY</b>	means land that is set apart or land that is used for the burial of human or animal remains. Typical uses are memorial parks and burial grounds.
<b>CHILD CARE FACILITIES</b>	means those facilities used for the supervision and care of children and includes day care, kindergarten, and nursery schools.
<b>CLINIC</b>	means a public or private medical, surgical, physiotherapeutic, or other human health clinic regularly staffed by practicing physicians, dentists, or other qualified medical practitioners.

<b>COLLECTOR ROADWAY or STREET</b>	means a street or roadway that collects and distributes traffic from arterial roads and streets to other collectors and local roads and streets to serve the community. Full access to adjacent properties is generally allowed on collectors.
<b>COMMERCIAL FLOOR AREA</b>	means the gross floor area defined by the outside dimensions of the building for each floor of a commercial use building.
<b>COMMUNICATION STRUCTURES OR COMMUNICATION TOWER</b>	means a structure designed to support antennas for telecommunications and broadcasting and may include television, cellular phone, or wireless internet or radio signals. Communication towers are regulated by Industry Canada however municipal consultation is required and considerations respected.
<b>COMMUNITY BUILDINGS and FACILITIES</b>	means buildings and facilities which are available for the use and enjoyment to the inhabitants of the municipality and the rural area for the purposes of assembly, culture activity.
<b>COMMUNITY RECREATIONAL FACILITY</b>	means facility that is available to the public for sports and recreational activities conducted indoors and/or outdoors. Typical uses include indoor/outdoor swimming pools , hockey rinks, gymnasiums, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, bowling greens, riding stables and fitness trails. These facilities may be publicly or privately owned and/or operated.
<b>CONDOMINIUM</b>	means a condominium plan registered in a Land Titles Office that complies with the requirement of the Alberta Condominium Property Act.
<b>CONVENIENCE STORE</b>	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 a Cannabis Retail Store.
<b>CORNER LOT</b>	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.
<b>COUNCIL</b>	means the duly elected Council of the Village of Hussar.
<b>COVERAGE OF SITE</b>	means the combined area of all buildings or structures on a site, including accessory buildings or structures, measured at 0.61m above grade, including open or covered porches or verandas, covered terraces, and all other spaces within a building, excluding steps, eaves, cornices and similar projections, and unenclosed inner and outer courts which are less than 0.61m above grade. Where any building or structure projects beyond the coverage of the building or structure measured at 0.61m above grade, the coverage shall then include such projection.
<b>CULTURAL ESTABLISHMENT</b>	means a development which is available to the public for the purpose of assembly, instruction, cultural or community activity and include such things as a library, museum, art gallery and similar activities. Religious institutions are not included in this category.
<b>D</b>	
<b>DECK</b>	means an open-sided platform adjoining a building and the height of which is greater than 0.6m from grade.
<b>DENSITY</b>	means a measure of development intensity expressed as a ratio of either the number of dwelling units to lot area or number of people to lot area.

<b>DEMOLITION</b>	means the tearing down, wrecking, destroying, or removal of a building and is deemed to be a form of development. This can include a partial building demolition as well as reducing a building to its foundation and rebuilding. Interior residential or commercial demolitions require a building permit instead of a demolition permit.
<b>DESIGNATED OFFICER(S)</b>	means those persons designated by Bylaw under the Act and for the purposes of this Bylaw are the Development Officer, Subdivision Officer and/or the Chief Administrative Officer of the Village of Hussar.
<b>DEVELOPED SITE</b>	means, in the case of: (a) residential districts or parcels: the parcel has a habitable dwelling constructed on it (b) industrial, commercial, and recreational districts or parcels: the lot has a principal building constructed on the parcel or the parcel is occupied by its prime use as specified in the Development Permit issued for the parcel; or (c) agricultural district or parcel: the parcel is used for extensive or intensive agricultural purposes, or the parcel is occupied by its prime use as specified in the Development Permit issued for the parcel.
<b>DEVELOPMENT</b>	means: (a) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them; (b) a change of use of land or a building or an act done in relation to land or a building that results in, or is likely to result in, a change in the use of the land or building; or (c) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in, or is likely to result in, a change in the intensity of use of the land or building.
<b>DEVELOPMENT AUTHORITY</b>	means a person, or persons, appointed as the Development Authority by Bylaw.
<b>DEVELOPMENT COMMENCEMENT</b>	means the moment construction is started on site (e.g. excavation) or the land use has begun for the purposes of the Development Permit application.
<b>DEVELOPMENT COMPLETION</b>	means the moment the required building and or Development Permit conditions and requirements have been met for the purposes of the Development Permit application and/or the final inspection reports have been received (if required for the project).
<b>DEVELOPMENT IMPACT ASSESSMENT (DIA)</b>	means a statement prepared by a professional with expertise in environmental conditions on the effect a development proposal and other major actions would significantly have on the environment.
<b>DEVELOPMENT OFFICER</b>	means the person designated by Bylaw as a Development Officer pursuant to this Land Use Bylaw.
<b>DEVELOPMENT PERMIT</b>	means a document authorizing a development, issued by a Development Officer, pursuant to this Bylaw, or any other legislation authorizing development within the Village of Hussar and includes the plans and conditions of approval.
<b>DISCRETIONARY</b>	means in the context of this Bylaw, that the approving authority may or may not issue a permit, order, or notice with or without conditions in consideration of the site and surrounding area characteristics and the suitability of the development in that location.

<b>DISCRETIONARY USE</b>	means a use of land or of a building which is listed in the section captioned “Discretionary Uses” within the applicable Land Use District for which a Development Permit may be issued, with or without conditions, by the approving authority.
<b>DRINKING ESTABLISHMENT</b>	means an establishment licensed by the Alberta Liquor Authority where alcoholic beverages are served for on-site consumption.
<b>DWELLING, ACCESSORY RESIDENTIAL</b>	means a self contained residential dwelling unit that is subordinate to and under one title with the principal commercial or industrial use.
<b>DWELLING, APARTMENT</b>	means a use where a building designed for residential use contains three (3) or more Dwelling Units with a shared or common entrance.
<b>DWELLING, ATTACHED HOUSING</b>	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
<b>DWELLING, BACKYARD SUITE</b>	<p>means a dwelling unit in a building that is detached from the main residence or principal building, such as a detached garage suite or garden suite.</p> 
<b>DWELLING, DUPLEX</b>	means a building containing two dwelling units, one above the other or side by side.
<b>DWELLING GROUP</b>	means two or more buildings, each containing one or more dwelling units, located on a site or a number of adjoining sites, where all buildings, recreation areas, vehicular areas, landscaping and all other features have been planned as an integrated development.
<b>DWELLING, MANUFACTURED HOME</b>	means a use where a transportable, single or multiple section building conforming to CSA standards 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.
<b>DWELLING, MOVED ON</b>	means a single detached dwelling that has previously been lived in or used as a residence or other purpose in a previous location that has been relocated to a new parcel for use as a dwelling, and may require a foundation, as requested by Safety Codes.

<b>DWELLING, SECONDARY SUITE</b>	<p>means a self-contained dwelling unit with a separate entrance from the outside that is accessory to and located within a principal dwelling unit and may be in the form of below grade development, such as a basement suite, or above grade development such as second floor suite, attached garage suite or other similar self-contained dwelling unit within a principal dwelling unit.</p> <div data-bbox="867 302 1117 606" data-label="Image"> </div>
<b>DWELLING, SINGLE DETACHED</b>	<p>means a building which is constructed on site in conformance with the Alberta Safety Code and contains only one dwelling unit and, except as otherwise allowed in this Bylaw, is used for no other purpose.</p>
<b>DWELLING UNIT</b>	<p>means a set or a suite or rooms operated as a house keeping unit, used or intended to be used as a domicile for one family which:</p> <ul style="list-style-type: none"> <li>a) containing cooking,</li> <li>b) eating,</li> <li>c) sleeping and sanitary facilities and;</li> <li>d) having a separate entrance controlled by the person occupying the unit.</li> </ul>
<b>E</b>	
<b>EASEMENT</b>	<p>means a right to use land generally for access to other property or as a right-of-way for a public utility in accordance with the Land Titles Act.</p>
<b>EATING ESTABLISHMENT</b>	<p>means an establishment where food and beverages are prepared and served on the premises for sale to the public and includes, but are not limited to restaurants, delicatessens, cafeterias, bakeries, cafes, and tea rooms. For purposes of clarification, the service of alcoholic beverages is classified under the separate use class of “drinking establishment”.</p>
<b>ENVIRONMENTAL IMPACT ASSESSMENT (EIA)</b>	<p>means a statement prepared in accordance with the Alberta Environmental Protection Legislation on the effect of a development proposal and other major actions which significantly affect the environment.</p>
<b>EQUIPMENT RENTAL SHOP</b>	<p>means a development for the rental of tools, appliances, office machines, light construction equipment or similar items but not the rental of motor vehicles.</p>
<b>ESSENTIAL PUBLIC SERVICE</b>	<p>means a service which is essential to the health and safety of the municipality. This includes, but is not limited to, police stations, ambulance services, fire halls and hospitals.</p>
<b>EXISTING</b>	<p>in operation at the time of consideration</p>

<b>EXTENSIVE AGRICULTURAL</b>	means 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 buildings and other structures incidental to the operation.
<b>F</b>	
<b>FABRIC COVERED BUILDING</b>	means a metal or wood-framed, fabric-membrane pre-engineered building for temporary or permanent industrial, commercial, and agricultural applications including warehouses, equipment storage, manufacturing facilities, barns, stables, arenas, and event centres. All fabric covered structures shall require the appropriate building permits to ensure all aspects of the development is in accordance with the Alberta Safety Codes including appropriate foundation construction and building anchoring.
<b>FENCE</b>	means a vertical physical barrier constructed out of typical building material to prevent visual or unauthorized access or both.
<b>FIRE SEPARATION</b>	means a construction assembly that acts as a barrier against the spread of fire and may be required to have a fire resistance rating.
<b>FIRE WALL</b>	means a type of fire separation of non-combustible construction which subdivides a building or separates adjoining buildings to resist the spread of fire, and which has a fire resistance rating. Fire wall construction must meet all applicable building code requirements.
<b>FRAGMENTED LAND</b>	means an area of land that is severed or separated from the lands held in title by a public roadway, railway, river, or other permanent water body shown on a registered Township plan or appears as an exception on the Certificate of Title.
<b>G</b>	
<b>GAS BAR</b>	means premises used or intended to be used for the sale of gasoline, lubrication oils and associated automotive fluids only.
<b>GRADE</b>	means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls.
<b>GRADIENT</b>	means the relationship of the vertical distance of a slope to its horizontal distance.
<b>GRAIN ELEVATOR</b>	means a building for elevating, storing, discharging, and sometimes processing grain. The use may also include facilities for moving the grain via a variety of transportation alternatives such as rail or trucks.
<b>GREENHOUSE, PRIVATE</b>	means an accessory building designed and used for growing plants for domestic rather than commercial use
<b>GROUP CARE FACILITY</b>	means a facility which provides resident services to seven (7) or more individuals. These individuals are handicapped, aged, or disabled and/or undergoing rehabilitation and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes.



<b>GROSS FLOOR AREA</b>	means the total floor area of each floor of a building measured to the outside of surface of the exterior walls or, where the buildings are separated by fire walls, to the centre line of the common wall.
<b>H</b>	
<b>HABITABLE FLOOR AREA</b>	means any finished floor area intended primarily for human occupancy.
<b>HEAVY MANUFACTURING</b>	means the manufacture of products where the process of which generates fumes, gases, smoke, vapours, vibrations, noise or glare or similar nuisances that may cause adverse effects on users of adjacent land.
<b>HEDGE</b>	means four or more trees or shrubs four (4) metres high or less, planted 1 metre or less apart, that forms a continuous, linear screen of vegetation that provides privacy, fencing, wind breaking, and/or boundary definition.
<b>HOME OCCUPATION, MAJOR</b>	means an accessory use by a resident of a Dwelling Unit or Accessory Building for small-scale business activities that does not adversely affect the residential character of the property and may have limited client visits to the property. Uses do not include fabrication, manufacturing, or mechanic shops.
<b>HOME OCCUPATION, MINOR</b>	means an accessory use by a resident of a Dwelling Unit for small-scale business activities that are undetectable from outside the Dwelling Unit and does not adversely affect the residential character of the property, does not require the use of an Accessory Building, and may have limited client visits to the property.
<b>HOTEL or MOTEL</b>	means a building used primarily for sleeping accommodation and ancillary services provided in rooms, or suites of rooms, which may contain bar and/or kitchen facilities. The building may also contain commercial or other uses and may, or may not, offer such additional services as eating and drinking establishments, meeting rooms, personal service shops and managers suite/dwelling accommodation or public convention facilities.
<b>I</b>	
<b>INTENSIVE VEGETATIVE OPERATION</b>	means a system for tillage for the concentrated raising of specialty crops including, but not limited to tree farms, commercial greenhouses, plant nurseries, sod farms, and similar uses.
<b>K</b>	
<b>KENNEL BOARDING &amp; BREEDING</b>	means an establishment in which domestic animals are boarded overnight for periods greater than 24 hours and where domestic animals could also be housed for the purpose of breeding. This use may also include facilities for the care, grooming of domestic animals
<b>L</b>	
<b>LAND AND PROPERTY RIGHTS TRIBUNAL (LPRT)</b>	Means the Land and Property Rights Tribunal as defined in the <i>Municipal Government Act</i> .

<b>LANDSCAPED AREA</b>	means an area designed, constructed, and laid out so as to maintain, change or modify the natural features of a site so as to make it attractive and desirable by the use of grass, trees, shrubs, ornamental planting, hedges, fencing and walks.
<b>LAND USE DISTRICT – COMMERCIAL DISTRICT</b>	means an area zoned for the purpose of commercial activities.
<b>LAND USE DISTRICT – COMMUNITY SERVICE DISTRICT</b>	means an area zoned for the purpose of community service buildings and organizations.
<b>LAND USE DISTRICT – INDUSTRIAL GENERAL DISTRICT</b>	means a district zoned for the purpose of industrial development.
<b>LAND USE DISTRICT – RESIDENTIAL DISTRICT</b>	means an area zoned for the purpose of a district where people live and is primarily occupied by private, single-family residences.
<b>LAND USE DISTRICT – RESIDENTIAL MANUFACTURED HOME</b>	means an area zoned for the purpose of a district where people live and is primarily occupied by manufactured homes.
<b>LAND USE DISTRICT – URBAN RESERVE DISTRICT</b>	means an area of protected land or water on which development is indefinitely set aside.
<b>LAND USE MAP</b>	means a map dividing the Municipality into certain land use districts.
<b>LANDSCAPING</b>	Means the modification and enhancement of a site through the use of any or all of the following elements: <ul style="list-style-type: none"> <li>a) soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover; or</li> <li>b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood.</li> </ul>
<b>LANE</b>	means a public thoroughfare with a right-of-way width of not greater than 9m (30ft) and not less than 6m (20ft) which provides a secondary means of access to a site or sites parcel or parcels.
<b>LIGHT MANUFACTURING</b>	means the assembly or packaging of articles from previously prepared materials but does not include uses which may be obnoxious by reason of emission of odors, dust, noise, smoke, or vibrations.
<b>LIQUOR STORE</b>	means a use where alcoholic beverages are sold for consumption from a retail outlet premises that has been licensed by the Alberta Gaming and Liquor Commission.
<b>LOADING SPACE</b>	means a space for parking a commercial vehicle while being loaded or unloaded.
<b>LOCAL ROADWAY or STREET</b>	means a street or roadway that provides unrestricted direct access to and connects with collectors and other local roadways.

