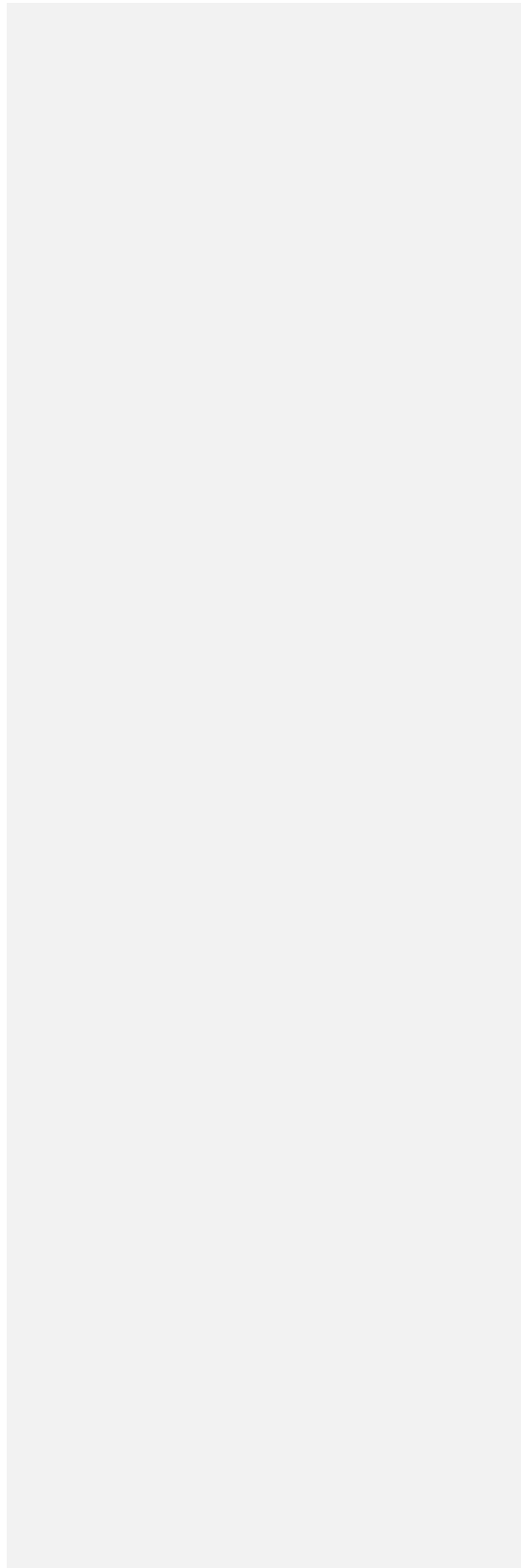


VILLAGE OF HUSSAR LAND USE BYLAW 543-22

Adopted November 10th, 2022





**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 Bylaw #493-14 currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw #543-22.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



OFFICE CONSOLIDATION

This document is a consolidation of Land Use Bylaw 543-22 with one or more revising and amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

Bylaw No.	Affected Section	Description	Date

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9 LAND USE DISTRICTS MAPERROR! BOOKMARK NOT DEFINED.

APPENDIX A.....~~112~~~~0~~

Part 1 Purpose & Definitions and Application

Commented [TW1]: Definitions are in Part 2 Interpretations.

1 PURPOSE AND APPLICATION OF THE LAND USE BYLAW AND DEFINITIONS

1.1 TITLE

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

Commented [TW2]: More direct and accurate statement.

1.2 PURPOSE

1.2.1 The purpose of ~~the this~~ 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~~.

Commented [TW3]: The LUB does not regulate the circulation of subdivision applications. This is outlined in the Matters Related to Subdivision and Development Regulation.

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.

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

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

Part 2 Interpretation

2 INTERPRETATION OF THE 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 words "shall" and "must" require mandatory compliance except where a variance or relaxation has been granted pursuant to the Act or this Bylaw. "May" means a choice is available, with no particular direction or guidance intended.

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

2.1.22.1.4 The written regulations take precedence over any diagrams if there is a perceived conflict.

2.1.32.1.5 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.

2.2.22.2.1 Where a boundary is shown as approximately following the Municipal boundary, it follows the Municipal Boundary.

2.2.32.2.2 Where a boundary is shown as approximately following a property line, it follows the property line.

2.2.42.2.3 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.

2.2.52.2.4 Where a boundary is shown as being parallel to or as an extension of any of the features

Commented [TW4]: These are two very important interpretations to have in a Land Use Bylaw. Note that "should" is not defined as it is not used in a Land Use Bylaw.

Commented [TW5]: The Land Use Map does not follow the centre line, it follows parcel boundaries as noted in 2.2.2.

listed above, it shall be so.

~~2.2.62.2.5~~ In circumstances not covered above, the boundary shall be determined by a resolution of Council.

~~2.2.72.2.6~~ 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, Revised Statutes of Alberta, 2000, Ch. M-26, as amended, 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.

~~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.~~

~~2.3.3~~

Commented [TW6]: Duplicate statement of 2.3.1.

TERM	DEFINITION
A	
ABATTOIR	means the use of land or buildings as a facility for the slaughtering of animals and the processing of meat products
ABUT or ABUTTING	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.
ACCESSORY BUILDING OR STRUCTURE	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, <u>greenhouses</u> , detached garages, and gazebos.
ACCESSORY USE	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.

Commented [TW7]: Delete definition of "private greenhouse". It is an Accessory Building and has been added here for clarity.

ACCESSORY STRUCTURE BUILDING – FABRIC COVERED	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. means a building or structure that is related to, but is incidental or subordinate to, the use of the principal building located on the same parcel. An Accessory Building - Fabric Covered is designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film.
ACCESSORY BUILDING – SHIPPING CONTAINER	means where a shipping container is used to accommodate an accessory use that is related to, but is incidental or subordinate to, the principal use of the parcel.
ACT	means the Municipal Government Act, Revised Statues of Alberta 2000, Ch. M-26, as amended, and any parallel or successor legislation.
ADJACENT LAND	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, or stream, Municipal Reserve or Environmental Reserve.
AGRICULTURAL SUPPLY DEPOT	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.
ALTERNATIVE HEALTH CARE SERVICES	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.
AMUSEMENT CENTRE	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.
APPEAL BODY	means the board hearing a subdivision or development permit appeal in accordance with the Municipal Government Act.

Commented [TW8]: The LUB does not regulate when a building permit is required. This is under the jurisdiction of the Safety Codes Act.

Commented [TW9]: This use replaces the "Storage Structure" definition.

Commented [TW10]: The Act allows for "adjacent land" to be defined differently than in the Act, but it is not recommended by PRMS. Use the definition in the Act.

Commented [TW11]: This is not a separate use than regular health care providers. This is heading into the realm of "user" instead of "use". These businesses already fit into "clinic" or "retail store".