<b>LOT</b>	<p>means a lot as defined in the Municipal Government Act, Part 17, Section 616, which is defined as:</p> <ul style="list-style-type: none"> <li>(a) a quarter section,</li> <li>(b) a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office,</li> <li>(c) a settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office,</li> <li>(d) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or</li> <li>(e) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.</li> </ul> <p>Also see the related definition Parcel</p>
<b>LOT COVERAGE</b>	<p>means that portion of lot area covered by the principal building, accessory buildings, or other similar covered structures.</p>
<b>LOT LINE</b>	<p>means a legally defined limit of any lot or parcel. “Boundary”, “boundary line” and “property line” have a corresponding meaning.</p>
<b>M</b>	
<b>MANUFACTURING PROCESSING OR ASSEMBLY FACILITY</b>	<p>means the manufacturing or assembly of goods, products, or equipment, including food products to be consumed by human or animals and/or the processing of raw or finished materials, including the servicing, repairing, or testing of materials, goods and equipment normally associated with the manufacturing, processing, or assembly operation. It may include, but is not limited to any indoor display, office, technical or administrative support areas or any sales operation accessory to the principal use. Manufacturing, processing, or assembly facility does not include medical marijuana facilities.</p>
<b>MUNICIPALITY</b>	<p>means the Municipal Corporation of the Village of Hussar and where the context requires, means the area of land contained within the boundaries of the Municipality’s corporate limits at the time of adoption of this Bylaw, or as included by any subsequent annexation.</p>
<b>MUNICIPAL PLANNING COMMISSION (MPC)</b>	<p>means the Village of Hussar Municipal Planning Commission established by Bylaw pursuant to the Act.</p>
<b>MUNICIPAL RESERVE PARCEL</b>	<p>means the land designated to be a municipal reserve by a condition of subdivision approval granted pursuant to the Municipal Government Act, or land designated and registered in Land Titles as “Municipal Reserve”, “Park”, “Reserve” or “Community Service Reserve” under former legislation.</p>
<b>N</b>	
<b>NATURAL RESOURCE EXTRACTIVE INDUSTRIES</b>	<p>means industries engaged in the extraction of natural resources such as timber, clay, sand, gravel, limestone, shale, coal, and other minerals including petroleum and natural gas which may include bringing these together with other elements such as power or water into integrated processes for the purpose of primary treatment into a marketable form of the resource being extracted.</p>

<b>NET FLOOR AREA</b>	means the gross floor area defined by the outside dimensions for each floor minus the horizontal floor area on each floor used for corridors, elevators, stairways, mechanical rooms, and workrooms.
<b>NON-CONFORMING BUILDING</b>	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.
<b>NON-CONFORMING USE</b>	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.
<b>O</b>	
<b>OCCUPANCY</b>	means the utilization of a building or land for the use of which it was approved.
<b>OCCUPANCY PERMIT</b>	means a permit issued under the Alberta Safety Codes Act for the right to occupy or use the bay, building or structure for the use intended
<b>OFFICES (ADMINISTRATION, BUSINESS, PROFESSIONAL)</b>	means a facility for the provision of professional, management, administrative, consulting, and financial services such as offices for clerical, secretarial, employment, telephone answering and similar office support services, offices of lawyers or accountants, banks or other financial institutions, and offices for real estate and insurance firms. Medical clinics are not included in this category.
<b>P</b>	
<b>PARAPET</b>	means a low wall or railing to protect the edge of a roof.
<b>PARCEL</b>	means the aggregate of one or more lots described in a Certificate of Title or by reference to a plan filed or registered in the Land Titles Offices.
<b>PARCEL AREA</b>	means the total area of land within the parcel.
<b>PARCEL, CORNER</b>	means a parcel 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.
<b>PARCEL LINE</b>	means a legal boundary line of a parcel.
<b>PARCEL LINE, FRONT</b>	means the shortest parcel line that abuts a public roadway unless otherwise determined by the Development Authority in accordance with this Bylaw.
<b>PARCEL LINE, EXTERIOR SIDE</b>	means a property line, other than the front parcel line, which abuts a road.
<b>PARCEL LINE, INTERIOR SIDE</b>	means a property line other than a front parcel line or rear parcel line, which abuts another parcel or a lane.
<b>PARCEL LINE, REAR</b>	means the parcel line which is opposite to and is not connected to the front parcel line.

<b>PARCEL WIDTH</b>	means the average horizontal distance between two side parcel lines.
<b>PARKING LOT</b>	means an area of cleared land dedicated to the parking of vehicles, and usually provided with a durable or semi-durable surface.
<b>PERMITTED</b>	means, in the context of this Bylaw, that the approving authority must issue a permit, order or notice.
<b>PERMITTED USE</b>	means the use of land or a building which is listed in the section captioned “Permitted Uses” within the applicable Land Use District for which a Development Permit shall be issued by the approving authority upon the development meeting all other requirements of this Bylaw. The approving authority may impose such conditions necessary to ensure compliance with the requirements of the Bylaw.
<b>PERSONAL SERVICE SHOP</b>	means a development used for the provision of personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. This use class includes but is not limited to such uses as photography studios, tailors, dry cleaning establishments and hair and nail studios.
<b>PET CARE SERVICES</b>	means a use where small animals are washed, groomed, trained, or boarded (day care) during the day, this does not include overnight stay of pets.
<b>PET STORE</b>	means a store or place where animals or birds for use as pets are sold or kept for sale but does not include a shop or place for breeding or overnight boarding of pets. Pet stores follow the same setback regulations of retail stores.
<b>PLAN OF SUBDIVISION</b>	means plans, maps or drawings, drawn to scale, which show the divisions of a piece of land.
<b>PRINCIPAL BUILDING</b>	means a building that, in the opinion of the Development Officer occupies the major or the central portion of the site, is the main building on the site and constitutes by reason of its use, the primary purpose for which the site is used.
<b>PRINCIPAL USE</b>	means a use of a site or building which in the opinion of the Development Officer constitutes the primary purpose for which the site is used.
<b>PROPERTY LINE</b>	means the legal boundary of a parcel or lot.
<b>PUBLIC OR QUASI-PUBLIC STRUCTURES, INSTALLATIONS AND FACILITIES</b>	means installations and facilities 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.
<b>PUBLIC ROADWAY</b>	means any street, avenue, service roadway, arterial, collector roadway or local roadway shown as a road allowance on a Township survey or registered in Land Titles, or secondary road as defined in the Public Highway Development Act but does not include a lane or controlled highway or expressway.

<b>PUBLIC UTILITY</b>	<p>means a system or works used to provide one or more of the following for public consumption, benefit, convenience, or use:</p> <ul style="list-style-type: none"> <li>(a) waterworks;</li> <li>(b) sewage disposal;</li> <li>(c) public transportation operated by, or on behalf of, the municipality;</li> <li>(d) irrigation;</li> <li>(e) drainage;</li> <li>(f) fuel;</li> <li>(g) electric power;</li> <li>(h) heat; and</li> <li>(i) waste management;</li> </ul> <p>and includes the thing that is provided for public consumption, benefit, convenience, or use.</p>
<b>PUBLIC UTILITY BUILDING</b>	<p>means the building in which the proprietor of a public utility maintains its office or offices or maintains or houses any equipment used in connection with the public utility.</p>
<b>R</b>	
<b>RECREATIONAL VEHICLE</b>	<p>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 mobile home. "Holiday trailer" or "travel trailer" have a corresponding meaning.</p>
<b>RENEWABLE ENERGY SYSTEM</b>	<p>means a use:</p> <ul style="list-style-type: none"> <li>(a) that produces electrical power to be used for the on-site consumption requirements by alternative means such as, but not limited to, active and passive solar collectors, photovoltaic solar panels and geothermal energy;</li> <li>(b) that may be connected or disconnected from the electrical grid in accordance with the requirements of the appropriate authority; and</li> <li>(c) may provide residual power to the grid but is not intended to produce power primarily for resale.</li> </ul>
<b>RETAIL STORE</b>	<p>means a building where goods, wares, merchandise, substances, articles, or things are stored, offered, or kept for sale at retail prices and includes storage on, or about, the store premises of limited quantities of such goods, wares, merchandise, substances, articles, or things sufficient to service such store but does not include any retail outlet otherwise listed or defined in this Bylaw.</p>
<b>REVERSE CORNER LOT</b>	<p>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.</p>

<b>S</b>	
<b>SCREENING</b>	means a fence, earth berm, or hedge used to visually separate areas of function, which in the opinion of the Development Officer, detract from the urban street or neighboring land uses.
<b>SCHOOL</b>	means a premise that involves public assembly for education, training, or instruction purposes, and includes the administration offices required for the provision of such services on the same site. This includes but is not limited to a public school, a separate school, or a technical school, their administrative offices and school bus parking. This use may also include outdoor recreational uses typically associated with an educational facility such as a track or outdoor courts.
<b>SENIOR CITIZEN ACCOMMODATION</b>	means a dwelling unit or accommodation sponsored and administrated by any public agency or any nonprofit organization, either of which obtains its financial assistance from government funding, donations, or any combination thereof. Senior citizen accommodation may include lounge, dining, healthcare, and recreation facilities. Senior citizen homes, extended health care facilities for seniors and senior health care facilities have corresponding meanings.
<b>SERVICE STATION</b>	means premises or the portion thereof used or intended to be used for the servicing and minor repairing of motor vehicles and for the sale of gasoline, lubricating oils and minor accessories for motor vehicles.
<b>SERVICED LOT</b>	means a site which is connected to and serviced by the municipality’s sewage and water work system.
<b>SETBACK</b>	means the minimum distance between a building, structure, or use, or from each of the respective parcel lines, or from a natural boundary or other reference line.
<b>SHOPPING CENTRE</b>	means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided.
<b>SIGN</b>	means anything that serves to indicate the presence or the existence of something including, but not limited to, a lettered board, structure or trademark displayed, erected, or otherwise developed and used, or intending to identify, advertise or give direction.
<b>SIGN, ADVERTISING</b>	means a sign which refers only to goods or services produced, offered for sale or obtainable at the premises on which the sign is displayed.
<b>SIGN, AWNING</b>	means a retractable, cloth-like, or light weight metal shelter projecting from a building.
<b>SIGN, CANOPY</b>	means any sign attached to, or constructed in or on canopy.
<b>SIGN, COPY AREA</b>	means the area of the smallest geometric figure which will enclose the actual copy of a sign.
<b>SIGN, DIRECTIONAL</b>	means a sign that contains no advertising and directs the public or denotes the name of any thoroughfare, route, educational institution, public building or facility or a sign that directs and regulates traffic.
<b>SIGN, FASCIA</b>	means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached.

<b>SIGN, FREESTANDING</b>	means a sign supported independently of a building, wall, or structure. It is supported by one or more columns, uprights, or braces in, or upon, grade.
<b>SIGN, IDENTIFICATION</b>	means a sign which contains no advertising, is limited to the name, address and number of a building, institution or the occupation of person and is placed on the premises which it identifies.
<b>SIGN, PORTABLE</b>	means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported including, but not limited to, a sign designed to be moved on wheels, signs converted to A or T-frames, sandwich boards, balloons or inflatable devices used as signs and signs attached to, or painted, on vehicles parked and visible from a public roadway unless said vehicles are used in the normal day to day operation of that business.
<b>SIGN, PROJECTING</b>	means a sign other than a canopy or awning sign which projects from a structure or a building face or wall.
<b>SIGN, REAL ESTATE</b>	means a temporary sign identifying real estate that is for sale, lease, rent or sold.
<b>SIGN, ROOF</b>	means any sign erected upon, against or above a roof or a parapet of a building.
<b>SIGN, TEMPORARY</b>	means a sign which is in place for a predetermined period of time as specified in the Development Permit decision.
<b>SIGN, WALL</b>	means any sign attached to a wall of a building in such a manner that its leading edge is 0.2m or less from the supporting wall and includes menu display boxes.
<b>SIGN, WINDOW</b>	means any sign, either painted on, attached to, or placed inside a window for the purpose of viewing from outside the premises.
<b>SITE</b>	means a quarter section, a river lot or settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in the Land Titles Office, a part of a parcel where the boundaries of the part are separately described in a Certificate of Title other than by reference to a legal subdivision or a part of a parcel where the boundaries of the part are described in a Certificate of Title by reference to a plan of subdivision.
<b>SITE AREA</b>	means for purposes of development or subdivision, the total horizontal area of a site contained within an existing or proposed boundary of a lot. A bareland condominium unit is considered to be a site for purposes of this Bylaw.
<b>SITE PLAN</b>	means a plan, drawn to scale, showing the boundaries of the site, the location of all existing and proposed building upon that site, the use, or the intended use of the portions of the site on which no buildings are situated and showing fencing, screening, grassed areas and the location and species of all existing and proposed shrubs and trees within the development.
<b>SITE, WIDTH OF</b>	means the average horizontal distance between the side boundaries of a site.
<b>SMALL WIND ENERGY SYSTEM</b>	means a use where a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which has a rated capacity in accordance with the Alberta Utilities Commission regulations and which is intended to primarily provide electrical power for the on-site consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power specifically for resale.



<b>STORAGE STRUCTURE</b>	means a structure that does not meet the definition of an accessory building and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container, trailer, or other structure.
<b>STORAGE YARD</b>	Means a site: (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; and (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.
<b>STOREY</b>	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.
<b>STOREY, FIRST</b>	means the storey with its floor closest to grade and having its ceiling more than 1.8m (6ft) above grade.
<b>STOREY, SECOND</b>	means the storey located immediately above the first storey.
<b>STREET</b>	means a public thoroughfare, including a bridge, affording the principal means of access to abutting sites and includes the sidewalks and the land on each side of, and contiguous, to, the prepared surface of the thoroughfare.
<b>STREET, LOCAL OR RESIDENTIAL</b>	means an undivided roadway where all intersections are at grade, having direct access permitted from adjacent properties and is designed to permit low speed travel within a neighbourhood.
<b>STRUCTURE</b>	means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.
<b>SUBDIVISION</b>	means the division of a parcel by an instrument and the word “subdivide” has corresponding meaning.
<b>SWIMMING POOL</b>	means an artificial body of water, excluding ponds, of more than 10m <sup>2</sup> in area, to be used for swimming, bathing, or diving.
<b>T</b>	
<b>TEMPORARY USE</b>	means a proposed land use or development where the intent is to operate the land use or structure for a specified period of time, not to exceed one (1) year, unless otherwise approved by the Development Authority in consideration of a land use that is temporary but has longer term requirements due to the specific use or project. Any temporary development permit application will state a date on which the development will cease. Temporary Uses shall be considered a discretionary use in all Land Use Districts.

<b>TRADESMAN'S SHOP</b>	means an establishment for the operation of a trade including, but not limited to, a painter, electrician, upholsterer, printer, and appliance repair shop but does not include establishments which may be obnoxious by reason of emission of odours, dust, smoke, noise, or vibration.
<b>U</b>	
<b>USE, CHANGE OF</b>	means the conversion of land or a building, or portion thereof, from one land use activity to another in accordance with the permitted or discretionary use as listed in each Land Use District.
<b>V</b>	
<b>VEHICLE SALES AND SERVICE</b>	means an establishment where a person may purchase a new or used automobile, truck, motorcycle, or RV (recreational vehicle) and/or vehicle maintenance and servicing.
<b>VETERINARY CLINIC</b>	means a facility for the medical care and treatment of animals, and includes provision for the overnight accommodation. The use of the facility for overnight boarding shall be limited to short time boarding while the animals are awaiting treatment or are recovering from treatment and shall be incidental to the hospital use.
<b>VILLAGE</b>	means the Village of Hussar in the Province of Alberta.
<b>W</b>	
<b>WALKWAY</b>	means a public right-of-way for pedestrian use on which no motor vehicles are allowed.
<b>WAREHOUSE or WAREHOUSING</b>	means the use of a building for the storage of materials, products, goods, or merchandise.
<b>WORKS</b>	means any fence, landscaping, landscape vegetation, sidewalks, pathways, roads or other public or private utilities associated with and required for a development
<b>WORSHIP FACILITY</b>	means any facility used for the purpose of spiritual worship. Examples may be, but are not limited to, churches, temples, mosques, and synagogues
<b>Y</b>	
<b>YARD</b>	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.
<b>YARD, FRONT</b>	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.
<b>YARD, REAR</b>	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
<b>YARD, INTERIOR SIDE</b>	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.

<b>YARD, EXTERIOR SIDE</b>	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.
----------------------------	---

# Part 3

## Administrative Agencies

### 3 Administration Agencies established by this bylaw

---

#### 3.1 DEVELOPMENT AUTHORITY

The Development Authority shall exercise development powers and perform duties on behalf of the Municipality in accordance with Part 17, Division 3 of the Municipal Government Act and may include:

##### 3.1.1 Development Officer:

- (a) the office of the Development Officer is hereby established to act on behalf of Council in those matters delegated by this Bylaw and in such matters as it may instruct from time to time;
- (b) the Development Officer must make available for inspection, during office hours, all applications and decisions for Development Permits, subject to any legislation in force restricting availability;
- (c) the Development Officer shall perform duties as are specified in Section 4.4 of this Bylaw; and
- (d) the Development Officer is the Chief Administrative Officer.

##### 3.1.2 Municipal Planning Commission:

The Municipal Planning Commission, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in Section 4.4 of this Bylaw. The Municipal Planning Commission is the duly elected Council for the Village.

##### 3.1.3 Intermunicipal Subdivision and Development Appeal Board:

The Intermunicipal Subdivision and Development Appeal Board, established by a separate Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in Part 5 of this Bylaw.

#### 3.1.4 **Subdivision Authority:**

The Subdivision Authority, as established by Council, shall perform duties on behalf of the Municipality in accordance with the Municipal Government Act, the Land Use Bylaw, and all relevant Village of Hussar planning documents. The Subdivision Authority is the duly elected Council of the Village and Palliser Municipal Services.

### **3.2 DEVELOPMENT AUTHORITY – POWERS AND DUTIES**

3.2.1 The Development Authority must administer this Bylaw and decide upon all Development Permit applications.

3.2.2 The types of Development Permit applications a Development Authority may consider in accordance with Part 4 are Development Permits 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 all requirements of this Bylaw; or
- (d) a discretionary use that does not comply with all requirements of this Bylaw.

3.2.3 Unless otherwise referenced in Part 4, the Development Authority must not approve a Development Permit for an addition or structural alteration to a non-conforming building.

3.2.4 The Development Authority may refuse to accept a Development Permit application where:

- (a) the information required by Part 4 is not provided;
- (b) the quality of the information provided is inadequate to properly evaluate the application; or
- (c) the fee for a Development Permit application has not been paid.

### **3.3 SUBDIVISION AUTHORITY – POWERS AND DUTIES**

3.3.1 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;
- (b) keep a register of all applications for subdivision, including the decisions therein and the reasons therefore;

- (c) receive all complete applications for subdivision including the required application fees and decide upon all applications in accordance with the Subdivision and Development Regulation and Land Use Bylaw with consideration of all comments received through circulation and the recommendations of the Municipal Planning Commission;
- (d) on receipt of an application for subdivision, review to ensure sufficient information is provided to adequately evaluate the application in accordance with Part 1 of the Subdivision and Development Regulation;
- (e) excepting subdivision applications not requiring circulation under the Municipal Government Act, to circulate applications for subdivision for comments to those authorities and agencies as prescribed within the Subdivision and Development Regulation and this Land Use Bylaw and all comments to be added to the subdivision report;
- (f) excepting subdivision applications not requiring circulation under the Municipal Government Act, to circulate applications for subdivision for comments to Wheatland County when the original parcel boundaries are adjacent to the municipal boundary or where an inter-municipal development plan, such as the Village of Hussar & Wheatland County Intermunicipal Development Plan (Bylaw No. 525-20) requires or, at the discretion of the Subdivision Authority, where a subdivision application is not adjacent to the municipal boundary but has potential for land use impacts within Wheatland County;
- (g) excepting subdivision applications not requiring circulation under the Municipal Government Act, the Subdivision Authority may proceed with processing of the application after thirty (30) days from the date of referral to authorities, agencies or landowners whether or not comments have been received;
- (h) prepare a subdivision report including all relevant information to the application, recommendations and any comments received from circulated agencies and review with the Municipal Planning Commission for municipal recommendations;
- (i) prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the Subdivision and Development Regulation;
- (j) ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality;
- (k) endorse Land Titles instruments to effect the registration of the subdivision of land;
- (l) advise the Council, Municipal Planning Commission and Intermunicipal Subdivision and Development Appeal Board on matters relating to the subdivision of land; and
- (m) appear before the Intermunicipal Subdivision and Development Appeal Board or Land and Property Rights Tribunal (formerly Municipal Government Board) where appeals are made on subdivision application decisions.

# Part 4 Development

## 4 Regulations for Development

---

### 4.1 DEVELOPMENT PERMITS REQUIRED

- 4.1.1 No development other than those designated in Section 4.2 below shall be undertaken within the Municipality unless an application for it has been approved and a Development Permit has been issued.

### 4.2 DEVELOPMENT PERMITS NOT REQUIRED

- 4.2.1 The Development Permit is not required in respect of the following developments, but such developments shall comply with all relevant provisions of this Bylaw:
- (a) works of maintenance, repair, or alternation, on a structure, both internal and external, if in the opinion the Development Officer, such work:
    - (i) does not include structural alterations;
    - (ii) does not change the use or intensity of the use of the structure; and
    - (iii) is performed in accordance with obligatory legislation or other government regulations
  - (b) the completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
    - (i) the building is completed in accordance with the terms of any permit granted by the Municipality, subject to the conditions of that permit; and
    - (ii) the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date this Bylaw comes into full force and effect;
  - (c) the use of any building referred to in **Section 4.2.1 (b)** for the purpose for which construction was commenced;
  - (d) the erection or installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of the construction;
  - (e) the construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement;
  - (f) the use by the Municipality of land which the Municipality is the legal or equitable

- owner for a purpose approved by a simple majority vote of Council in connection with any public building, facility or installation by the Municipality;
- (g) the use of a building or part thereof as a temporary polling station for a Federal, Provincial or Municipal election or referendum or plebiscite;
  - (h) one temporary, on-site freestanding or fascia sign which does not exceed 1m<sup>2</sup> in area nor 1m in height and is intended for:
    - (i) advertising the sale or lease of a dwelling unit, or property for which a Development Permit has been issued for the development on the said property;
    - (ii) identifying a construction or demolition project for which a Development Permit has been issued for such a project;
    - (iii) identifying a political campaign: such a sign may be displayed in accordance with elections regulations; or
    - (iv) advertising a campaign or drive which has been approved by Council: such a sign may be posted for a maximum period of fourteen (14) days;
  - (i) Municipal signs used to indicate street names and traffic control;
  - (j) the construction, maintenance and repair of private walkways, private pathways, private driveways and similar works;
  - (k) the construction or installation of public roadways, walkway, utilities or grading of the site or removal, or stockpiling of soil, when a development agreement has been signed as a condition of subdivision approval, and the undertaking of any or all of the aforementioned works have been authorized by Council;
  - (l) Telecommunication antenna systems that are regulated by Industry Canada;
  - (m) the erection, construction or replacement of one (1) garden/tool shed per site, which does not exceed 13.5m<sup>2</sup> (145 sq ft) in floor area and 2.5m (8.2ft) in height within residential parcels;
  - (n) the erection, construction or replacement of one (1) private greenhouse shed per site, which does not exceed 13.5m<sup>2</sup> (145 sq ft) floor area and 2.5m (8.2ft) in height within residential parcels;
  - (o) the erection or construction of gates, walls or other means of enclosure (other than on corner parcels/lots or where abutting a road used by vehicular traffic) less than 1.2m (4ft) in height in front yards and less than 2m (6.56ft) for side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure;
  - (p) one on-site fascia sign which does not exceed 0.185m<sup>2</sup> (2ft<sup>2</sup>) in area for any of the following buildings: single detached dwelling, semidetached or duplex, row house, apartment or townhouse and states no more than:



- (i) the name and address of the building; or
- (ii) the name of the person(s) occupying the building.

### 4.3 APPLICATION REQUIREMENTS

4.3.1 An application for a Development Permit for new construction or an addition or change of use of an existing structure shall be made to the Development Officer using the prescribed form, signed by the owner or his/her agent, and accompanied by:

- (a) two (2) copies of the application form and site plan, preferably drawn to scale, which show the following
  - i) legal description of the site with north arrow;
  - ii) area and dimensions of the land to be developed including the front, rear and side yards if any;
  - iii) floor plans, elevation and exterior finishing materials;
  - iv) site drainage, finished lot grades, the grades of the roads, streets and sewers servicing the property;
  - v) the location and dimensions of all existing and proposed buildings, structures, or uses on the parcel and the measured distance to property line;
  - vi) existing and proposed access and egress to and from the site;
- (b) statement of existing and proposed Utility services (i.e. on-site or municipal)
- (c) where applicable, the cutting down or removal of trees;
- (d) on applications for signs, a replica of the proposed sign drawn to scale;
- (e) the estimated commencement and completion dates;
- (e) a statement of ownership of the land and interest of the applicant therein; and
- (f) the Development Permit fee as prescribed by Council.

4.3.2 In addition to the information required under Section 4.3.1, the following information is required on applications for:

- a) multi-family, commercial, industrial, recreational, and institutional uses:
  - i) loading and parking provisions;
  - ii) garbage and storage areas and the fencing and screening proposed for same;
  - iii) location and approximate dimensions of all existing and proposed trees, shrubs, parks, playgrounds etc.; and
  - iv) a development impact assessment statement clearly describing how the

potential impacts of the proposed development on adjacent lands will be dealt with and how the proposed facilities have been designed to minimize such disturbances.

- 4.3.3 The Development Officer may require additional information or additional copies of the plan and specifications as is deemed necessary
- 4.3.4 The application shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Officer.
- 4.3.5 The Development Authority shall issue a notice of “complete” or “incomplete” on an application within 20 days of the application submission in accordance with the requirements of the Act.

#### **4.4 DECIDING ON A DEVELOPMENT PERMIT APPLICATION**

- 4.4.1 The Development Officer shall:
  - (a) Receive, consider and decide on an application for a Development Permit for those uses listed as a Permitted Use for the relevant Land Use District and comply with the minimum standards for that district;
  - (b) refer, at his or her discretion, a Development Permit application for an industrial development for comments to those authorities (provincial and regional) where interest or jurisdiction may be affected;
  - (c) refer, with his or her recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a Development Permit for those uses which constitute discretionary uses and which have been assigned to it for consideration and decision;
  - (d) refer to the Municipal Planning Commission, at his or her discretion any application which in his/her opinion should be decided by the Commission; and
  - (e) the Development Officer shall collect fees according to the scale approved by resolution of Council.
- 4.4.2 The Municipal Planning Commission shall:
  - (a) decide on applications for Development Permits for those Discretionary Uses referred by the Development Officer in the relevant Land Use District;
  - (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application; and
  - (c) when making a decision on a Development Permit application for a Discretionary Use, the Municipal Planning Commission must take into account:

- (i) any plans and policies affecting the parcel;
- (ii) the purpose statements in the applicable Land Use District;
- (iii) the appropriateness of the location and parcel for the proposed development;
- (iv) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
- (v) the merits of the proposed development;
- (vi) utility and servicing requirements;
- (vii) access and transportation requirements;
- (viii) vehicle and pedestrian circulation within the parcel; and
- (ix) sound planning principles.

4.4.3 An application may be approved where the proposed development does not comply with the minimum or maximum requirements of any district in this Bylaw if, in the opinion of the Municipal Planning Commission, the proposed development would not unduly interfere with the amenities of the neighbourhood, materially interfere with, or affect the use, enjoyment or value of the neighboring properties and the amount of variance does not exceed 20% of the requirements in any district.

4.4.4 In addition to Section 4.4.2 (c), the Development Authority, with respect to a Discretionary Use, may impose such conditions as deemed appropriate, having regard to the regulations of this Bylaw and the provisions of any statutory plan including, but not limited to, the following conditions:

- (a) limiting hours of operation;
- (b) limiting number of patrons;
- (c) establishing landscaping requirements;
- (d) requiring noise attenuation;
- (e) requiring special provisions be made for parking;
- (f) regarding the location, character and appearance of a building;
- (g) regarding the grading of a site or such other procedures as is necessary to protect the site from other developments or to protect other developments from the site;
- (h) establishing the period of time during which a development may continue; and
- (i) ensuring the development is compatible with surrounding development.

4.4.5 In the case where a proposed specific use of land or a building is not provided for in

any Land Use District in the Bylaw, the Municipal Planning Commission may determine such a use is similar in character and purpose to another use of land or building that is included in the list of Permitted or Discretionary Uses prescribed for that Land Use District.

- 4.4.6 The Municipal Planning Commission may require, as a condition of issuing a Development Permit, the applicant to enter into an agreement to construct or pay for the construction of public roadways or parking facilities, to install or pay for the installation of utilities and/or to pay an off-site levy or redevelopment levy imposed by Bylaw.
- 4.4.7 If a Development Permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for twelve (12) months after the refusal.
- 4.4.8 If a decision is not made on a Development Permit application within 40 days after its receipt by the Development Officer, the applicant may deem it to be refused at the end of the 40-day period unless an applicant for a Development Permit enters into an agreement with the Development Officer to extend the 40 day time period.
- 4.4.9 The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one (1) year, unless a longer term is required, in consideration of a specific use or project that is temporary but requires a longer time frame.

## **4.5 DEVELOPMENT PERMIT APPLICATION REFERRALS AND NOTICES**

- 4.5.1 Upon receipt of a complete application for development for a use listed as a discretionary use or that requires a relaxation, the Development Authority may at their discretion, provide written notice to all adjacent landowners or a greater circulation area if potential for conflict is deemed to be probable.
- 4.5.2 Refer at the Development Authority's discretion, a Development Permit application for comments to any officer, individual, group, department, agency (provincial and regional) or adjacent municipality whose intent or jurisdiction may be affected.
- 4.5.3 The notice shall indicate the location and nature of the development proposal, the time and date a decision will be rendered on the application, copies of relevant drawings, contact information and a final date to submit comments.
- 4.5.4 After a minimum fourteen (14) days from the date of referral to any department or individual and/or to any other provincial, federal, or external agency the Development Officer may present the application to the Municipal Planning Commission, whether or not comments or recommendations have been received.
- 4.5.5 The Development Officer shall disclose to the Municipal Planning Commission whether a circulation was performed in regard to a Development Permit application for a

discretionary use or an application that requires a relaxation and the extent of the circulation area.

- 4.5.6 In cases where the Development Officer has rendered a decision, this decision shall be circulated to the Municipal Planning Commission for their information.

#### **4.6 DEVELOPMENT PERMIT NOTIFICATION OF DECISION**

- 4.6.1 A Development Permit granted pursuant to this Bylaw does not come into effect until it is determined that no notice of appeal has been served on the Appeal Body within the twenty-one (21) day appeal period for a discretionary use or a permitted use where a relaxation of Bylaw requirements has been applied. The appeal period is deemed to be an additional five (5) days if the decision is mailed. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 4.6.2 A development permit granted for a permitted use with no conditions pursuant to this Bylaw comes into effect on the date the decision is made.
- 4.6.3 A Development Permit granted pursuant to this Bylaw for a permitted use, where the provisions of this Bylaw have not been relaxed or varied, comes into effect on the date that the decision is made.
- 4.6.4 Where an appeal is made pursuant to Part 5.1 of this Bylaw, a Development Permit which has been granted shall not come into effect until the appeal has been determined. The Appeal Body may approve or refuse the permit application in accordance with the Municipal Government Act and this Bylaw.
- 4.6.5 When a Development Permit decision has been made, the following notification procedures shall be followed:
- a) in the case of a permit issued for a permitted use where the provisions of this Bylaw have not been relaxed or varied, the Development Officer is not required to notify adjacent or affected landowners. However, the Development officer may post decisions on permitted uses on the Village website for information purposes;
  - b) for all Home Occupation permit applications, a notice in writing shall be immediately mailed to all adjacent landowners who, in the opinion of the Development Officer, may be affected;
  - c) in all other circumstances, a notice shall immediately be posted conspicuously on the property for which the Development Permit application has been made and in the Village Office and Post Office;
  - d) a notice, in writing, shall be mailed to all adjacent landowners and to all registered owners of land whom, in the opinion of the Development Officer, may be affected; and/or
  - e) a notice shall be immediately published in a newspaper or newsletter circulating in the Municipality stating the location of the property for which the application has

been made and the use approved.