ART AND CRAFT STUDIOS	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.
ARTERIAL ROADWAY OR STREET	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.
AUCTION ROOMS	means development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.
AUTO BODY AND PAINT SHOP	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.
AUTOMOTIVE REPAIR AND SERVICE	means a use for the servicing and repair of motor vehicles within a building, excluding an auto body and paint shop, and includes such facilities as alignment shops, muffler shops, transmission repair shops, rustproofing, brake shops and other similar uses.
AUTOMOTIVE VEHICLE SALES	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.
AVERAGE GRADE	means the average elevation at the mid-point along the front parcel line and the finished ground elevation at the rear of the building. *See "Building Height" definition for diagram
B	
BALCONY	means a projecting platform on a building, which is enclosed by a railing and is greater than 0.6 m above grade. It may be cantilevered from the building or supported from below.
BAY	means a self-contained unit of part of a building, or of the whole building, which can be sold or leased for individual occupancy.
BARELAND CONDOMINIUM	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.

Commented [TW12]: Not used in the LUB.

Commented [TW13]: This definition is not used anywhere in this Bylaw.

Commented [TW14]: Not required in this bylaw as there are no regulations in the LUB related to "site area".

BASEMENT	means that portion of a building or structure which is wholly or partially below grade and has no more than 1.8 m 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.
BED AND BREAKFAST	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.
BILLBOARD	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.
BUFFER	means a row of trees, shrubs, earth berm, or fencing to provide visual screening and separation between sites and districts.
BUILDING	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.
BUILDING HEIGHT	means the vertical distance measured from the average grade and the highest point of a building, excluding a roof, stairway entrance, elevator shaft, ventilating fan, skylight, steeple, chimney, smoke stack, fire wall or parapet, flagpole, antenna structures or similar devices not structurally essential to the building.

Commented [TW15]: Move this into the regulations. If this is in the definitions, there is no ability to vary the number of rooms.

Commented [TW16]: Recommend to delete billboards. Not suitable in Hussar.

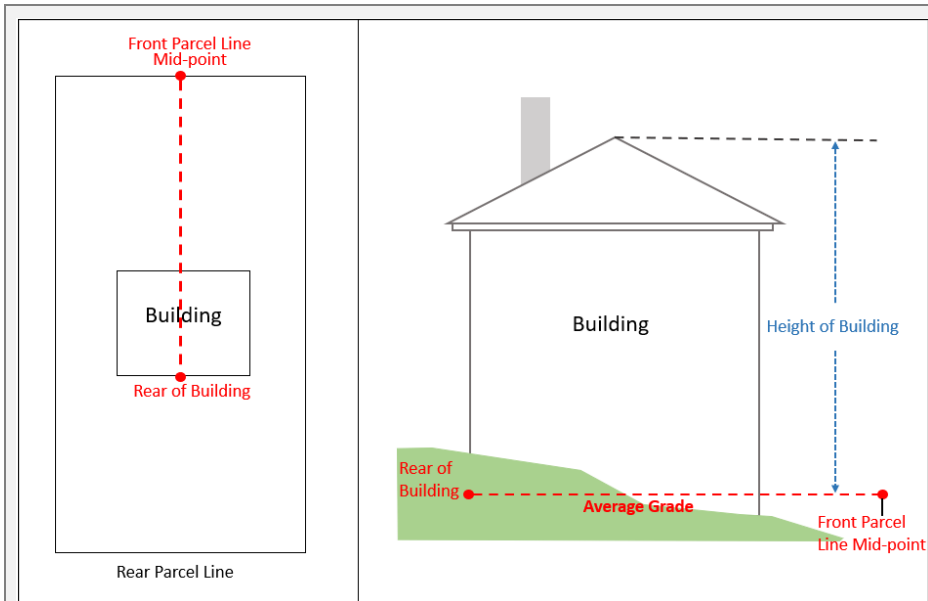


Figure 1: Building Height

BUILDING LINE	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.
BUILDING LINE, FRONT	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.
BUILDING LINE, REAR	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.
BUILDING LINE, INTERIOR SIDE	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.
BUILDING LINE, EXTERIOR SIDE	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.
BUILDING PERMIT	means a permit or document issued in writing by a designated Safety Code Officer within the building discipline pursuant to the Safety Codes Act authorizing the commencement of a use, occupancy, relocation, construction, or demolition of any building.

Commented [TW17]: These definitions are not used anywhere in this LUB.

BUILDING SUPPLY CENTRE	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.
BULK FUEL STORAGE AND DISTRIBUTION	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).
BUS TERMINAL	means where transport vehicles load or unload passengers or goods.
C	
CAMPGROUND	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.
<u>CANNABIS RETAIL STORE</u>	<u>means a use where Cannabis is sold for consumption off the premises and may include the retail sale or rental of merchandise. Cannabis Retail Stores offer cannabis for sale from a federally approved and licensed facility and has been licensed to operate by the Alberta Government.</u>
CANOPY	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.
<u>CAR WASHING ESTABLISHMENT</u>	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.

Commented [TW18]: This use needs to be defined as it is specifically excluded from the use of "Convenience store" and "Retail store".

Commented [TW19]: Streamline name of this use.

CARE FACILITY	means a use where a public or private facility provides for the <u>care, supervision or rehabilitation of individuals, or for palliative and end-of-life-care, containing overnight accommodation and operated in accordance with any relevant legislation or regulations of the Province of Alberta. Units within a care facility may, at the discretion of the Development Authority, be considered both long-term care units or dwelling units as these may be for permanent residences for the occupants.</u>
CEMETERY	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.
CHILD CARE FACILITIES	means those facilities used for the supervision and care of children and includes day care, kindergarten, and nursery schools.
CLINIC	means a public or private medical, surgical, physiotherapeutic, or other human health clinic regularly staffed by practicing physicians, dentists, <u>chiropractors, massage therapists</u> or other qualified medical practitioners.
COLLECTOR ROADWAY or STREET	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.
COMMERCIAL FLOOR AREA	means the gross floor area defined by the outside dimensions of the building for each floor of a commercial use building.
COMMUNICATION STRUCTURES OR COMMUNICATION TOWER	means a structure designed to support antennas for telecommunications and broadcasting and may include television, cellular phone, or wireless internet or radio signals. Communication towers are regulated by <u>Innovation, Science and Economic Development Canada</u> however municipal consultation is required and considerations respected.
COMMUNITY BUILDINGS and FACILITIES	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.
COMMUNITY RECREATIONAL FACILITY	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.

Commented [TW20]: This use definition relates to the “use” and not the “user”. Other similar definitions that relate to the “user” have been deleted.

Commented [TW21]: Add these examples to ensure there is clarity from “Personal Service Shop” use.

Commented [TW22]: Not used in this LUB.

Commented [TW23]: Not used in this LUB.

Commented [TW24]: Name of department changed.

Commented [TW25]: Duplicate definition of “Cultural Establishment”.