- 4.6.6 A decision by the Development Authority on an application for a Development Permit shall be given in writing and a copy of it sent to the applicant.
- 4.6.7 When the Development Authority refuses an application for a Development Permit, the decision shall contain the reasons for the refusal.
- 4.6.8 If after the issuance of a Development Permit it becomes known to the Development Authority that:
  - a) the application for a Development Permit contains a misrepresentation;
  - b) relevant facts which should have been disclosed at the time of consideration of the application for the Development Permit were not mentioned;
  - c) the Development Permit was issued in error;
  - d) the requirements or conditions of the Development Permit have not been complied with; or
  - e) the applicant requests, by way of written notice to the Development Authority, the cancellation of the Development Permit, provided that commencement of the use, development or construction has not occurred;

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

## **4.7 DEVELOPMENT PERMIT COMMENCEMENT AND COMPLETION**

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



# **Part 5 Appeals**

## 5 Appeal Procedures

---

### 5.1 SUBDIVISION APPEAL PROCEDURES

- 5.1.1 An appeal with respect to a decision on a subdivision application is governed by the MGA.
- 5.1.2 An appeal may be made to the appropriate Appeal Body in accordance with the MGA.
- 5.1.3 If the decision of the Subdivision Authority to refuse a subdivision application is reversed by the Appeal Body, the Subdivision Authority must endorse the subdivision application in accordance with the decision of the Appeal Body.
- 5.1.4 If the decision of the Subdivision Authority to approve a subdivision application is reversed by the Appeal Body, the subdivision application is null and void.
- 5.1.5 If a decision of the Subdivision Authority to approve a subdivision application is upheld by the Appeal Body, the Subdivision Authority must approve the development permit.
- 5.1.6 If any decision of the Subdivision Authority is varied by the Appeal Body, the Subdivision Authority must endorse a subdivision reflecting the decision of the Appeal Body and act in accordance with that decision.

### 5.2 DEVELOPMENT APPEAL PROCEDURES

- 5.2.1 An appeal with respect to a decision on a development permit application is governed by the MGA.
- 5.2.2 An appeal may be made to the appropriate Appeal Body in accordance with the MGA.
- 5.2.3 Where a Development Permit is issued within a Direct Control District the appeal may be limited in accordance with the MGA.
- 5.2.4 If the decision of the Development Authority to refuse a development permit is reversed by the Appeal Body, the Development Authority must endorse the development permit in accordance with the decision of the Appeal Body.
- 5.2.5 If the decision of the Development Authority to approve a development permit application is reversed by the Appeal Body, the development permit is null and void.
- 5.2.6 If a decision of the Development Authority to approve a development permit is upheld by the Appeal Body, the Development Authority must approve the development permit.
- 5.2.7 If any decision of the Development Authority is varied by the Appeal Body, the Development Authority must endorse a development reflecting the decision of the Appeal Body and act in accordance with that decision.

### **5.3 ISDAB – PUBLIC HEARING PROCESS**

- 5.3.1 In accordance with the MGA, within thirty (30) days of receipt of a notice of appeal, the Intermunicipal Subdivision and Development Appeal Board (ISDAB) shall hold an appeal hearing respecting the appeal.
- 5.3.2 The ISDAB shall give at least 5 days notice in writing of the appeal hearing to:
- a) the appellant or any person acting on his/her behalf;
  - b) the Development Authority from whose order, decision or development permit the appeal is made;
  - c) those registered owners of land in the municipality who are affected and any other person who in the opinion of the Intermunicipal Subdivision and Development Appeal Board, is affected by the order, decision or permit;
  - d) Palliser Regional Municipal Services;
  - e) such other persons as the ISDAB specifies.
- 5.3.3 The ISDAB shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal, as they become available, subject to the Act, including:
- a) the application for the development permit, the decision, and the appeal therefrom; or
  - b) the order of the Development Authority, as the case may be; or
  - c) the application for subdivision, the decision, and the appeal therefrom.
- 5.3.4 The ISDAB shall give a written decision together with reasons for the decision within 15 days of the conclusion of the hearing.
- 5.3.5 A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:
- a) to a judge of the Court of Appeal; and
  - b) within 30 days after the issue of the order, decision, permit, or approval sought to be appealed.

### **5.4 LAND AND PROPERTY RIGHTS TRIBUNAL**

- 5.4.1 In appeal to the Land and Property Rights Tribunal (LPRT) will follow the legislated process required for the LPRT, including (but not limited to):
- a) Timeframe to hold a hearing;
  - b) Minimum notice of the hearing date;



- c) Information available for inspection;
- d) Timeline to issue a decision;

## **Part 6 Conditions, Enforcement & Administration**

### **6 Conditions, Enforcement & Administration**

---

#### **6.1 CONDITIONS OF APPROVAL**

6.1.1 In their decision to approve an application for subdivision or development, the Subdivision or Development Authority may apply any or all of the following conditions to ensure the application conforms to this Bylaw, Act or other legislation:

- a) conditions to ensure compliance with the Act, any applicable statutory plan and this bylaw;
- b) conditions requiring the applicant to enter into a service agreement or make satisfactory arrangements for the supply of gas, water, electric power, telephone, sewer service, vehicular, and pedestrian access any other utility service, or facility, including payment of installation or construction costs by the applicant;
- c) a condition that the applicant enter into an agreement with the Municipality for any of the following:
  - i) to construct or pay for the construction or improvement of a public roadway required to give access to the development or subdivision;
  - ii) to construct or pay for the construction of a pedestrian walkway system to serve the development; or a pedestrian walkway that will connect the pedestrian walkway system serving the development or subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent system or subdivision, or both;
  - iii) to specify the location, standard, and number of vehicular and pedestrian access locations to a site from public roadways;
  - iv) to install or pay for the installation of utilities to municipal standards necessary to serve the development or subdivision;
  - v) to construct or pay for the utilities, roadways, and improvements with an

excess capacity;

- vi) to construct or pay for the construction of off-street or other parking facilities, and garbage, recycling, loading, and unloading facilities; and
  - vii) to pay an off-site levy or redevelopment levy, or both, imposed by a Bylaw adopted pursuant to the Act.
- d) a condition requiring the applicant to repair or reinstate, or to pay for the repair or reinstatement, to original condition any roads, municipal signage, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged, destroyed, or otherwise harmed during construction of the development or subdivision;
  - e) a condition requiring security in the form of a letter of credit, performance bond, or cash deposit to carry out the terms of an agreement or any works associated with the installation and construction of streets, utilities, and landscaping or replacement of same for the development of the lot and adjacent public roadways during and after its development for the amount of 125% of the total value of the work which is based upon an independent quotation of the value of the work covered by the agreement or such other amount as the Development Officer, Subdivision Approval Authority or Council may determine. The security is to be paid to the Municipality for its use in completing the terms of the agreement or works in the event of default by the applicant;
  - f) conditions requiring the applicant to provide a Letter of Credit in the amount of 125% of the estimated dollar amount required to complete any renovations as set out as a condition of approval of a Development Permit for the relocation of a building either on the same site or from another site;
  - g) conditions respecting the time within which a development or subdivision or any part of it is to be completed; and
  - h) conditions limiting the length of time that a Development Permit may continue in effect;
  - i) the phasing of development or subdivision;
  - j) the maximum density of dwelling units, persons or animals that may be allowed to occupy the site;
  - k) the placement of objects, buildings or structures, material or any other chattel, mechanism or device used in, for or the operation of the development.

6.1.2 The Municipality may register a caveat in respect of a Development or Service Agreement under Section 6.1.1(b) or (c) against the parcel that is subject of the Development Permit or Subdivision Application. The caveat shall be discharged when the agreement has been complied with.

## 6.2 COMPLIANCE WITH OTHER BYLAWS AND REGULATIONS

- 6.2.1 Compliance with the requirements of this Bylaw or the issuance of a Development Permit or an approval of a subdivision pursuant to the Bylaw does not afford relief from compliance with the Act or other Federal or Provincial Government legislation or other Bylaws and regulations affecting the development or subdivision in question. It is the applicant's responsibility to ensure that all required permits, including any building permits required under Safety Codes Act, licenses and authorizations from affected authorities are in place prior to the commencement of the development.

## 6.3 RIGHT OF ENTRY

- 6.3.1 Compliance Right of Entry procedures are governed by the Act and must be consulted for full details. The following extract of Section 541 from the Municipal Government Act is provided for information purposes only:

"542(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action,

- a) Enter such land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,
- b) request anything be produced to assist in the inspection, remedy, enforcement or action, and
- c) make copies of anything related to the inspection remedy, enforcement or action.

"542(2) The designated officer must display or produce on request identification showing that the person is authorized to make the entry:

542(3) In an emergency or in extraordinary circumstances the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in subsection(1)(a) and (c) without the consent of the owner or occupant."

- 6.3.2 The Development Officer, Subdivision Officer or such other designated person, is the "designated person" for the purposes of **Section 6.3**.

## 6.4 BYLAW CONTRAVENTION

- 6.4.1 Orders and municipal actions to remedy contraventions are governed by the Act and must be consulted for full details. The following extracts of **Section 645 and Section 646** of the Municipal Government Act are provided for information and continuity purposes.

“645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with:

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal to the subdivision and development appeal board in accordance with section 685.

646(1) If a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the municipality may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.

(3) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.”

6.4.2 A person who receives an order referred to in Section 6.4.1 may appeal to the appropriate Appeal Body.

6.4.3 Whenever it appears to the Development Officer that a Development Permit has been obtained by fraud or misrepresentation or has been issued in error, the Development Officer may suspend or cancel the Development Permit.

## **6.5 OFFENCES AND PENALTIES**

- 6.5.1 The authority regarding offenses and penalties of this Bylaw are governed by **Part 13, Division 4 and Division 5** of the Act and should be consulted.

## **6.6 FORMS, NOTICES AND FEES**

- 6.6.1 For the purpose of administering the provisions of this Bylaw, Council, by resolution, may authorize the preparation and the use of such forms, notices and fee schedules as in its discretion it may deem necessary. Any such forms, notices or fees are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they were designed, authorized, and issued.
- 6.6.2 The forms, notices, and fee schedules authorized by Council pursuant to this Bylaw may be posted, issued, mailed, served, or delivered in the course of the Development Officer's or Subdivision Officer's duties.

## **6.7 AMENDMENTS TO THE LAND USE BYLAW**

- 6.7.1 Any person may apply to have this Bylaw amended.
- 6.7.2 The Council may initiate amendments by its own resolution.
- 6.7.3 All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
- a) the fee determined by the Council;
  - b) a statement of the applicant's interest in the land;
  - c) any drawings, plans or maps required by the Development Officer; and
  - d) any documents as required by the Development Officer.
- 6.7.4 All amendments of this Bylaw shall be made by Council by Bylaw in conformity with the Act and the regulations.
- 6.7.5 The Council in considering an application for an amendment to this Land Use Bylaw shall refer a copy of the proposed amendment to:
- a) Palliser Regional Municipal Services;
  - b) Wheatland County, if the proposed amendment affects land on a boundary with Wheatland County, or may otherwise have an effect within Wheatland County, as per the Village of Hussar & Wheatland County Intermunicipal Development Plan (Bylaw No. 525-20); and
  - c) such other persons or agencies as it considers necessary for comment.
- 6.7.6 If an application for an amendment to this Bylaw has been refused by Council, then Council need not accept an application for an amendment for the same use on the same parcel for a period of twelve (12) months from the date of refusal.

- 6.7.7 Prior to third reading of the proposed Bylaw amendment, Council may require the applicant to apply for a Development Permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

## Part 7 General Land Use Regulations

### 7 General Land Use Regulations

---

#### 7.1 APPLICABILITY

- 7.1.1 These regulations within Section 7 General Land Use Regulations, shall apply to all developments within the Village of Hussar, unless otherwise exempted.
- 7.1.2 Where any regulation in this section may be in conflict with any regulation of a given Land Use District in Section 8, the regulation in the District shall take precedence.

#### 7.2 SPECIAL SETBACK REQUIREMENTS

- 7.2.1 A sign which is separate from a building must be located so as to comply with the front yard setback requirements applicable to the principal building unless otherwise provided.
- 7.2.2 The minimum distance required for yards do not apply to:
- exterior finishing materials applied to principal buildings provided the material does not encroach more than ten (10) centimeters into any yard;
  - construction wholly beneath the surface of the ground; or
  - decks less than 0.6m (2ft) in height from grade.
- 7.2.3 Projections may be allowed to encroach into a yard as follows:
- Front Yards:  
Eaves, balconies, bay windows, canopies, chimneys, unenclosed decks, fire escapes and porches may project a maximum of 0.6m (2ft) over or onto a required front yard.
  - Side Yards:  
Eaves, balconies, bay window, canopies, chimneys unenclosed decks, fire escapes and porches may project a maximum of 0.6m (2ft) over or onto a required site yard except that only eaves may project:

- (i) into a 3m (10ft) side yard required in a lane-less subdivision where no provision is made for a garage or carport to the front or side of a dwelling; or
- (ii) into a 3m (10ft) side yard required for vehicular access to the rear of the property.

7.2.4 In addition to those features listed in Section 7.2.3(a) and (b), a projection into any designated yard may be allowed for a building feature such as cantilevered bays and sun windows, dining room alcoves and similar elements, provided the feature does not encroach more than 0.6m (2ft) into any yard and the projecting façade does not exceed:

- a) 30% to a maximum of 3.6m (12ft) in width, whichever is greater, of the exterior surface wall area exposed to the yard in which the feature is located for internal sites; or
- b) 40% to a maximum of 4.5m (14.7ft) in width, whichever is greater, of the exterior surface wall area exposed to the yard facing a street and in which the feature is located;

And such encroachment complies with the Alberta Safety Code Regulations.

7.2.5 Where the site is to be developed for a dwelling - duplex or row housing, the following exceptions apply:

- a) where each half of a dwelling-duplex is to be contained on a separate parcel or title, no side yard shall be required on the side of the dwelling unit which abuts the adjacent dwelling unit by means of a fire separation;
- b) where the dwelling units of a row house building are to be contained on separate parcels or titles, no side yards shall be required on either side. In the case of an internal dwelling unit. No side yard shall be required on the interior side of the end dwelling unit; and
- c) such encroachment complies with the Alberta Safety Code Regulations

7.2.6 Setbacks in excess of the minimum requirements may be required when deemed necessary by the Development Officer.

### **7.3 UTILITIES**

7.3.1 A development shall not be permitted if the development is not served by the public sewer or a provincially approved private system.

7.3.2 A development shall not be permitted until satisfactory arrangements have been made for the supply of water, electric power, sewerage, and street access to the development including payments of costs for installing or constructing any such utility or facility by the developer.

## 7.4 PARKING AND LOADING FACILITIES

- 7.4.1 Parking and loading spaces shall be calculated on the basis of gross floor area, and unless otherwise stated, the required number of spaces shall be rounded up to the next whole number when a fractional number of 0.5 or greater occurs and rounded down when a fractional number of 0.49 or less occurs.
- 7.4.2 Where eating and drinking establishments are proposed, the gross floor area, excluding food and beverage preparation, washroom and storage areas shall be used for purposes of calculating parking requirements as follows:
- a) a requirement of one space per 7m<sup>2</sup> (75.34 sq ft) based on this adjusted or net floor area.
- 7.4.3 Parking and loading spaces shall be provided on site in accordance with the following table:

Use of Building	Minimum Parking Spaces
Financial Institution	1 space/37m <sup>2</sup> (398.2sq ft)
Building Supply Centre/ Lumber Yards	5 space/ha 2 space/ac of site plus 1 space/37m <sup>2</sup> (398.2sq ft)
Child Care Facility, Pet Care Facility	1 space/employee plus 1 space for owner's vehicle
Drinking Establishment	See 7.4.2
Dwelling, Accessory Residential	1 additional <b><i>parking stall</i></b> per <b>Dwelling Unit</b>
Eating Establishment	See 7.4.2
Hotel/ Motel	1 space /sleeping unit plus 1 space/employee
Industrial Service Shop	1 spaces/ 46m <sup>2</sup> (495.1sq ft)
Intensive Vegetative Operation	1 spaces/ 30m <sup>2</sup> (322.9sq ft)
Libraries	1 spaces/ 37m <sup>2</sup> (398.2sq ft)
Medical Clinic	1 space/37m <sup>2</sup> (398.2sq ft)
Manufacturing Plants	1 space/56m <sup>2</sup> (602.7sq ft)
Office	1 space/37m <sup>2</sup> (398.2sq ft)
Private Clubs, Lodges and Fraternal Orders	1 space/37m <sup>2</sup> (398.2sq ft)
Public and Quasi-Public Buildings	1 space/28m <sup>2</sup> (301.3sq ft) plus 1 space/employee
Recreation Facilities	1 space/37m <sup>2</sup> (398.2sq ft)
Recreation Facilities with Seating	1 space/5 seats
Worship Facilities	1 space/8 patrons
Residential	1 spaces/dwelling unit
Retail Stores and Service/ Repair Shops	1 space/37m <sup>2</sup> (398.2sq ft)



Schools-Elementary Junior High Senior High	1 space/class 4 spaces/class 8 spaces/class
Senior Citizens Accommodation	1 space/46m <sup>2</sup> (495.1sq ft)
Service Station	1 space/46m <sup>2</sup> (496.1sq ft) total building are plus 3 spaces/repair bay
Warehouses	1 space/93m <sup>2</sup> (1,001sq ft) plus 1 loading bay/1,858m <sup>2</sup> (19,999.3sq ft) minimum of 1

7.4.4 Notwithstanding Section 7.5.3, the Development Officer may require the developer to provide the required off-street parking on land other than that to be developed provided that:

- a) the alternate parking site is within an acceptable distance to the site where the principal building is located or where the approved use is carried on and is within the same district;
- b) the alternate parking site is under the absolute control of the developer, or his successor, to the principal development for a term of years equal to the life of the approved principal development and that the said alternate parking site will be maintained and made available at all times in a like manner to an on-site parking space; and
- c) the absolute control is established to the satisfaction of the Council when the developer or his successor is authorized by the Village to provide one or more alternative parking site, he shall enter into an agreement under seal with the Village detailing these and such other relevant things as the Village may require and the said agreement shall be in such form as may be registered and maintained on the title or titles to such lands in the Land Titles Office.

7.4.5 A parking space shall be located on the same site or a site within a distance acceptable to the Development Officer of the building or the use for which it is required and shall be designed, located, and constructed to the Village's standards so that:

- a) it is easily accessible to the vehicle intended to be accommodated there;
- b) it is in conformity with the requirements as outlined in Section 7.4.12 and the stall width, angle, and depth, along with the aisle width, are indicated on the site plan; and
- c) it is satisfactory to the Development Officer in size, shape, location, grading, and construction.

7.4.6 A loading space shall have an area of not less than 28m<sup>2</sup> (301.3sq ft), 3.5 (11.4ft) in width, and 3.5m (11.4ft) overhead clearance.

7.4.7 Any parking space or any loading space provided shall be developed and surfaced to Village standards.

- 7.4.8 When a building is enlarged, altered or a change in the use occurs in such a manner as to cause a more intensive use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this By-law. The calculation shall be based on the number of additional parking spaces required as a result of the enlargement, alterations or change in the use of the building.
- 7.4.9 Adequate curbs or concrete bumpers or fences shall be provided to the satisfaction of the Development Officer.
- 7.4.10 The on-site parking shall be provided in the manner shown on the approved site plan, with the entire area to be graded and surfaced so as to ensure that drainage will be confined to the site, and disposed of in a manner satisfactory to the Development Officer.
- 7.4.11 Parking spaces shall not be less than 2.5m (8.2ft) in width, 6m (19.6ft) in length, and 15m<sup>2</sup> (161.4 sq ft) in area.
- 7.4.12 Parking spaces shall be designed and provided in accordance with the following table and diagram.

<b>WIDTH OF STALL m (ft)</b>	<b>ANGLE OF PARKING, DEG</b>	<b>WIDTH OF AISLE m (ft)</b>	<b>DEPTH OF STALL PERPENDICULAR TO AISLE m (ft)</b>
2.5 (8.2)	30	3.5 (11.48)	5.1 (16.73)
2.5 (8.2)	45	3.5 (11.48)	6.0 (19.66)
2.5 (8.2)	60	5 (16.4)	6.4 (20.9)

- 7.4.13 Parking spaces shall not be located in the front yard of a site in any residential district unless otherwise allowed by the Development Officer.

## **7.5 ACCESSORY BUILDING**

- 7.5.1 All accessory buildings shall be located at least 2m (6.5ft) from any principal building.
- 7.5.2 When a building used or proposed to be used as an accessory building is located or proposed to be located closer than 2m (6.5ft) to a dwelling unit, it shall be connected to that principal building by a structural element including, but not limited to, a common foundation, a common roof, or a common wall.
- 7.5.3 For the purpose of calculating yard setbacks and site coverage requirements, when an accessory building is to be attached to the principal building it shall be deemed to be part of the principal building.
- 7.5.4 An accessory building erected on a site in any residential district shall not be used as a dwelling unless otherwise approved, in accordance with this Bylaw.




- 7.5.5 When a residential site abuts a lane less than 6.1m (20ft) in width, the Development Officer may require a rear yard setback greater than the prescribed minimum.
- 7.5.6 No side yard is required for an accessory building in any district provided that:
- a) the wall of the structure nearest the property line is a fire rated wall, the exterior finish of the wall does not require maintenance and there will not be any eave overhang and footing or foundation encroachment onto the adjoining property; and
  - b) all roof drainage is directed by means of eaves, troughs, drain spouts, or such other suitable means, onto the property where the accessory building is located.
- 7.5.7 On sites without lanes, a rear yard for an accessory building is not required provided that the provisions of Section 7.5.6 are adhered to, and it will not interfere with any utility rights-of-way or overhead electrical transmission lines.
- 7.5.8 Accessory Buildings – Fabric Covered shall be considered a discretionary use in Residential Land Use Districts and shall adhere to the following requirements:
- a) not to exceed 20.4m<sup>2</sup>. (219.5sq ft) in area;
  - b) shall be a minimum 3m (9.8ft) from flammable material (e.g. burning barrels, fire pits or other open flame accessories) and vegetation;
  - c) shall be kept in good condition to the satisfaction of the Development Authority; and
  - d) shall not cause or create a nuisance by way of noise, vibration, etc. and the privacy and enjoyment of adjacent properties shall be preserved, and the amenities of the neighbourhood maintained

## **7.6 LANDSCAPING:**

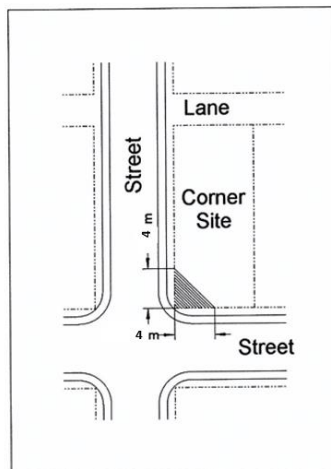
- 7.6.1 Any area required to be landscaped may, at the discretion of the Development Officer, be left in its natural state or be loamed and planted with grass, trees, shrubs, and/or flowers or similar materials or a combination thereof which enhances the appearance of the site and which complements the development thereon.

## 7.7 FENCING AND HEDGES:

- 7.7.1 In residential districts or a parcel with a residential use as the principal use, the maximum height above grade of a fence located within a yard shall be in accordance with the following:

	Location	Maximum height from grade:
	Rear yard and Interior Side Yard	2m (6.5 ft.)
	Front yard	1.2m (3.9 ft.)
	Side yard (exterior)	1.2m (3.9 ft.)

- 7.7.1 Notwithstanding any other provision contained in this Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, or tree over 0.9m (2.9 ft) in or on that part of corner site located within an Urban Reserve, Industrial, or Residential District which lies within a triangle formed by a straight line drawn between two points on the exterior boundaries of said site, 4m (13.1 ft) from the point where they intersect as indicated on the following diagram:

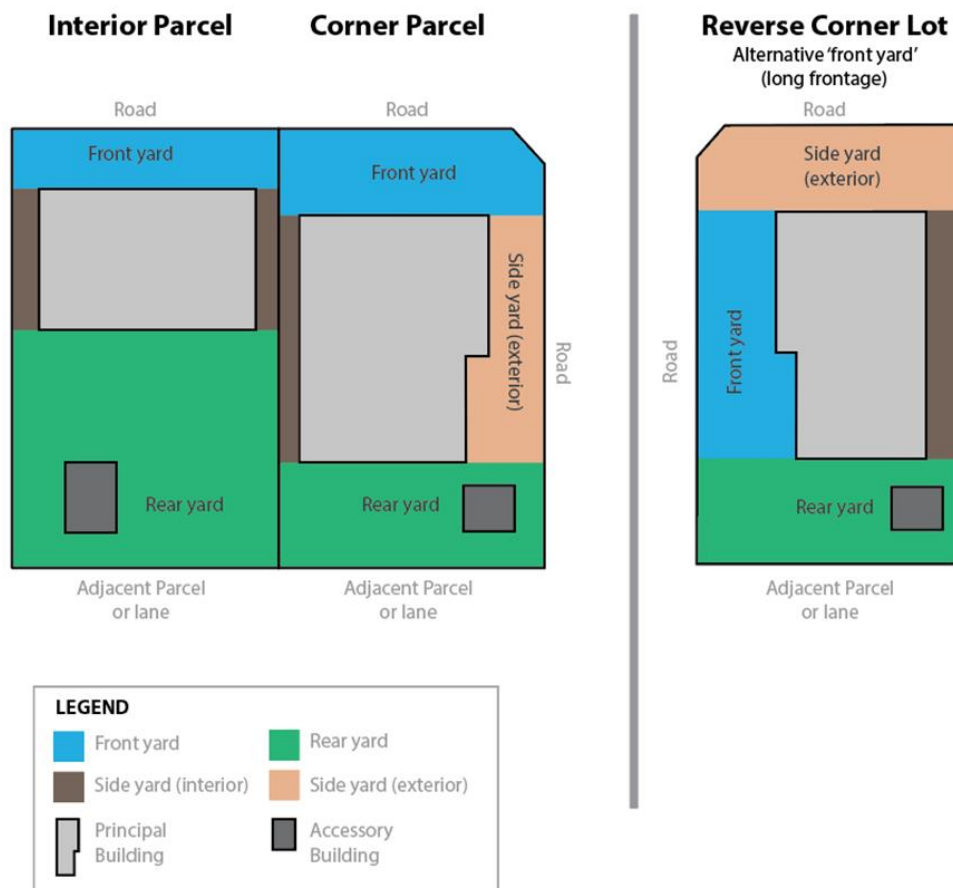


- 7.7.2 Materials used to construct fences may be wood, brick, stone or concrete, or metal and shall be aesthetically acceptable and in general conformity with adjacent development.
- 7.7.3 In all districts, hedges and trees shall be planted and trimmed to ensure public safety and/or good visibility for traffic and pedestrian purposes, and the maximum height within corner visibility triangle (see 7.7.1 above) shall not exceed 0.9m (2.9 ft).
- 7.7.4 In the case of commercial, and quasi-public uses the Development Officer may require fencing and or screening to mitigate negative impacts against adjacent uses. The fence type will be at the discretion of the Development Officer and will be dependent upon the need for the mitigation.

- 7.7.5 Swimming pools shall be fenced in accordance with Alberta Safety Codes Requirements.
- 7.7.6 Notwithstanding Section 7.7.1, the height of a fence in a Non-Residential District shall be determined by the Development Officer.
- 7.7.7 No fence shall be of barbed wire construction within Village boundaries.

## **7.8 CORNER LOTS, REVERSE CORNER LOTS AND IRREGULAR LOTS**

- 7.8.1 The parcel lines and yards of corner lots shall be determined by the following (see diagram for Corner Lots and Reverse Corner Lots below):
  - (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.
- 7.8.2 Notwithstanding 7.8.1 or anything else in this Bylaw, the Development Authority may determine a corner lot to be a reverse corner lot (see diagram for Corner Lots and Reverse Corner Lots below).
- 7.8.3 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.



7.8.4 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.

## 7.9 SCREENING, OUTSIDE STORAGE AREAS AND GARBAGE STORAGE

- 7.9.1 Garbage shall be stored in weatherproof and animal proof containers, screened from adjacent sites and public thoroughfares and be in a location easily accessible for pick up.
- 7.9.2 Outside storage areas shall be screened from adjacent sites and thoroughfares to the satisfaction of the Development Authority.

## 7.10 BED AND BREAKFAST

- 7.10.1 Bed and Breakfast accommodation shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Bed and Breakfast accommodation shall be an incidental and subordinate use to the principal residential use, shall be restricted to the dwelling unit and shall not:
- require any alterations to the principal building unless the alterations are approved by the Development Officer;

- b) create a nuisance by way of noise, parking or traffic generation;
  - c) occupy more than twenty five percent (25%) of the dwelling unit or provide for more than two (2) guest rooms in addition to the family of the owner, whichever is less;
  - d) display any form of advertising relating to the Bed and Breakfast operation on site;
  - e) sell meals or alcoholic beverages to non-overnight guests;
  - f) include a kitchen in any room rented; and
  - g) shall provide one (1) onsite parking space per guest room.
- 7.10.2 In granting a Development Permit for a Bed and Breakfast, the Development Officer shall restrict the use to a specified time limit after which an application must be made to continue the use. In no case shall a Development Permit be issued for a period that exceeds two (2) years, after which time a new application must be made to continue the use.

## **7.11 HOME OCCUPATIONS**

- 7.11.1 Where the applicant for the Home Occupation is not the registered owner of the dwelling unit proposed to be used for a Home Occupation, the applicant shall provide to the Development Authority written authorization from the registered owner(s).
- 7.11.2 A Home Occupation shall not occupy more than 20% of the habitable floor area or 30m<sup>2</sup> of a Dwelling Unit.
- 7.11.3 Storage of hazardous or dangerous materials that would increase the risk of fire as determined by a qualified fire official shall not be permitted on site. Home Occupations shall not involve any Industrial Activity.
- 7.11.4 A Home Occupation shall not operate at a time of day or night that is likely to disturb other residents or properties in the area.
- 7.11.5 A Home Occupation shall not be permitted if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or Industrial Land Use District having regard for the overall compatibility with the residential character of the area.
- 7.11.6 A Home Occupation shall not include any use or operation which will cause or create a nuisance by way of noise, electrical interference, dust, smell, smoke, or traffic generation.
- 7.11.7 No vehicle related to a Home Occupation that, in the opinion of the Development Authority, detracts from the residential character of the area shall be permitted to park in the vicinity of the Home Occupation. This may be due to size, gross vehicle weight, noise, etc.

7.11.8 A Home Occupation – Minor shall comply with the following:

- a) Shall not employ any person not residing in the Dwelling Unit
- b) Shall be contained within the principal building, accessory building or accessory structure;
- c) Outdoor storage of materials, commodities, or finished products related to the use is prohibited; and
- d) Window Signs are the only permitted sign type for a Home Occupation-Minor

7.11.9 A Home Occupation – Major shall comply with the following:

- a) An applicant shall provide a description of the business, and any other relevant information that the Development Authority may deem necessary
- b) An applicant shall provide a detailed parking plan indicating proposed resident, client and employee parking;
- c) May be permitted to employ up to a maximum of 4 employees at the discretion of the Development Authority;
- d) Shall be contained within the principal building or an accessory building;
- e) a development permit may be revoked at any time if, in the opinion of the Development Authority, the operator of the Home Occupation- Major has violated any provisions of the Bylaw and/or the conditions of the Development Permit.

## **7.12 PET CARE SERVICES**

7.12.1 Rules that apply to all Pet Care Services:

- a) Animals shall not be boarded overnight;
- b) May have the incidental sale of products relating to the services provided by the use; and

7.12.2 The Development Authority may, when issuing a development permit, determine the maximum number of animals that may be kept at any one time by the operator of a Pet Care Service.

7.12.3 Pet Care Services shall be operated in accordance with health regulations and, in particular, excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health Services.