CONDOMINIUM	means a condominium plan registered in a Land Titles Office that complies with the requirement of the Alberta Condominium Property Act.
CONVENIENCE STORE	means a use where a limited range of household goods and groceries are stocked and sold in small neighbourhood retail stores. This does not include a Cannabis Retail Store.
CORNER LOT	means a lot situated at the intersection of two or more roads, or at the intersection of two parts of the same road which parts have an intersection of not more than 135 degrees.
COUNCIL	means the duly elected Council of the Village of Hussar.
COVERAGE OF SITE	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.
CULTURAL ESTABLISHMENT	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, <u>community halls</u> and similar activities. Religious institutions are not included in this category.
D	
DECK	means an open-sided platform adjoining a building and the height of which is greater than 0.6 m (<u>2 ft</u>) from grade.
DENSITY	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.
DEMOLITION	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.

Commented [TW26]: Moved to "Parcel coverage".

Commented [TW27]: LUB does not regulate when a Building Permit is required, this is the Safety Codes Act.

DESIGNATED OFFICER(S)	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. means a position established by bylaw whereby Council has delegated powers, duties, and/or functions.
DEVELOPED SITE	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.
DEVELOPMENT	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.
DEVELOPMENT AUTHORITY	means a person, or persons, appointed as the Development Authority by Bylaw.
DEVELOPMENT COMMENCEMENT	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.
DEVELOPMENT COMPLETION	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).

Commented [TW28]: A Subdivision Authority or Development Officer is not a Designated Officer. They are separately established authorities. The person may be the same, but must be designated independently and they only act under the one authority.

Commented [TW29]: Not used in the LUB.

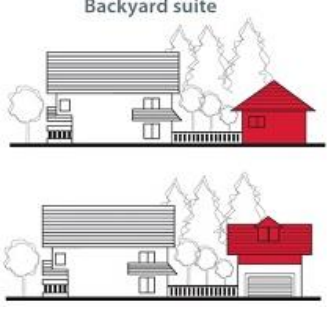
DEVELOPMENT IMPACT ASSESSMENT (DIA)	means a statement prepared by a professional with expertise in environmental conditions on the effect a development proposal and other major actions would significantly have on the environment.
DEVELOPMENT OFFICER	means the person designated by Bylaw a <u>person</u> , or persons, <u>appointed</u> as a Development Officer pursuant to this Land Use Bylaw.
DEVELOPMENT PERMIT	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.
DISCRETIONARY	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.
DISCRETIONARY USE	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 Development a Authority.
DRINKING ESTABLISHMENT	means an establishment licensed by the Alberta Liquor Authority <u>Gaming, Liquor and Cannabis</u> where the principal function is the serving of alcoholic beverages are served for on-site consumption.
DWELLING, ACCESSORY RESIDENTIAL	means a self-contained residential dwelling unit that is subordinate to and under one title with the principal commercial or industrial use.
DWELLING, APARTMENT	means a use where a building designed for residential use contains three (3) or more Dwelling Units with a shared or common entrance.
DWELLING, ATTACHED HOUSING	means a use where a building designed for residential use consists of three (3) or more Dwelling Units, each of which has an individual entrance to the outdoors. This includes rowhouses, townhouses, triplexes and fourplexes.

Commented [TW30]: A Development Officer is not appointed by Bylaw, but by Council resolution.

Commented [TW31]: There is no other legislation that authorizes development.

Commented [TW32]: The definition of “Discretionary Use” is more relevant and accurate.

Commented [TW33]: Incorrect name.

<p>DWELLING, BACKYARD SUITE</p>	<p>means a dwelling unit in a building that is detached from the main residence or principal buildingdwelling, such as a detached garage suite or garden suite.</p> <p style="text-align: center;">Backyard suite</p> 
<p>DWELLING, DUPLEX</p>	<p>means a building containing two dwelling units, one above the other or side by side.</p>
<p>DWELLING GROUP</p>	<p>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.</p>
<p>DWELLING, MANUFACTURED HOME</p>	<p>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.</p>
<p>DWELLING, MOVED ON</p>	<p>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.</p>

Commented [TW34]: Not used in this LUB.

Commented [TW35]: This is not a use. It is a condition or state of a building – regulated through the general regulations instead.

<p>DWELLING, SECONDARY SUITE</p>	<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="597 596 881 947" style="text-align: center;"> </div>
<p>DWELLING, SINGLE DETACHED</p>	<p>means a building which is constructed on site in conformance with the Alberta Safety Code and contains only one <u>principal</u> dwelling unit and, except as otherwise allowed in this Bylaw, is used for no other purpose.</p>
<p>DWELLING UNIT</p>	<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 <u>contains</u>:</p> <ul style="list-style-type: none"> (a) containing cooking, (b) eating sleeping, (c) sleeping and sanitary facilities, and; (d) having has a separate entrance controlled by the person(s) occupying the unit.
<p>E</p>	
<p>EASEMENT</p>	<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>

Commented [TW36]: Cannot regulate in the LUB based on Safety Codes Act.

Commented [TW37]: cannot regulate users such as whether or not they are in 'one family'.

EATING ESTABLISHMENT	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”.
ENVIRONMENTAL IMPACT ASSESSMENT (EIA)	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.
EQUIPMENT RENTAL SHOP	means a development for the rental of tools, appliances, office machines, light construction equipment or similar items but not the rental of motor vehicles.
ESSENTIAL PUBLIC SERVICE	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.
EXISTING	in operation at the time of consideration means existing as of the effective date of this Bylaw.
EXTENSIVE AGRICULTURAL AGRICULTURE	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.
F	
FABRIC COVERED BUILDING	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.
FENCE	means a vertical physical barrier constructed out of typical building material to prevent visual or unauthorized access or both.
FIRE SEPARATION	means a construction assembly that acts as a barrier against the spread of fire and may be required to have a fire resistance rating.

Commented [TW38]: Provincial legislation, not municipal

Commented [TW39]: Duplicate use, see “Public Building”.

Commented [TW40]: this word must relate to the effective date of the new bylaw.

Commented [TW41]: Cannot regulate building permits in the LUB.

FIRE WALL	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.
FRAGMENTED LAND	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.
G	
GAS BAR	means premises used or intended to be used for the sale of gasoline, lubrication oils and associated automotive fluids only.
GRADE	means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls. means the geodetic elevation of the existing ground in an undisturbed natural state or an approved design grade as described in a grading plan.
GRADIENT	means the relationship of the vertical distance of a slope to its horizontal distance.
GRAIN ELEVATOR AND SEED CLEANING	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.
GREENHOUSE, PRIVATE	means an accessory building designed and used for growing plants for domestic rather than commercial use
GROUP CARE FACILITY	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.
GROSS FLOOR AREA	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.
H	
HABITABLE FLOOR AREA	means any finished floor area intended primarily for human occupancy.

Commented [TW42]: Not used in this LUB.

Commented [TW43]: This definition spoke to "Average Grade" which is already defined. This is what the definition of "grade" actually is.