## **7.13 KENNELS, BOARDING & BREEDING**

7.13.1 An application for a Development Permit for a Kennel shall include, among other requirements stated in this Bylaw, the following:

- a) A site plan indicating the size and location of all kennel buildings and facilities (e.g. outdoor areas, waste (feces) management areas, parking areas, signs);



- b) Floor plans illustrating the number, size and location of animal pens inside and outside the building(s);
- c) For breeding kennels, a business plan with information on the number of dogs, type of facility proposed, waste management, type (breed), ratio of females to males and anticipated litters; and
- d) For breeding and boarding services, a detailed description of how the facility will meet the Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations latest publicly available edition.

7.13.2 Kennels do not include a Veterinary Clinic.

7.13.3 Pet Care Services shall be operated in accordance with health regulations and, in particular, excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health Services.

7.13.4 Kennels may provide for the incidental sale of products relating to the services provided by the use.

7.13.5 Kennels may include enclosures, pens, runs or exercise areas

7.13.6 No buildings or exterior exercise area(s) to be used to accommodate dogs shall be allowed within 50 m (164 ft.) of any dwelling located on adjacent parcels and a diagram indicating the distances shall be submitted with the development permit application.

7.13.7 All dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building, and shall be constructed to the following standards:

- a) Interior walls and ceilings shall be constructed of washable building material;
- b) Exterior walls should be fire-resistant and impervious to moisture;
- c) Doors, window frames and window sashes should be impervious to moisture and rodent resistant;
- d) Insulation shall be required, taking into consideration the breed, age, and overall health of the dogs; and
- e) All facilities must have adequate ventilation and light.

7.13.8 The Development Authority may, when issuing a development permit, determine the maximum number of adult dogs that may be kept at any one time by the operator of a kennel.

7.13.9 All pens, rooms, exercise runs, and holding stalls shall be soundproofed if deemed necessary by the Development Authority, which shall base its decision on the number of animals to be kept at the kennel, the proximity of the use to other uses and/or other kennels, and possibility the noise from the use may adversely affect the amenities of the area.

7.13.10 In addition to soundproofing requirements, the times at which the animals are

allowed outdoors may be regulated. In particular, all dogs at a kennel, including pups, are required to be kept indoors between the hours of 10:00 p.m. and 7:00 a.m.

- 7.13.11 All kennel facilities shall be screened by both a visual and sound barrier, by fences and/or landscaping, from existing dwellings on adjacent parcels to the satisfaction of the Development Authority.
- 7.13.12 Kennels shall be operated in accordance with health regulations and, in particular, excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health Services.
- 7.13.13 Application for a development permit for a new or existing boarding or breeding kennel operation shall take into consideration the following (where applicable):
- a) Mandatory inspection report by a Doctor of Veterinary Medicine submitted with a Development Permit Application;
  - b) Any previous complaints or comments from adjacent landowners;
  - c) Complaints filed to the Alberta Society for the Prevention of Cruelty to Animals (SPCA);
  - d) Compliance with the latest publicly available edition of the Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations.
- 7.13.14 As a condition of approval, the Development Authority shall require the applicant submit an inspection report, prepared by a Doctor of Veterinary Medicine, on the anniversary date of the permit. In addition, at the discretion of the Development Authority, the applicant may be required to submit yearly inspection reports as a condition of approval or renewal.

## **7.14 PHYSICAL ENVIRONMENT**

- 7.14.1 The Development Authority may consider the environmental impact of any proposed development. The Development Authority may refer the proposal to a relevant provincial department for comments on the nature of the environmental concern.
- 7.14.2 Where a development is considered to have a significant environmental impact, the Development Authority may request the developer to have an environmental evaluation prepared and submitted by an appropriate professional, or undertake its own environmental evaluation regarding the proposed development.
- 7.14.3 All costs associated with an environmental evaluation are the responsibility of the developer.

## **7.15 RELOCATION OF BUILDINGS**

- 7.15.1 Where a Development Permit has been granted for the relocation of a building on the same site or from another site, the Development Authority may require the applicant

to provide a Performance Bond or a letter of credit in the minimum amount to ensure completion of any renovations set out as a condition of approval of the permit and for repair or replacement of any damaged curb stops, valve boxes, manhole cover, catch-basins, culverts, pipelines, sidewalks, curbs and gutters, lanes, roads and any surface or underground improvement on or abutting the land which is affected by the construction or demolition activity. The deposit may be waived if, in the opinion of the Development Officer, there are no improvements abutting the property that could sustain damage during construction or improvements required to the relocated building.

- 7.15.2 All renovations to a relocated building are to be completed within one (1) year of the issuance of the Development Permit.
- 7.15.3 Prior to approving a Development Permit for a moved in building, the Development Authority may obtain the views in writing of the adjacent registered property owners.
- 7.15.4 The Development Officer may request that an application to relocate a building or structure be accompanied by recent photographs of the building or structure, and wherever possible the Development Officer may inspect the building or structure. If the relocated building is not in compliance with the photographs provided, MPC may require the building to be removed.
- 7.15.5 The design, external finish and architectural appearance of any relocated building or structure shall be similar to and complement the existing structures on the parcels adjacent to the parcel onto which the building or structure is to be located.  
  
It is the owner's or agent's responsibility to ensure, prior to commencement of construction or demolition, that there is no previous damage as listed in Section 7.15.1. If there is existing damage, it shall be reported to the Development Officer before the work commences.
- 7.15.6 Rough landscaping (spreading of topsoil) must be completed before the damage deposit is refunded.
- 7.15.7 The property owner or agent is responsible to have the necessary improvement cleared and visible for the initial and final inspection by the Village.
- 7.15.8 The property owner or agent shall apply to the Development Officer for the refund of the bond or deposit.
- 7.15.9 When an application for a refund of the bond or deposit is made, the Development Officer shall inspect the site for damage.
- 7.15.10 If no damage has occurred, the deposit shall be refunded in full.
- 7.15.11 If damage has occurred, the deposit shall be used to cover the cost of any repairs needed and any outstanding amount shall be directed to the property owner.
- 7.15.12 The bond or deposit cannot be transferred to another property.

## **7.16 DEMOLITION**

- 7.16.1 A development permit shall be required for the demolition of a building with an area of 54m<sup>2</sup> (581.2 sq. ft) or greater.

- 7.16.2 Whenever a demolition or removal of a building is carried out the person causing the same to be made, shall, at his or her own expense, protect from displacement any wall, sidewalk, or roadway liable to be affected by such demolition and shall sustain, protect and underpin the same so that they will remain in the same condition as before the demolition or removal was commenced and ensure that adequate measures shall be taken by way of fencing and screening to ensure the general public's safety.
- 7.16.3 Whenever a development permit is issued for the demolition or removal of a building it shall be a condition of the permit that the site shall be properly cleaned, with all debris removed, and left in a graded condition.
- 7.16.4 The demolition of a building must be carried out so as to create a minimum of dust or other nuisance, and the property shall be reclaimed to a satisfactory state.

## **7.17 RESIDENTIAL BUILDINGS ON THE SAME SITE**

- 7.17.1 No person shall erect more than one (1) principal building on a site in any Residential Land Use District unless otherwise permitted in this Bylaw (e.g. secondary suite or backyard suite).
- 7.17.2 No person shall erect or maintain a residential building on a site on which another residential building is already located unless the building site is designed for multiple unit development.

## **7.18 SIGN CONTROL**

- 7.18.1 Excepting traffic control signs and those temporary signs outlined in Section 4.2.1(h), all signs shall comply with the provisions set out for the district in which the sign is to be located.
- 7.18.2 No sign shall be erected so as to obstruct free and clear vision of vehicular traffic, or be located, or display a light intensity or colour where it may interfere with, or be confused with, any authorized traffic sign, signal, or device, and in so doing, create a traffic hazard.
- 7.18.3 Signs other than fascia signs which overhang any abutting Municipal, Provincial, or Federal property are prohibited.
- 7.18.4 Within a Residential District, one identification sign per site may be permitted as follows:
- a) a fascia sign which does not exceed 864in<sup>2</sup> (0.56m<sup>2</sup> or 6 ft<sup>2</sup>.) in area to identify home occupation – major and must be constructed of durable material and properly secured or anchored; or
  - b) A window sign for a home occupation- minor; or
  - c) a free standing or fascia sign when used to identify an apartment building, church,

day care centre, nursery school, or manufactured home park which does not:

- i. exceed 1.5m<sup>2</sup> (16.1 sq ft) in area,
- ii. project back 0.6m (1.9ft) from the property line, or
- iii. exceed 3.6m (11.8ft) in height.

7.18.5 Within a Commercial or Industrial District, advertising, identification, or directional signs may be allowed as follows:

- a) free standing signs provided that:
  - i. exceed 1.5m<sup>2</sup> (16.1 sq ft) in area,
  - ii. the total sign area for each face shall not exceed 1.5m<sup>2</sup> (16.1sq ft);  
and
  - iii. the sign shall not project within 600mm (1.97ft) back from a property line.
- b) fascia signs provided that the total copy area of a sign or signs shall not exceed 20% of the face of the building or bay to which the sign is attached;
- c) projecting signs provided that:
  - i. the maximum area shall be 9m<sup>2</sup> (96.8sq ft);
  - ii. a sign shall not rise more than 300mm (11.8in) above a parapet;
  - iii. a sign shall not project within 600mm (23.6in) back from the property line;
  - iv. a minimum of 3m (9.8ft) shall be provided between the bottom of a sign and a private sidewalk or walkway; and
  - v. the structural supports and anchors have been approved by a professional structural engineer.
- d) projecting signs provided that:
  - i. a sign shall appear as an architectural blade with no visible support structures;
  - ii. no portion of a sign shall overhang the roof on which it is located;  
and
  - iii. the maximum area of a sign shall be 9m<sup>2</sup> (96.8sq ft).

7.18.6 Within an Urban Reserve District, identification or directional signs may be allowed as follows:

- a) one free standing directional sign per site which does not exceed 1m<sup>2</sup> (10.7sq ft) in area nor 6m (19.6ft) in height to identify the permissible use in the district.

7.18.7 Billboards may be allowed in an Urban Reserve, Commercial or Industrial District

provided that:

- a) the maximum dimensions shall not be larger than 3m (9.8ft) by 12m (39.3ft);
- b) the billboard does not block natural light to the windows of the building behind it;
- c) the lighting of the billboard does not adversely affect neighbouring residential sites and/or traffic lights;
- d) the billboard is not located on the Village's boulevards;
- e) the billboard is a minimum of 305m (1000.6ft) from any other billboard, and does not materially obscure the view of the landscape; and
- f) the location of the billboard shall comply with setbacks applicable to free standing signs.

7.18.8 In considering a development application for a sign, the Development Officer shall have due regard to the amenities of the District in which the sign is located and the design of the proposed sign.

## **7.19 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS**

7.19.1 The authority for Section 7.19.2 to Section 7.19.7 inclusive, are provided for in Section 643 of the Municipal Government Act and should be consulted.

7.19.2 A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

7.19.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

7.19.4 A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

7.19.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:

- a) to make it a conforming building;
- b) as may be deemed necessary by the Development Officer for the routine maintenance of the building; or
- c) in accordance with this Bylaw that provides minor variance powers to the Development Officer

7.19.6 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

- 7.19.7 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.
- 7.19.8 When a building is a non-conforming building solely by reason of its encroachment into a required front, side, or rear yard, or inadequate parking, the Development Officer at his/her discretion may allow an extension of, or an addition to, the building if such extension or addition will not in itself constitute an encroachment into any required yard, and if such extension or addition complies with the provisions of this Bylaw.
- 7.19.9 A building that encroaches into a required front, side, or rear yard by reason of conversion from imperial units of measurement to metric units of measurement as contained within this Bylaw is considered to be a conforming building.

## **7.20 LAND NEAR WATER OR SUBJECT TO FLOODING OR SUBSIDENCE**

- 7.20.1 Development on land that is subject to flooding, subsidence, is marshy or unstable shall be discouraged, but when such development is allowed the developer shall hold the Municipality harmless from any damage to, or loss of, the development caused by flooding, subsidence, or other similar causes

## **7.21 DRAINAGE**

- 7.21.1 Any area requiring landscaping or topographic reconstruction shall be landscaped or reconstructed so that the finished surface contours do not direct surface drainage onto an adjoining site.

## **7.22 CONTROLLED APPEARANCE**

- 7.22.1 The design, character, and appearance of any building, structure, or sign proposed to be erected or located in any District, must be acceptable to the Development Authority, having due regard to the amenities and the character of existing development in the District, as well as to its effect on adjacent Districts.

## **7.23 STORAGE STRUCTURES**

- 7.23.1 A storage structure shall meet the setback requirements for an accessory building in the appropriate district.
- 7.23.2 A storage structure shall be screened from view as required by the Municipal Planning Commission and/or may require exterior finishing to be in general conformance with the principal building or surrounding development.
- 7.23.3 A storage structure shall not be permitted in residential areas or on parcels where the primary land use is residential.
- 7.23.4 A storage structure shall not be used as a sign.
- 7.23.5 A storage structure may be approved on a temporary basis during construction within any Land Use District

## 7.24 SECONDARY SUITES & BACKYARD SUITES

- 7.24.1 Development of a “Dwelling, Secondary Suite” or “Dwelling, Backyard Suite” shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval
- 7.24.2 An application for a “Dwelling, Secondary Suite” or “Dwelling, Backyard Suite” shall include a detailed parking plan outlining:
- a) Proposed off-street parking in line with the parking requirements outlined in Section 7.4.4, and
  - b) On-street parking available in the area
- 7.24.3 All required off-street parking stalls for a “Dwelling, Secondary Suite” or “Dwelling, Backyard Suite” shall be hard surfaced (e.g. cement, pavement/asphalt, etc.).
- 7.24.4 A “Dwelling, Secondary Suite” and a “Dwelling, Backyard Suite” cannot be located on the same property.

### **Secondary Suites Regulations**

- 7.24.5 A “Dwelling, Secondary Suite” shall only be developed within the principal dwelling and shall not be developed within a detached garage and/or accessory structure.
- 7.24.6 The minimum floor area for a “Dwelling, Secondary Suite” shall be not less than 30 m<sup>2</sup> (322.92 sq. ft.).
- 7.24.7 “Dwelling, Secondary Suite” shall be developed in such a manner that the exterior of the principal dwelling containing the “Dwelling, Secondary Suite” shall appear as a single-detached dwelling.
- 7.24.8 Only one Dwelling, Secondary Suite may be developed in conjunction with a principal dwelling.
- 7.24.9 A “Dwelling, Secondary Suite” shall not be separated from the principal dwelling through a condominium conversion or subdivision.

### **Backyard Suites Regulations**

- 7.24.10 Development of a “Dwelling, Backyard Suite” shall comply with the following:
- a) Must be located in a detached building located behind the front façade of the principal Dwelling Unit.
  - b) May be attached to or on the second storey of an Accessory Building
  - c) A maximum of one (1) “Dwelling, Backyard Suite” is permitted on a parcel.
  - d) Must comply with all development standards for accessory Buildings in the Land Use District that the property falls within.
  - e) The exterior colour and materials, roof pitch, and window door styles of a “Dwelling” Backyard Suite must, at the discretion of the Development Authority, match or complement the principal Dwelling Unit.



## **7.25 SUBDIVISION OF LAND**

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

## **7.26 UNDERMINING OR SUBSIDENCE CONDITIONS**

- 7.26.1 Where development is proposed for land which has potential undermining or subsidence conditions, no Development Permit shall be granted unless the Development Authority is satisfied that hazards and other problems will not adversely affect the development as proposed. Valid engineering tests may be required.

## **7.27 MANUFACTURED HOMES**

- 7.27.1 In determining the suitability of a Manufactured Dwelling for placement on a parcel, consideration shall be given to its condition and appearance in context with the adjacent parcels.
- 7.27.2 The undercarriage of each manufactured home shall be completely screened from view by the foundation or by skirting within thirty (30) days of placement of the manufactured home.
- 7.27.3 All manufactured homes shall be provided with steps and landings to all entrances within thirty (30) days of their placement.
- 7.27.4 All accessory structures such as steps, patios, porches, additions, skirting and storage facilities shall be of complementary quality and design to the Manufactured Dwelling
- 7.27.5 Each manufactured home shall be connected to and be serviced by electrical power, natural gas and the Village's sanitary sewer and water supply.
- 7.27.6 Manufactured Dwellings constructed greater than eight (8) years at the time of development permit application may not be approved at the discretion of the Development Authority.

## **7.28 BULK FUEL, LIQUEFIED PETROLEUM GASES AND CHEMICAL STORAGE AND DISTRIBUTION FACILITIES**

- 7.28.1 Development for the purpose of storing natural gas, petroleum products or hazardous chemicals for distribution shall conform to the setback requirements of applicable Provincial and Federal legislation and regulations.

## **7.29 TEMPORARY BUILDINGS**

- 7.29.1 The Development Authority may conditionally approve a temporary building to be constructed or located in any Land Use District subject to the owner agreeing to remove said building in accordance with the terms and conditions affixed by the Development Authority.
- 7.29.2 A temporary building shall not exceed one storey in height and shall not have a basement or a cellar or any below grade foundation.
- 7.29.3 A temporary building shall be maintained at all times
- 7.29.4 No temporary building shall be serviced by Village sewage or water supply systems. Notwithstanding the foregoing however, when a temporary use is established in a building or on a site with existing municipal water or sewer services or both, those services may be temporarily used in accordance with the terms and conditions affixed by the Development Authority.
- 7.29.5 The Development Authority may require skirting around the base of a temporary building.
- 7.29.6 An application to extend the duration of a temporary permit shall be dealt with as a new application. There shall be no obligation to approve it on the basis that the previous permit had been issued.

## **7.30 RENEWABLE ENERGY SYSTEMS**

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

## **7.31 SMALL WIND ENERGY SYSTEMS**

- 7.31.1 Upon deeming an application for a Small Wind Energy System complete, the Development Authority shall circulate a notification of the proposal to adjacent parcels prior to making a decision.

- 7.31.2 The maximum height of a tower shall be:
- (a) 25.0 m where the parcel area is no less than 0.2 ha (0.49 ac) and no greater than 0.4 ha (0.98 ac); and
  - (b) no maximum tower height for parcels that are greater than 0.4 ha (0.98 ac) in area.
- 7.31.3 The tower base of a Small Wind Energy System shall be no closer to the property line of a parcel than the total system height. No part of the tower structure, including guy wire anchors, shall extend closer than 3.0 m to the property line of the parcel.
- 7.31.4 The tower base of a Small Wind Energy System shall be no closer to a Dwelling Unit or Public Building on an adjacent parcel than the total system height of the Small Wind Energy System.
- 7.31.5 Notwithstanding 7.31.3 and 7.31.4, the Development Authority may grant a relaxation to the setback requirements if the adjacent parcel owner(s) grant an easement for the Small Wind Energy System.
- 7.31.6 Notwithstanding 7.31.4, the Development Authority may require a greater setback where shadow flicker will negatively impact the use and enjoyment of an adjacent parcel.
- 7.31.7 Noise from a Small Wind Energy System shall not negatively impact the use and enjoyment of an adjacent parcel by increasing the ambient background noise, in the opinion of the Development Authority. A report, prepared by a qualified professional, may be required to determine the sound level of the Small Wind Energy System measured at the property line.
- 7.31.8 The Development Authority may consider visual impact concerns where there is significant historical or scenic value associated with the proposed siting of a Small Wind Energy System.
- 7.31.9 If the active production of electricity from a Small Wind Energy System is discontinued for two years or more, the Small Wind Energy System shall be removed. Upon termination of the use, the entire facility shall be removed and the installation site shall be restored to a natural state or to its prior condition.

# Part 8 Districts

## 8 Districts

---

### 8.1 ESTABLISHMENT OF LAND USE DISTRICTS

- 8.1.1 For the purpose of this Bylaw, the land within the boundaries of the Municipality shall be divided into one or more of the Districts as established in Section 8.2.
- 8.1.2 Throughout this Bylaw and amendments thereto a District may be referred to either by its full name or its abbreviation as set out in Section 8.2.

### 8.2 DISTRICTS

8.2.1 The Districts in the Village are:

---

Short Title	District Name
a) R	Residential District
b) R-MH	Residential – Manufactured Home District
c) C	Commercial District
d) I	Industrial General District
e) UR	Urban Reserve District
f) CS	Community Service District

---

### 8.3 DISTRICT BOUNDARIES

- 8.3.1 The boundaries of the districts listed in above are as delineated on the Land Use District Map in **Part 9**.
- 8.3.2 Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:
  - (a) **RULE 1.** Where a boundary is shown as following a street, lane, stream or canal it shall be deemed to follow the centre line thereof;
  - (b) **RULE 2.** Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

- (c) **RULE 3.** In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined:
  - (a) using any dimensions given on the map, or
  - (b) where no dimensions are given, measurement using the scale shown on the map.
- 8.3.3 Where the exact location of the boundary of a Land Use District cannot be determined, using the rules in subsection **8.3.2** 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.
- 8.3.4 In the case of the water bodies, streams, rivers or other cases, the municipal boundary shall be as determined in accordance with the *Municipal Government Act*.
- 8.3.5 The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.
- 8.3.6 The Council shall keep a list of its decisions fixing the locations of district boundaries.

## 8.4 RESIDENTIAL DISTRICT (R) LAND USE RULES

### 8.4.1 Purpose:

The purpose and intent of this District is to provide for residential neighbourhoods composed of predominantly single-family dwellings with integration of some two-family development.

### 8.4.2 Permitted Uses:

List of Permitted Uses:

(a)	Dwelling, Single Detached (all types excluding Manufactured Homes and Moved-On)
(b)	Greenhouse, Private (accessory to the principal residential use)
(c)	Home Occupation; Minor
(d)	Community Recreational Facility; and
(e)	Signs

### 8.4.3 Discretionary Uses

List of Discretionary uses:

(a)	Accessory Building or Structure	(l)	Dwelling, Secondary Suite
(b)	Accessory Structure – Fabric Covered	(m)	Group Care Facility
(c)	Accessory Use	(n)	Home Occupation; Major
(d)	Child Care Facility	(o)	Public Utility Building
(e)	Demolition	(p)	Renewable Energy Systems
(f)	Dwelling, Apartment	(q)	Senior Citizen Accommodation
(g)	Dwelling, Attached Housing	(r)	Signs
(h)	Dwelling, Backyard Suite	(s)	Swimming Pool
(i)	Dwelling, Duplex	(t)	Worship Facility
(j)	Dwelling, Manufactured Home		
(k)	Dwelling, Moved On		

8.4.4 In addition to the general land use provisions contained in Section 7, the following provisions as contained within Section 8.4.5 to Section 8.4.12 shall apply to every development in the District.

8.4.5 The minimum requirements of the area of a site in a Residential District are:

- (a) Dwelling, Single Detached: 464m<sup>2</sup> (4,994.4sq ft);

- (b) Dwelling, Semi-Detached and Attached: 279m<sup>2</sup> (3,003.1sq ft) for each dwelling or 326m<sup>2</sup> (3,509sq ft) for each dwelling unit with a side yard abutting a street; or
- (c) Dwelling, Duplex: 464m<sup>2</sup> (4,994.4sq ft).

8.4.6 The minimum requirements of the width of site in a Residential District

- (a) Dwelling, Single Detached: 15m (49.2ft);
- (b) Dwelling, Attached: 9m (29.5ft) for each dwelling or 10.5m (34.45ft) for each dwelling unit with a side abutting a street; or
- (c) Dwelling, Duplex: 15m (49.2ft).

8.4.7 All front yards shall be a minimum of 6.1m (20ft.).

8.4.8 The minimum requirements for a side yard in a Residential District are:

- (a) Principal Buildings
  - i. Street side of corner site, 3m (9.8 ft);
  - ii. Principle building with lane access, 1.5m (4.2 ft)
  - iii. Principle Building with front access, 3.0m (9.8 ft)
- (b) Accessory Buildings:
  - i. 1m (3.2ft)

8.4.9 The minimum requirements for a side yard in a Residential District are:

- (a) Principal Buildings: 7.6m (24.9ft); and
- (b) Accessory Buildings: 1m (3.2ft).

8.4.10 The minimum requirements for habitable floor area per unit in a Residential District are:

- (a) Dwelling, Single Detached: 74m<sup>2</sup> (796.5sq ft); or
- (b) Dwelling, Duplex and Attached: 65m<sup>2</sup> (699.6sq ft).

8.4.11 The maximum limits of the coverage of a site in a Residential District are:

- (a) All buildings including accessory buildings not more than 50% of the area of the site; and
- (b) All accessory buildings not more than 25% of the area of the site.

8.4.12 The maximum limits of the height of buildings in a Residential District are:

- (a) Principal Building: 9m (29.5ft); and
- (b) Accessory Building: 5m (16.4ft)

**Additional Requirements for Manufactured Homes:**

8.4.13 The minimum width of a Manufactured Dwelling shall be 6.7m (22ft).

8.4.14 The design and appearance of a Manufactured Dwelling shall be to the satisfaction of the Development Authority, and may be required to include enhanced design elements that add visual interest such as:

- (a) A porch or veranda on the front façade;
- (b) horizontal wall articulation on the front façade;
- (c) the use of thick columns or brackets on roof overhangs;
- (d) dormers, gables, cross gables or varied pitches for articulated roof lines;
- (e) large or bay windows on the front façade, with strong window trim;
- (f) architectural features or other detailing over entrances;
- (g) changes in exterior siding materials, textures and colors to break up long wall expanses; and
- (h) the use of trim and moldings that contrast the exterior siding.



## 8.5 RESIDENTIAL DISTRICT – MANUFACTURED HOME (R-MH) LAND USE RULES

### 8.5.1 Purpose:

The purpose and intent of this District is to provide for a Residential Manufactured Home neighbourhood in which manufactured homes are accommodated on an individual site basis with permanent foundations and individual service connections.

### 8.5.2 Permitted Uses:

#### List of Permitted Uses

(a)	Dwelling, Manufactured Home
(b)	Greenhouse, Private
(c)	Home Occupation; Minor

### 8.5.3 Discretionary Uses:

#### List of discretionary uses:

(a)	Accessory Building or Structure	(h)	Home Occupation; Major
(b)	Accessory Structure – Fabric Covered	(i)	Public Utility Building
(c)	Backyard Suite	(j)	Renewable Energy Systems
(d)	Child Care Facility	(k)	Signs
(e)	Demolition	(l)	Swimming pools
(g)	Dwelling – Moved On		

8.5.4 In addition to the General Land Use Provisions contained in Section 7, the following provisions as contained within Section 8.5.5 to Section 8.5.12 shall apply to every development in the District.

8.5.5 The minimum requirement for the area of a site in a Residential – Manufactured Home District is 464m<sup>2</sup> (4,994.4 sq ft).

8.5.6 The minimum requirement for the width of a site in a Residential – Manufactured Home District is 15m (49.2ft).

8.5.7 The minimum requirement for the front yard in a Residential – Manufactured Home District is 4.5m (14.7ft) and the front yard setbacks of principal buildings may be varied in order to maximize the visual amenity of the district.

8.5.8 The minimum requirements for side yards in a Residential – Manufactured Home District are:

- (a) Principal Buildings

- i. Street side of a corner site: 3m (9.8ft);
- ii. on the side or end wall of the home containing the main entrance door, or window to a living room, a minimum side yard of 4.5m (14.7ft) shall be provided, and the other side yard shall be 1.5m (4.9ft); and
- iii. notwithstanding Subsection (ii) above, where an addition is proposed to a mobile home, one side yard shall be 3m (9.8ft) and the other side yard shall be 1.5m (4.9ft).

(b) Accessory Buildings:

- i. Street side of a corner site: 3m (9.8ft); and
- ii. all other sides: 1.5m (4.9ft) except where no side yard is required as per Part 7 in this Bylaw.

8.5.9 The minimum requirements for rear yards in a Residential – Manufactured Home District are:

- (a) Principal Buildings: 4.5m (14.7ft); and
- (b) Accessory Buildings: 1m (3.2ft) except when no rear yard is required as per Part 7 of this Bylaw.

8.5.10 The minimum requirement of the habitable floor area per unit in a Residential – Manufactured Home District is 55m<sup>2</sup> (592sq ft).

8.5.11 The maximum limits of the height of buildings in a Residential – Manufactured Home District are:

- (a) Manufactured Homes: 5m (16.4ft);
- (b) Other Dwelling Types: 9m (29.5ft); and
- (c) Accessory Buildings: 5m (16.4ft).

8.5.12 The maximum limits of the coverage of a site in a Residential – Manufactured Home District are:

- (a) All building together, including accessory buildings: 50% of the site; and
- (b) All accessory buildings: 25% of the site.

**Additional Requirements for Manufactured Homes:**

8.5.13 The minimum width of a Manufactured Dwelling shall be 6.7m (22ft).

8.5.14 The design and appearance of a Manufactured Dwelling shall be to the satisfaction of the Development Authority, and may be required to include enhanced design elements that add visual interest such as:

- (i) A porch or veranda on the front façade;
- (j) horizontal wall articulation on the front façade;
- (k) the use of thick columns or brackets on roof overhangs;
- (l) dormers, gables, cross gables or varied pitches for articulated roof lines;
- (m) large or bay windows on the front façade, with strong window trim;
- (n) architectural features or other detailing over entrances;
- (o) changes in exterior siding materials, textures and colors to break up long wall expanses; and
- (p) the use of trim and moldings that contrast the exterior siding.

8.5.15 All Manufactured Homes shall be in accordance with the Manufactured Home requirements listed in Section 7.28.

8.5.16 Each dwelling in a Residential – Manufactured Home District shall be located on a lot registered in the Land Titles Office.

## 8.6 COMMERCIAL DISTRICT (C) LAND USE RULES

### 8.6.1 Purpose:

The purpose and intent of this District is to provide for commercial and retail developments serving the Village and the surrounding rural areas.

### 8.6.2 Permitted Uses:

List of permitted uses:

(a)	Bus Terminal	(j)	Personal Service Shop
(b)	Clinic	(k)	Pet Care Service
(c)	Community Recreational Facility	(l)	Pet Store
(d)	Convenience Store	(m)	Public or Quasi- Public Structures, Installation and Facilities
(e)	Cultural Establishment	(n)	Public Utility Building
(f)	Eating Establishment	(o)	Recreational Vehicle
(g)	Essential Public Service	(p)	Retail Store
(h)	Hotel/Motel	(q)	Shopping Centre
(i)	Parking Lot	(r)	Worship facility

### 8.6.3 Discretionary Uses:

List of discretionary uses:

(a)	Accessory Building	(m)	Dwelling, Accessory Residential *See additional requirements below
(b)	Alternative Health Care Services	(n)	Kennel Boarding & Breeding
(c)	Amusement Centre	(o)	Intensive Vegetative Operation
(d)	Auto Body & Paint Shop	(p)	Liquor Store
(e)	Automotive Repair and Service Shop	(q)	Gas Bar
(f)	Automobile Vehicle Sales	(r)	Renewable Energy Systems
(g)	Billboards	(s)	Service Station
(h)	Car Washing Establishment	(t)	Signs
(i)	Child Care Facilities	(u)	Small Wind Energy System
(j)	Communication structure	(v)	Storage
(k)	Demolition	(w)	Tradesman's Shop
(l)	Drinking Establishment		

- 8.6.4 In addition to the general land use provisions contained in Part 7, the following provisions as contained within Section 8.6.5 to Section 8.6.11 shall apply to every development in this District.
- 8.6.5 The minimum requirement for the area of a site in the Commercial District is 302m<sup>2</sup> (3250.7sq ft)
- 8.6.6 The minimum requirement for the width of a site in the Commercial District is 7.6m (24.9ft).
- 8.6.7 There is no minimum requirement for a front yard in the Commercial District.
- 8.6.8 The minimum requirement for a rear yard in the Commercial District is 5m (16.4ft).
- 8.6.9 The minimum requirement for a side yard adjacent to a Residential District in the Commercial District is 3m (9.8ft) with no side yard required for all other locations.
- 8.6.10 The maximum limit for the height of buildings in the Commercial District is 9m (29.5ft) unless otherwise approved for a specific use that requires a greater height at the discretion of the Municipal Planning Board.
- 8.6.11 All development in the Commercial District shall require screening as follows:
- (a) all sites abutting a Residential District shall be screened from the view of the Residential District to the satisfaction of the Development Authority;
  - (b) all apparatus on the roof shall be screened to the satisfaction of the Development Officer; and
  - (c) all outside storage of material or equipment shall be enclosed from view from roadways and park reserve to the satisfaction of the Development Officer.
- 8.6.12 Dwelling, Accessory Residential Accommodation shall be subordinate to the principal commercial use of the building.
- 8.6.13 In examining any proposed use for this District, due regard shall be paid to the compatibility of the proposed use with existing use on or adjacent to the site.
- 8.6.14 The exterior finishing materials of the proposed development must be in accordance with the approved plans.
- 8.6.15 Notwithstanding any other provision of this Bylaw, the Development Officer may allow a building to be occupied by a combination of one or more uses listed for this District and each use shall be considered as a separate use.