Commented [TW44]: Not used in this LUB.

Commented [TW45]: This is just an "Accessory Building". A separate definition is not required.

Commented [TW46]: This is a "user" definition.

Commented [TW47]: 'Gross Floor Area' is used in this bylaw instead.

HEAVY MANUFACTURING	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 where all or part of the processes associated with the use are located outside of a building, and which may generate a nuisance beyond the boundary of the parcel.
HEDGE	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.
HOME OCCUPATION, MAJOR	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.
HOME OCCUPATION, MINOR	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.
HOTEL or MOTEL	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.
I	
INTENSIVE VEGETATIVE OPERATION	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.
K	
KENNEL BOARDING & BREEDING	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.

Commented [TW48]: The definition describes what the use is, not just the effects of the use. Regulations deal with the effects of the use.

Commented [TW49]: Not used in this LUB.

Commented [TW50]: Leave to the discretion of the MPC as to the type of business that is approved.

Commented [TW51]: Streamline use name.

L	
LAND AND PROPERTY RIGHTS TRIBUNAL (LPRT)	Means the Land and Property Rights Tribunal as defined in the <i>Municipal Government Act</i>.
LANDSCAPED AREA	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.
LAND USE DISTRICT—COMMERCIAL DISTRICT	means an area zoned for the purpose of commercial activities.
LAND USE DISTRICT—COMMUNITY SERVICE DISTRICT	means an area zoned for the purpose of community service buildings and organizations.
LAND USE DISTRICT—INDUSTRIAL GENERAL DISTRICT	means a district zoned for the purpose of industrial development.
LAND USE DISTRICT—RESIDENTIAL DISTRICT	means an area zoned for the purpose of a district where people live and is primarily occupied by private, single family residences.
LAND USE DISTRICT—RESIDENTIAL MANUFACTURED HOME	means an area zoned for the purpose of a district where people live and is primarily occupied by manufactured homes.
LAND USE DISTRICT—URBAN RESERVE DISTRICT	means an area of protected land or water on which development is indefinitely set aside.
LAND USE MAP	means a map dividing the Municipality into certain land use districts.
LANDSCAPING	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"> (a) soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover; or (b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood.
LANE	means a public thoroughfare with a right of way width of not greater than 9m (30ft) and not less than 6m (20ft) usually less than 10 m (32.8 ft) wide which provides a secondary means of access to a site or sites parcel or parcels.

Commented [TW52]: Not used in the LUB, defined in the Act.

Commented [TW53]: A definition of each district is not required. They each have their own purpose statement in the district.

Commented [TW54]: Definition not required.

Commented [TW55]: This would be exactly defined in the engineering standards for Hussar, not in the LUB.

LIGHT MANUFACTURING	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.
LIQUOR STORE	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 <u>Gaming, Liquor and Cannabis</u> .
LOADING SPACE	means a space for parking a commercial vehicle while being loaded or unloaded.
LOCAL ROADWAY or STREET	means a street or roadway that provides unrestricted direct access to and connects with collectors and other local roadways.
LOT	means a lot as defined in the Municipal Government Act, Part 17, Section 616, which is defined as: <ul style="list-style-type: none"> (a) a quarter section, (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, (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, (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 (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. Also see the related definition <u>for a</u> Parcel.
LOT COVERAGE	means that portion of lot area covered by the principal building, accessory buildings, or other similar covered structures.
LOT LINE	means a legally defined limit of any lot or parcel. "Boundary", "boundary line" and "property line" have a corresponding meaning.
M	

Commented [TW56]: Correct agency name.

Commented [TW57]: May not be a commercial vehicle.

Commented [TW58]: Not used in this LUB.

Commented [TW59]: Not used in the LUB. See "Parcel coverage".

Commented [TW60]: Not used in the LUB.

MANUFACTURING PROCESSING OR ASSEMBLY FACILITY	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.
MUNICIPALITY	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.
MUNICIPAL PLANNING COMMISSION (MPC)	means the Village of Hussar Municipal Planning Commission established by Bylaw pursuant to the Act.
MUNICIPAL RESERVE PARCEL	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.
N	
NATURAL RESOURCE EXTRACTIVE INDUSTRIES	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.
NET FLOOR AREA	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.
NON-CONFORMING BUILDING	means a building that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw affecting the building or the land on which the building is situated becomes effective and that on the date the Land Use Bylaw becomes effective does not, or when fully constructed will not, comply with the Land Use Bylaw.

Commented [TW61]: Duplicate definition of Light and Heavy Manufacturing.

Commented [TW62]: Not used in the LUB.

Commented [TW63]: Not used in this LUB.

NON-CONFORMING USE	means a lawful, specific use being made of land or a building, or intended to be made of a building lawfully under construction at the date a Land Use Bylaw affecting the land or building becomes effective and that on the date the Land Use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw.
O	
OCCUPANCY	means the utilization of a building or land for the use of which it was approved.
OCCUPANCY PERMIT	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
OFFICES (ADMINISTRATION, BUSINESS, PROFESSIONAL)	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.
P	
PARAPET	means a low wall or railing to protect the edge of a roof.
PARCEL	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.
PARCEL AREA	means the total area of land within the parcel.
PARCEL, CORNER	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.
PARCEL COVERAGE	means the percentage of the parcel area covered by the area of all buildings including Accessory Buildings, and excludes balconies, bay windows, canopies, shade projections, cornices, eaves and gutters, roof overhangs, fire escapes, sills, stairways and landings, patios and decks or similar projections.
PARCEL LINE	means a legal boundary line of a parcel.

Commented [TW64]: Do not include Safety Codes Act definitions or regulations.

Commented [TW65]: Streamline use name.

Commented [TW66]: Definition is Clinic, not Medical Clinic.

PARCEL LINE, FRONT	means the shortest parcel line that abuts a public roadway unless otherwise determined by the Development Authority in accordance with this Bylaw.
PARCEL LINE, EXTERIOR SIDE	means a property line, other than the front parcel line, which abuts a road.
PARCEL LINE, INTERIOR SIDE	means a property line other than a front parcel line or rear parcel line, which abuts another parcel or a lane.
PARCEL LINE, REAR	means the parcel line which is opposite to and is not connected to the front parcel line, excepting in the case for a reverse corner lot where the rear parcel line is opposite to the exterior side parcel line.
PARCEL WIDTH	means the average horizontal distance between two side parcel lines.
PARKING LOT	means an area of cleared land dedicated to the parking of vehicles, and usually provided with a durable or semi-durable surface.
PATIO	means a platform, the height of which may up to but does not exceed 0.6 m (3 ft) from grade, that may or may not be attached to a building.
PERMITTED	means, in the context of this Bylaw, that the approving authority must issue a permit, order or notice.
PERMITTED USE	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 Development Authority upon the development meeting all other requirements of this Bylaw. The approving authority Development Authority may impose such conditions necessary to ensure compliance with the requirements of the Bylaw.
PERSONAL SERVICE SHOP	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.
PET CARE SERVICES	means a use where small animals are washed, groomed, trained, or boarded (day care) during the day, and may include the incidental sale of products related to the services provided. This does not include the overnight stay of pets.