**Additional Requirements - Dwelling, Accessory Residential:**

- 8.6.16 Must be situated above, under, or in the back of a commercial business in the Commercial District.

8.6.17 Residential unit must maintain its own access and egress and must meet the parking requirements for Dwelling, Accessory Residential in Section 7.5 of this bylaw.

## 8.7 INDUSTRIAL GENERAL DISTRICT (I) LAND USE RULES

### 8.7.1 Purpose:

The purpose and intent of this District is to provide for a range of industrial uses of a manufacturing, processing, assembling, or distributing nature.

### 8.7.2 Discretionary Uses:

List of discretionary uses:

(a)	Abattoir	(t)	Light Manufacturing
(b)	Accessory Building	(u)	Tradesman's Shop
(c)	Agricultural Supply Depot	(v)	Manufacturing, Processing, Or Assembly Facility
(d)	Auto Body & Paint Shop	(w)	Natural Resource Extractive Industries
(e)	Automotive Repair and Service	(x)	Office (accessory to the principal industrial use)
(f)	Automotive Vehicle Sales	(y)	Parking Lot
(g)	Billboards	(z)	Public and Quasi-Public Structures, Installations, and Facilities
(h)	Building Supply Centre	(aa)	Pet Care Service
(i)	Bulk Fuel or Chemical Storage and Distribution Centre	(bb)	Public Utility Building
(j)	Car Washing Establishment	(cc)	Renewable Energy Systems
(k)	Communication Tower	(dd)	Service Station
(l)	Demolition	(ee)	Signs
(m)	Dwelling, Accessory Residential	(ff)	Small Wind Energy System
(n)	Equipment Rental Shop	(gg)	Storage Structure
(o)	Fabric Covered Building	(hh)	Storage Yard
(p)	Grain Elevator	(ii)	Warehousing
(q)	Heavy Manufacturing	(jj)	Veterinarian Clinic
(r)	Intensive Vegetative Operation		
(s)	Kennel Boarding & Breeding		

8.7.3 In addition of the general land use provisions contained in Section 7, the following provisions as contained within Section 8.7.4 to Section 8.7.19 shall apply to every

development in this District.

- 8.7.4 The minimum requirement for the area of a site in the Industrial District is 929m<sup>2</sup> (9999.6sq ft).
- 8.7.5 The minimum requirement for the width of a site in the Industrial District is 30m (98.4ft).
- 8.7.6 The minimum requirements for front yards in the Industrial District are as follows:
- (a) except as hereinafter provided: 7.6m (24.9ft);
  - (b) when adjacent to a secondary highway without a service road: 28m (91.8ft) from the nearest limit of the right of way of the nearest secondary or primary road; and
  - (c) the front yard requirements shall not apply to gas pumps, free-standing or projecting signs or billboards.
- 8.7.7 The minimum requirements for side yards in the Industrial District are as follows:
- (a) except as hereinafter provided, a minimum of 1.5m (4.9ft);
  - (b) where a fire-resistant wall is provided, no side yard is required; and
  - (c) in a laneless subdivision, one unobstructed side yard shall be a minimum of 6m (19.6ft) excluding corner sites with alternative rear access from a side yard abutting a street. This does not include the accessory building when the accessory building is located to the rear of the principal building and is separated from such building by a distance of 12m (39.3ft) measured parallel to the side property line.
- 8.7.8 The minimum requirements for rear yards in the Industrial District are as follows:
- (a) there shall be no required rear yard setback other than where loading doors abut a street or lane, in which case, the requirements for loading and unloading are as contained in Part 7; and
  - (b) on a laneless site, if a rear yard is provided, it shall be a minimum of 1m (3.2ft).
- 8.7.9 The maximum limits for the height of buildings in the Industrial District is 9m (29.5ft) unless otherwise approved for a specific use that requires a greater height at the discretion of the Municipal Planning Board.
- 8.7.10 The exterior finishing materials of the proposed development must be in accordance with the approved plan.
- 8.7.11 The boulevard and a minimum of 5% of the site area must be landscaped in accordance with the plan approved by the Development Officer and any trees or shrubs which die must be replaced during the next planting season.



- 8.7.12 All development in the Industrial District shall require screening as follows:
- (a) all sites abutting a Residential District shall be screened from the view of the Residential District to the satisfaction of the Development Officer; and
  - (b) all apparatus on the roof shall be screened to the satisfaction of the Development Officer.
- 8.7.13 Industrial uses which emit airborne pollutants and/or noxious odors or which have fire or explosive risks shall be required to meet minimum separation distances from residential areas and also from other industrial developments in accordance with the requirements of Provincial and Federal legislation and best practices.
- 8.7.14 The application for Industrial Development shall supply relevant information describing any noxious, dangerous, or offensive features of the proposed development in relation to:
- (a) airborne pollutants or odors;
  - (b) release of any toxic, radioactive, or environmentally hazardous materials; and
  - (c) flammable or explosive materials, and describe their intensity and area of impact.
- 8.7.15 Applications for development, along with the information required in Section 8.7.14 may be referred to Alberta Environmental Protection.
- 8.7.16 An application for approval of a use employing highly flammable chemical materials must be accompanied by a plan approved by the Hussar Rural Fire Department and all other appropriate government departments.
- 8.7.17 All exterior work areas, storage areas, and waste handling areas shall be enclosed from view from roadways and park reserves to the satisfaction of the Development Officer and storage will not project above the height of the screening material.
- 8.7.18 Fencing shall be of appropriate materials and height to the satisfaction of the Development Officer.
- 8.7.19 Wrecked or damage vehicles permitted to be located on the property must be screened to the satisfaction of the Development Officer.

**Additional Requirements- Dwelling, Accessory Residential:**

- 8.7.20 Must be situated above, under, or in the back of a commercial business in the Commercial District.
- 8.7.21 Residential unit must maintain its own access and egress and must meet the parking requirements for Dwelling, Accessory Residential in Section 7.5 of this bylaw.

## 8.8 URBAN RESERVE DISTRICT (UR) LAND USE RULES

### 8.8.1 Purpose:

The purpose and intent of this District is to provide for the continuation of existing rural pursuits and the future expansion of urban development.

### 8.8.2 Permitted Uses:

List of Permitted Uses:

(a)	Community Recreational Facility
-----	---------------------------------

### 8.8.3 Discretionary Uses:

List of Discretionary Uses

(a)	Accessory Buildings
(b)	Communication Structures
(c)	Demolition
(d)	Extensive Agricultural Uses
(e)	Intensive Vegetative Operation
(f)	Public and Quasi-Public Structures, Installations and Facilities
(g)	Public Utility Building
(h)	Renewable Energy Systems
(i)	Signs
(j)	Small Wind Energy System
(k)	Storage Structure
(l)	Swimming Pool

8.8.4 In addition to the general land use provisions contained in Section 7, the following provisions as contained within Section 8.8.5 to Section 8.8.10 shall apply to every development in this District.

8.8.5 The minimum requirement for the area of a site in an Urban Reserve District is 16.2ha (40 acres) except for Municipal and Environmental Reserve parcels and Public Utility lots where there is no minimum size requirement.

8.8.6 The minimum requirement for front yards in an Urban Reserve District is 15m (49.2ft).

8.8.7 The minimum requirement for side yards and rear yards in an Urban Reserve District is

15m (49.2ft).

- 8.8.8 The design, site location, site coverage, yards, height of buildings, external finish, and landscaping generally of all buildings and structures shall be to the satisfaction of the Development Officer who in determining a Development Permit application shall take into account:
- (a) the general purpose of the district; and
  - (b) the existing uses and prospective uses of land in the vicinity.
- 8.8.9 The Municipal Planning Commission, Development Authority or Subdivision Authority may require an area structure plan before a subdivision decision is determined.
- 8.8.10 The Development Authority shall be satisfied prior to the granting of a Development Permit that the proposed use will not prejudice the orderly development of the area including the future establishment of residential, commercial, industrial, recreational, and service facilities on a neighbourhood and community basis.

## 8.9 COMMUNITY SERVICE AND RECREATION DISTRICT (CS) LAND USE RULES

### 8.9.1 Purpose:

The purpose and intent of this District is to provide for public and privately owned cultural, educational, institutional, and recreational uses.

### 8.9.2 Permitted Uses:

List of Permitted Uses:

(a)	Campground	(g)	Community Recreational Facilities
(b)	Cemeteries	(h)	Parking Lots
(c)	Community Buildings and Facilities	(i)	Public and Quasi-Public Structures, Installations and Facilities
(d)	Essential Services	(j)	Public Utility Building
(e)	Exhibition Grounds	(k)	Schools
(f)	Fabric Covered Building	(l)	Worship Facility

### 8.9.3 Discretionary Uses:

List of discretionary uses:

(a)	Accessory Building	(h)	Recreational Vehicle
(b)	Alternative Health Care Services	(i)	Renewable Energy Systems
(c)	Communication Tower	(j)	Senior Citizen Accommodation
(d)	Child Care Facilities	(k)	Signs
(e)	Cultural Establishment	(l)	SMALL WIND ENERGY SYSTEM
(f)	Group Care Facility	(m)	Storage Structure
(g)	Intensive Vegetative Operation	(n)	Swimming Pool

8.9.4 In addition to the general land use provisions contained in Section 7, the following provisions as contained within Section 8.9.5 to Section 8.9.7 shall apply to every development in this District.

8.9.5 The minimum requirements for all yards and parcel size in the Community Service and Recreation District will be at the discretion of the Development Authority.

8.9.6 The maximum height for any development in the Community Service and Recreation District is 15m (49.2 ft).

8.9.7 The design, setting, external finish and architectural appearance of all buildings

including accessory buildings and structures and landscaping shall be to the satisfaction of the Development Officer to ensure that adequate protection be afforded to the amenities of the area.

# Part 9 Land Use Districts Map

For a hard copy of the Land Use District Map please contact the Village Office at: 109 1 Ave E, Hussar, AB T0J1S0 (403) 787-3766 [office@villageofhussar.ca](mailto:office@villageofhussar.ca)



Or view Land Use Districts on the Palliser Regional Municipal Services Map at the following Link: <https://gis.palliserwebmap.ca/logon.aspx>

# COMMUNICATION TOWER PROTOCOLS

## COMMUNICATION TOWER PROTOCOLS

This Appendix establishes the procedural standard that applies to proponents of antenna systems and identifies the Village's development and design standards for antenna systems and communication towers.

### 1 Applicability

The federal Minister of Industry is the approval authority for the development and operation of antenna systems, pursuant to the *Radiocommunication Act*. Innovation, Science and Economic Development Canada recognizes the importance of considering input from local Land Use Authorities and the public regarding the installation and modification of antenna systems and encourages land use authorities to establish a local protocol to manage the process of identifying and conveying concerns, questions, and preferences to the proponent of an antenna system and Innovation, Science and Economic Development Canada.

The protocol established here applies to any proposal to install or modify a telecommunication, radiocommunication or broadcast antenna system within the Village of Hussar which is not excluded from the consultation requirements established by Innovation, Science and Economic Development Canada in Client Procedures Circular CPC-2-03 (or subsequent/amended publications). Proponents of excluded antenna systems are nevertheless encouraged to contact the Village to discuss the proposal and identify any potential issues or concerns and give consideration to the Village's development and design standards.

### 2 Antenna Systems Siting Protocol Exclusion List

Innovation, Science and Economic Development Canada has determined that certain antenna structures are considered to have minimal impact on the local surroundings and do not require consultation with the local Land Use Authority or the public. Innovation, Science and Economic Development Canada's publication, Radiocommunication and Broadcast Antenna Systems CPC-2-0-03 lists the types of antenna installations exempted from the requirement to consult with the local Land Use Authority and the public. The installations listed in CPC-2-03 are therefore excluded from the Village's Telecommunication Tower Siting Protocol, which currently include:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25 percent of the original structure's height;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial, or national

emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and

- new antenna systems, including masts, towers, or other antenna-supporting structure, with a height of less than 15m (49.2ft) above ground level.

Proponents who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the Village office or Innovation, Science and Economic Development Canada for guidance.

### **3 Municipal Review and Issuance of Concurrence or Non-Concurrence**

- (a) The Village Council shall be responsible for reviewing and issuing municipal concurrence or non-concurrence for all antenna system proposals within the Village which are not excluded as per Section 2 above.
- (b) concurrence with a proposal will be measured against the requirements of the applicable land use district within which the antenna is proposed, the development and design standards in this Appendix, applicable policies in the Village's Municipal Development Plan, and consideration of comments received during the public consultation process and any other matter deemed relevant by the Village Council.
  - (i) When a proposal is given a concurrence decision, the proponent will receive a letter of concurrence from the Village documenting its decision and any conditions;
  - (ii) When a proposal is given a non-concurrence decision, the proponent will receive a letter of non-concurrence from the Village describing the reasons for the decision.
- (c) Village concurrence does not constitute approval of uses, buildings, and structures which require issuance of a development permit under the Land Use Bylaw. A proposal which includes uses, buildings, or structures in addition to the antenna system, is required to obtain development permit approval for such uses, buildings and structures in accordance with the provisions of the Land Use Bylaw.

### **4 Development and Design Standards**

The Village requests the following antenna systems development and design standards be adhered to:

- (a) Co-utilization of existing antenna systems is the preferred option within the Village and is encouraged whenever feasible.
- (b) An antenna system (including any guy wires or similar support mechanisms) should be placed no closer than 7.62m (25 ft.) from the property line abutting the public road.
- (c) Antenna structures which are visible from residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

### **5 Application Submittal Requirements**

The Village requests the following package be submitted for consideration of a proposed antenna system:

- (a) Map, including legal location, and site plan of the proposed system;
- (b) Description of the type and height of the proposed antenna system and any guy wires or other similar support mechanisms (e.g. support cables, lines, wires, bracing);



- (c) The proposed lighting and aeronautical identification markings for the antenna and any supporting structures;
- (d) Documentation regarding potential co-utilization of existing towers within 800m (0.5 miles) of the subject proposal; and
- (e) Any other additional information or material deemed necessary and appropriate to properly evaluate the submission.

## **6 Notification and Public Consultation Process**

- (a) Proponents are required to formally notify the Village of their intent to make a submission to obtain a letter of concurrence regarding the siting of a telecommunication antennas within the Village prior to landowner notification or advertisement of the proposed project.
- (b) If required by the Village, the proponent shall hold a public information meeting regarding their development proposal and should proactively explain all aspects of the siting, technology, and appearance of the proposed structure.
- (c) Once approval to proceed to public consultation has been given, the applicant or the municipality will notify all landowners within:
  - (i) 1.6km (0.9 mile) of the proposed structure; and
  - (ii) All costs of the notification are borne by the applicant.
- (d) With each notification to adjacent landowners, the proponent will be responsible to submit a letter providing information regarding the location of the tower, physical details of the tower, the time and location of the public information meeting, and a contact name and phone number of someone employed by the proponent who can answer questions regarding the proposal. The notifications should be sent 14 days prior to the public meeting.
- (e) Within 14 days from the date of circulation of the notification or the date of the public information meeting, the proponent will be responsible to provide the Village with a summary of the meeting indicating the topics discussed, additional concerns raised with resolutions, and any outstanding issues the proponent and/or landowners could not resolve.
- (f) Where the public process has raised unresolved concerns, the Village will request a ruling by Innovation, Science and Economic Development Canada prior to the issuance of a letter of concurrence.