Commented [TW67]: The definition in this LUB is for 'Road' for consistency.

Commented [TW68]: Include regulations for a reserve corner lot.

Commented [TW69]: Added this use to distinguish from a 'Deck' which is defined as 0.6 m in height and greater.

Commented [TW70]: The definition for 'Permitted Use' is more accurate.

Commented [TW71]: 'approving authority' is not defined, but 'Development Authority' is defined.

PET STORE	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.
PLAN OF SUBDIVISION	means plans, maps or drawings, drawn to scale, which show the divisions of a piece of land.
PRINCIPAL BUILDING	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.
PRINCIPAL USE	means a use of a site or building which in the opinion of the Development Officer Authority constitutes the primary purpose for which the site is used.
PROPERTY LINE	means the legal boundary of a parcel or lot.
PUBLIC BUILDING OR QUASI PUBLIC STRUCTURES, INSTALLATIONS AND FACILITIES	means installations buildings 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.
PUBLIC ROADWAY	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.

Commented [TW72]: Not used in this Bylaw.

Commented [TW73]: Streamline use name. Installations are not defined, buildings are.

Commented [TW74]: See 'Road'.

PUBLIC UTILITY	<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"> (a) waterworks; (b) sewage disposal; (c) public transportation operated by, or on behalf of, the municipality; (d) irrigation; (e) drainage; (f) fuel; (g) electric power; (h) heat; and (i) waste management <u>(excluding a Waste Transfer Station)</u>; <p>and includes the thing that is provided for public consumption, benefit, convenience, or use.</p>
PUBLIC UTILITY BUILDING	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.
R	
RECREATIONAL VEHICLE	<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>
REGULATION	<p><u>means the Matters Related to Subdivision and Development Regulation AR84/2022 as amended, and any parallel or successor legislation.</u></p>

Commented [TW75]: Waste Transfer Station should be its own defined use.

Commented [TW76]: Already defined under 'Public Building'.

RENEWABLE ENERGY SYSTEM	<p>means a usesystem:</p> <p>(a) that produces electrical power <u>or heat</u> 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 <u>or heat exchange systems</u>;</p> <p>(b) that may be connected or disconnected from the electrical grid in accordance with the requirements of the appropriate authority; and</p> <p>(c) may provide residual power to the grid but is not intended to produce power primarily for resale.</p>
RETAIL STORE	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.
REVERSE CORNER LOT	means a residential corner lot where the front façade of the Dwelling Unit is oriented towards the longest property line which abuts a road which is considered the front parcel line. The exterior side parcel line of a reversed corner lot is the shorter property line which abuts a road.
ROAD	<u>means any public road, including the boulevards, sidewalks and improvements, but excluding a lane, highway or private road.</u>
S	
SCREENING	means a fence, earth berm, or hedge used to visually separate <u>between parcels, districts or uses. areas of function, which in the opinion of the Development Officer, detract from the urban street or neighboring land uses.</u>
SCHOOL	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.

Commented [TW77]: To include heat pumps

Commented [TW78]: Replaced definition of Arterial, Collector, Local Road, etc.

Commented [TW79]: Delete regulation from the definition.

SENIOR-CITIZEN ACCOMMODATION	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.
SERVICE STATION	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.
SERVICED LOT	means a site which is connected to and serviced by the municipality's sewage and water work system.
SETBACK	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.
SHOPPING CENTRE	means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided.
SHIPPING CONTAINER	means a large metal container with suitable strength for the shipping, storage and handling of goods. Shipping containers are also commonly known as sea cans or intermodal containers.
SIGN	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.
SIGN, ADVERTISING	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.
SIGN, AWNING	means a retractable, cloth-like, or light weight metal shelter projecting from a building.
SIGN, CANOPY	means any sign attached to, or constructed in or on canopy.
SIGN, COPY AREA	means the area of the smallest geometric figure which will enclose the actual copy of a sign.
SIGN, DIRECTIONAL	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.

Commented [TW80]: Cannot regulate development based on age of resident.

Commented [TW81]: Duplicate use. See 'Automotive Repair and Service'.

Commented [TW82]: Not used in the LUB.

Commented [TW83]: Not used in the LUB. This is a style of building construction, not a use.

Commented [TW84]: Not used in the LUB.

Commented [TW85]: Not used in the LUB.

SIGN, FASCIA	means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached.
SIGN, FREESTANDING	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.
SIGN, IDENTIFICATION	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.
SIGN, PORTABLE	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.
SIGN, PROJECTING	means a sign other than a canopy or awning sign which projects from a structure or a building face or wall.
SIGN, REAL ESTATE	means a temporary sign identifying real estate that is for sale, lease, rent or sold.
SIGN, ROOF	means any sign erected upon, against or above a roof or a parapet of a building.
SIGN, TEMPORARY	means a sign which is in place for a predetermined period of time as specified in the Development Permit decision.
SIGN, WALL	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.
SIGN, WINDOW	means any sign, either painted on, attached to, or placed inside a window for the purpose of viewing from outside the premises.
SITE	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.

Commented [TW86]: Not used in the LUB.

Commented [TW87]: These signs are not defined.

Commented [TW88]: See 'Parcel'.

SITE AREA	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.
SITE PLAN	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.
SITE, WIDTH OF	means the average horizontal distance between the side boundaries of a site.
SMALL WIND ENERGY SYSTEM	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.
STORAGE STRUCTURE	means a structure that does not meet the definition of an accessory building and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container, trailer, or other structure.
STORAGE YARD	<p><u>m</u>Means a <u>site use</u>:</p> <ul style="list-style-type: none"> (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.

Commented [TW89]: See 'Parcel Area'.

Commented [TW90]: This is contained in the regulations for application requirements. It is not a definition.

Commented [TW91]: See 'Parcel width'.

Commented [TW92]: Recommend to delete this use from Hussar.

Commented [TW93]: See definition for 'Accessory Building – Shipping Container' and 'Shipping Container'. This is an accessory building.

STOREY	means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it.
STOREY, FIRST	means the storey with its floor closest to grade and having its ceiling more than 1.8m (6ft) above grade.
STOREY, SECOND	means the storey located immediately above the first storey.
STREET	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.
STREET, LOCAL OR RESIDENTIAL	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.
STRUCTURE	means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.
SUBDIVISION	means the division of a parcel by an instrument and the word “subdivide” has corresponding meaning.
SWIMMING POOL	means an artificial body of water, excluding ponds, of more than 10m² in area, to be used for swimming, bathing, or diving.
T	
TEMPORARY BUILDING OR USE	means a proposed land use or development building 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 or building that is temporary but has longer term requirements due to the specific use or project. Any temporary development permit application will state a date on which the development will cease. Temporary Uses shall be considered a discretionary use in all Land Use Districts.
TRADESMAN’S SHOP	means an establishment for the operation of a trade including, but not limited to, a painter, electrician, upholsterer, printer, and appliance repair shop but does not include establishments which may be obnoxious by reason of emission of odours, dust, smoke, noise, or vibration.
U	

Commented [TW94]: Not used in the LUB.

Commented [TW95]: Not used in the LUB.

Commented [TW96]: See ‘Road’.

Commented [TW97]: Not used in the LUB.

Commented [TW98]: This is an accessory to a Dwelling or business, its not a principal use.

Commented [TW99]: Delete regulations in the definition.

Commented [TW100]: Move to districts.

USE, CHANGE OF	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.
V	
VEHICLE SALES AND SERVICE	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.
VETERINARY CLINIC	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.
VILLAGE	means the Village of Hussar in the Province of Alberta.
W	
WALKWAY	means a public right of way for pedestrian use on which no motor vehicles are allowed.
WAREHOUSE or WAREHOUSING	means the use of a building for the storage of materials, products, goods, or merchandise.
WASTE TRANSFER STATION	means a use where solid waste materials are received from collection vehicles and consolidated into larger vehicles for transport to the landfill.
WORKS	means any fence, landscaping, landscape vegetation, sidewalks, pathways, roads or other public or private utilities associated with and required for a development
WORSHIP FACILITY	means any facility used for the purpose of spiritual worship. Examples may be, but are not limited to, churches, temples, mosques, and synagogues.
Y	
YARD	means any open space on a parcel, unoccupied and unobstructed and is the distance between the property line to the foundation of the principal building or the exterior finishing materials of an Accessory Building.

Commented [TW101]: Duplicate use of 'Automotive Repair and Service', and 'Automotive Sales'

Commented [TW102]: Not required to be defined.

Commented [TW103]: This was excluded from public utility use.

Commented [TW104]: Each of these have their own definition where required.

<u>YARD, EXTERIOR SIDE</u>	<u>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.</u>
YARD, FRONT	means the area of a parcel extending across the full width of the parcel between the front parcel line and the front foundation of the principal building.
<u>YARD, INTERIOR SIDE</u>	<u>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.</u>
YARD, REAR	means the area of a parcel extending across the full width of the parcel between the rear parcel line and the rear foundation of the principal building
YARD, INTERIOR SIDE	means the area of a parcel extending from the front foundation of the principal building to the rear foundation of the principal building and between the side foundation of the principal building to the interior side parcel line.
YARD, EXTERIOR SIDE	means the area of a parcel extending from the front foundation of the principal building to the rear foundation of the principal building and between the side foundation of the principal building to the exterior side parcel line.

Commented [TW105]: Put into alphabetical order.

Part 3 Administrative Agencies

3 ~~ADMINISTRATION~~ ADMINISTRATIVE AGENCIES ESTABLISHED BY THIS BYLAW

3.1 DEVELOPMENT AUTHORITY - ESTABLISHMENT

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:

~~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.

~~3.1.2 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;~~

~~3.1.3 the Development Officer shall perform duties as are specified in Section 4.4 of this Bylaw; and~~

~~3.1.4 the Development Officer is the Chief Administrative Officer.~~

3.1.5.1.2 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.~~

~~3.1.6 Intermunicipal Subdivision and Development Appeal Board:~~

~~3.1.7 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.~~

3.1.3 Council

Where the context of this Bylaw permits in Direct Control Districts.

Commented [TW106]: The MPC is established by separate bylaw.

Commented [TW107]: This is moved to the roles & duties section 3.3.

Commented [TW108]: This is in the CAO bylaw or done by resolution of Council, not in the LUB.

Commented [TW109]: Established by a separate MPC bylaw.

Commented [TW110]: The ISDAB is not a Development Authority.

3.2 SUBDIVISION AUTHORITY:

The Subdivision Authority, as established by Council Bylaw, 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.~~

Commented [TW111]: Hussar needs to have a separate Subdivision Authority Bylaw.

3.3 DEVELOPMENT AUTHORITY – POWERS AND DUTIES

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

3.3.2 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.

~~3.3.3 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.~~

Commented [TW112]: Regulations for non-conforming buildings are elsewhere in the LUB, no need for a reference here.

~~3.3.3 The Development Authority must refuse to accept a development permit application where the prescribed fee has not been paid.~~

Commented [TW113]: An application should not be deemed 'incomplete' because the fee is not paid. Do not accept the application without the fee being paid.

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

- (a) the information required ~~by Part 4~~ in Section 4.3 of this Bylaw is not provided; or
- (b) the quality of the information provided is inadequate to properly evaluate the application.

~~3.3.5 ; or~~

~~3.3.6 the fee for a Development Permit application has not been paid.~~

~~3.3.5 The Development Authority must make available for inspection, during office hours, all applications and decisions for development permits, subject to any legislation in force restricting availability.~~

~~3.3.6 The Development Authority must issue the following notices and acknowledgements on development permit applications:~~

- (a) notice of complete application;
- (b) notice of incomplete application;
- (c) notice of decision;
- (d) notice of refusal/deemed refusal of an application.

3.3.7 The **Development Officer** shall:

- (a) receive, consider and decide upon applications 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) receive, consider and decide upon applications for Accessory Buildings;
- (c) receive, consider and decide upon applications for a development permit for those uses listed as a permitted use for the relevant Land Use District which requires a relaxation of any measurable standard up to a maximum of 20% of that requirement;
- (d) refer, at his or her discretion, a development permit application for comment to those authorities (provincial and regional) where interest or jurisdiction may be affected; and
- (e) receive and 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 have been assigned to it for its consideration and decision; and
- (f) collect fees according to the schedule approved by resolution of Council.

Commented [TW114]: All powers and responsibilities of the Development Officer and the MPC moved to this section rather than the decision section (section 4.4).

Commented [TW115]: The Development Officer can decide on any uses. This means there is still ability to refuse the application and an appeal right, but no requirement to assemble the MPC for a decision.

3.3.8 The Municipal Planning Commission shall:

- (a) decide on applications for development permits for those uses listed as discretionary uses (except for Accessory Buildings);
- (b) the relocation of buildings, as described in Section 7.14;
- (c) similar uses as described in subsection 4.6.6;
- (d) those uses listed as a permitted use and requires a relaxation of any measurable standard 20% or greater of that requirement.

Commented [TW116]: This allows the MPC to make all decisions, rather than on appeal to the ISDAB.

3.4 SUBDIVISION AUTHORITY – POWERS AND DUTIES

3.4.1 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;~~

Commented [TW117]: Application is received, and then determined if it is complete.

~~(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~~

~~(d) issue the following notices and acknowledgement on subdivision applications:~~

~~(i) notice of complete application;~~

~~(ii) notice of incomplete application;~~

~~(iii) notice of decision; and~~

~~(iv) notice of refusal/deemed refusal of an application;~~

(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;~~

~~(g)~~ prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the ~~Subdivision and Development Regulation~~;

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

~~(i)~~ endorse Land Titles instruments to effect the registration of the subdivision of land;

~~(j)~~ advise the Council ~~and~~ Municipal Planning Commission ~~and Intermunicipal Subdivision and Development Appeal Board~~ on matters relating to the

Commented [TW118]: do not put timelines in the LUB. Also, 30 days is excessive.

Commented [TW119]: MPC Bylaw/subdivision authority bylaw.

Commented [TW120]: The ISDAB is not advised unless it is by their own legal counsel. The ISDAB is considering a decision made by the Subdivision Authority, therefore the SA is only involved as per (k) below.

subdivision of land; and

~~(m)~~(k) _____ 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 Approvals

4 ~~REGULATIONS FOR DEVELOPMENT~~ APPLICATION AND APPROVAL PROCESS

Commented [TW121]: This heading better describes the intent of this section.

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 This section does not negate the requirement of an applicant to obtain all required permits, as applicable, under the Safety Codes Act or any other provincial or federal statute.

4.2.2 The following developments shall not require a development permit:

Commented [TW122]: There are two different situations of permits not required.

- (a) any use or development exempted under section 618(1) of the Act;
- (b) any use or development exempted by the Lieutenant Governor in Council pursuant to Section 618(4) of the Act;
- (c) the completion and use of a building which was lawfully under construction at the date this Bylaw came into effect provided the building is completed in accordance with the terms and conditions of any development permit granted;
- (d) the completion of a building that did not require a development permit under the previous land use bylaw which was lawfully under construction provided the building is completed within twelve (12) months from the date this Bylaw came into effect;
- (e) an official notice, sign, placard or bulletin required to be displayed pursuant of federal, provincial or municipal legislation; and
- (f) the use of a building or part thereof for a federal, provincial or municipal election, referendum or plebiscite.

4.2.14.2.3 The A 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 or a building, both

internal and external, if in the opinion the Development Officer, such work:

- (i) does not include structural alterations; and
- ~~(ii)~~ does not change the use or intensity of the use of the structure; and
- ~~(iii)~~ (ii) 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:
- ~~(c)~~ the building is completed in accordance with the terms of any permit granted by the Municipality, subject to the conditions of that permit; and
- ~~(d)~~ 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;
- ~~(e)~~ the use of any building referred to in Section 4.2.1 (b) for the purpose for which construction was commenced;
- ~~(f)~~ (b) the temporary placement, erection or installation of machinery or a building needed in connection with ~~operations~~ construction of a development for which a Development Permit has been issued, for the period of the construction;
- ~~(g)~~ (c) the construction and maintenance of that part of a public utility placed in or upon a ~~public thoroughfare~~ road or ~~public utility~~ easement;
 - ~~(h)~~ 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;
 - ~~(i)~~ the use of a building or part thereof as a temporary polling station for a Federal, Provincial or Municipal election or referendum or plebiscite;
- ~~(j)~~ one temporary, on-site freestanding or fascia sign which does not exceed 1m² 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)~~ (d) advertising a campaign or drive which has been approved by Council;

Commented [TW123]: The LUB cannot regulate this.

Commented [TW124]: Moved above.

Commented [TW125]: Moved above.

~~such a sign may be posted for a maximum period of fourteen (14) days;~~

~~(e) Signs;~~

~~(k) Municipal signs used to indicate street names and traffic control;~~

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

~~(m)(g) 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;~~

~~(n)(h) Telecommunication antenna systems that are regulated by Industry Canada Communication Structures;~~

~~(o)(i) the erection, construction or replacement of one (1) garden/tool shed Accessory Building per site parcel, which does not exceed 13.5 m² (145 ft²) in gross floor area and 2.5 m (8.2 ft) in height when listed as a permitted use within a residential parcels district;~~

~~(p) the erection, construction or replacement of one (1) private greenhouse shed per site, which does not exceed 13.5m² (145 sq ft) floor area and 2.5m (8.2ft) in height within residential parcels;~~

~~(j) the erection or construction or maintenance of fences, gates, walls or other means of enclosure (other than on corner parcels/lots or where abutting a road used by vehicular traffic) less than 1.2 m (4 ft) in height in a front yards and less than 2 m (6.56 ft) in height in for a side or rear yards; and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure;~~

~~(k) demolition of a building; and~~

~~(q)(l) renewable energy systems.~~

~~(r) one on site fascia sign which does not exceed 0.185m² (2ft²) 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.~~

Commented [TW126]: Council does not and cannot authorize anything in development or subdivision. only in a direct control district when council is the development authority.

Commented [TW127]: This is the defined use.

Commented [TW128]: Garden/tool shed is not defined. Accessory building is. This now includes greenhouses.

Commented [TW129]: Hussar does not require a development permit for a fence.

Commented [TW130]: this part of the statement is not clear to its intent.

Commented [TW131]: recommend no permit required.

Commented [TW132]: No permits for signs if they meet the LUB regulations.

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 submitted in writing using

the prescribed form, ~~signed by the owner or his/her agent, and~~ accompanied by prescribed development permit fee and application submission requirements, including:

- (a) authorization of the registered landowner;
- ~~(a)~~(b) ~~two (2) copies of the application form and a~~ site plan, preferably drawn to scale, ~~which showing~~ the following:
 - ~~(i)~~ legal description ~~of the site with~~and north arrow;
 - ~~(ii)~~ area and dimensions of the ~~land to be developed~~parcel boundaries including the required 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;~~
 - ~~(iii)~~ existing and proposed easements and rights-of-ways, including dimensions and type of easements, if applicable;
 - ~~(v)~~(iv) the location and dimensions of all existing and proposed buildings, structures, or uses on the parcel and the measured distance to property line;
 - ~~(v)~~ existing and proposed road and lanes that provide access and egress to and from the ~~site~~development;
 - ~~(vi)~~ any provision for off-street parking stalls and loading stalls;
 - ~~(b)~~(c) statement or site plan of existing and proposed public 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)~~(d) the estimated commencement and completion dates;
 - ~~(f)~~ ~~a statement of ownership of the land and interest of the applicant therein; and~~
 - ~~(g)~~ ~~the Development Permit fee as prescribed by Council.~~
 - (e) the presence of abandoned oil and gas wells.

Commented [TW133]: Move to “may be required” section 4.3.2 below.

4.3.2 In addition to the information required under Section 4.3.1, ~~the following information is required on applications for Development Authority may also require additional information in order to assess the conforming of a proposed development with this Bylaw. Such information may include, but it not limited to:~~

- (a) current copy of certificate of title, and copies of any restricted covenants, utility rights-of-way, easements or Village of Hussar caveats registered on title;
- (b) floor plans, elevations and section drawings;

- (c) written rationale supporting any requested variances;
- (d) samples or representations of exterior building materials and colors;
- (e) stormwater management, grading or landscaping plans, prepared by a qualified professional;
- (f) in the case of the placement of an already constructed or partially constructed building to be relocated to the parcel, information relating to the age and condition of the building;
- (h) multi-family, commercial, industrial, recreational, and institutional uses;
- (i) loading and parking provisions;
- (ii)(g) garbage and storage areas and the fencing and screening proposed for same; and
- (i) location and approximate dimensions of all existing and proposed trees, shrubs, parks, playgrounds etc.; and
- (iii)(h) a development impact assessment statement prepared by a qualified professional 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 ~~Notwithstanding 4.3.1 and 4.3.2, T~~he Development Officer may require additional information or ~~additional copies of the plans, reports~~ and specifications as ~~is deemed necessary~~ may be required to adequately render a decision on the application.

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.~~

Commented [TW134]: More complex than these statements. Refer to the Act for complete details.

4.4 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION

4.4.1 ~~Within the timeframe specified within the Act, a notice of complete application or incomplete application shall be issued to the applicant on the form created by the Development Authority and sent by email where consent has been granted by the applicant, otherwise it shall be sent by mail.~~

Commented [TW135]: Required to be stated in the LUB pursuant to the Act.

4.5 DEVELOPMENT PERMIT APPLICATION REFERRALS

4.5.1 ~~Upon issuing a notice of complete application, a development permit application may be referred for comment to any department, agency (provincial and regional) or adjacent municipality whose intent or jurisdiction may be affected.~~

Commented [TW136]: To make this LUB more clear, these statements have been removed from the section on making a decision and issuing 'notices'. A referral is different than a notice. A referral is sent BEFORE a decision is made. A NOTICE OF DECISION is sent after the decision is made.

~~4.5.2 The referral 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.~~

~~4.5.3 Having received a reply on a matter referred to any person, municipality, agency or authority, the Development Authority shall make a decision on the application giving due consideration to the comments received.~~

~~4.5.4 After the time period identified in the referral notice from the date of the referral, the application may be dealt with by the Development Authority whether or not comments have been received.~~

4.44.6 DECIDING ON A DEVELOPMENT PERMIT APPLICATION

~~4.4.1 The Development Officer shall:~~

~~4.4.2 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;~~

~~4.4.3 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;~~

~~4.4.4 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;~~

~~4.4.5 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~~

~~4.4.6 the Development Officer shall collect fees according to the scale approved by resolution of Council.~~

~~4.4.7 The Municipal Planning Commission shall:~~

~~4.4.8 decide on applications for Development Permits for those Discretionary Uses referred by the Development Officer in the relevant Land Use District;~~

~~4.4.9 approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application; and~~

~~4.6.1 Where a development permit application is for a permitted use in a building or on a parcel and the proposed development conforms to all the applicable requirements and rules of this Bylaw, the Development Authority must approve the application and issue the development permit. The Development Authority may impose such conditions as required to ensure compliance with this Bylaw.~~

~~4.6.2 Where a development permit application is for a permitted use in a building or on a parcel and~~

Commented [TW137]: These statements were moved to Section 3.3.8 for powers and duties of a Development Officer.

Commented [TW138]: These statements were moved to Section 3.3.9 regarding the powers and duties of the MPC.

~~the proposed development does not conform to all of the applicable requirements and rules of this Bylaw, the Development Authority may:~~

- ~~(a) refuse to approve the development permit application; or~~
- ~~(b) approve the development permit application; and may:
 - ~~(i) grant a relaxation of the requirement or regulation to which the proposed use does not conform; or~~
 - ~~(ii) impose such conditions as required to ensure compliance with this Bylaw.~~~~

~~(j)4.6.3 when~~ When making a decision on a Development Permit application for a Discretionary Use, the ~~Municipal Planning Commission~~ ~~Development Authority~~ must take into account:

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

~~4.4.104.6.4 An application may be approved~~ The Development Authority may approve an application 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~~ Development Authority, 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 proposed development conforms with a use prescribed by this Bylaw for that land or building ~~amount of variance does not exceed 20% of the requirements in any district.~~

~~4.4.11 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:~~

~~4.4.12 limiting hours of operation;~~

~~4.4.13 limiting number of patrons;~~

Commented [TW139]: The Development Officer may make decisions on discretionary uses, such as Accessory buildings.

Commented [TW140]: Variance powers moved to the sections on duties and powers of the development officer and the MPC

Commented [TW141]: Moved to section on Conditions of Approval.

- ~~4.4.14 — establishing landscaping requirements;~~
- ~~4.4.15 — requiring noise attenuation;~~
- ~~4.4.16 — requiring special provisions be made for parking;~~
- ~~4.4.17 — regarding the location, character and appearance of a building;~~
- ~~4.4.18 — 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;~~
- ~~4.4.19 — establishing the period of time during which a development may continue; and~~
- ~~4.4.20 — ensuring the development is compatible with surrounding development.~~

4.6.5 The Development Authority may refuse a Development Permit application for a discretionary use even though it meets the requirements and rules of this Bylaw.

~~4.4.21~~4.6.6 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.

~~4.4.22~~ 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.

Commented [TW142]: Moved to conditions of approval section

4.6.7 The Development Authority must refuse a development permit application when the proposed development:

- (a) is for a use that is not listed as either a permitted use or a discretionary use in the land use district; or
- (b) is for a use containing a restriction in its definition that is not met by the proposed use.

~~4.4.23~~4.6.8 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.

~~4.4.24~~ 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.

Commented [TW143]: This is more complex than stated here, and is stated in the Act.

~~4.4.25~~ 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.

Commented [TW144]: a Temporary permit is a condition on the permit, not a 'use'.

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.

Commented [TW145]: moved to section 4.5. REFERRALS are done prior to making a decision on an application. Issuing NOTICES are done after a decision is made. It is confusing if these are noted in the same section.

4.6.4.7 DEVELOPMENT PERMITS AND NOTICE-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.
- 4.6.2.4.7.1 — A development permit granted issued for a permitted use with no conditions pursuant to in compliance with the standards of this Bylaw, or a development permit issued by Council pursuant to a direct control district 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.
- 4.7.2 — When a Development Permit is approved for a discretionary use or for a permitted use in which a variance is granted, the Development Authority shall:
 - (a) provide a notice of decision to the applicant of the approval;

Commented [TW146]: The official term is 'Notice of Decision'

Commented [TW147]: This statement is incorrect. See 4.7.2 below for more details.

Commented [TW148]: It does not matter if there are conditions on the permit or not, a permit for a permitted use that meets the bylaw must be issued immediately.

Commented [TW149]: See 4.7.1 above.

(b) immediately mail a notice in writing to all owners of adjacent land; and

(c) issue a development permit after the appeal period has expired, pursuant to section 5.2.

Commented [TW150]: This is required to be specified pursuant to the Act.

4.7.3 A Development Permit issued pursuant to section 4.7.2 does not come into effect until twenty-one (21) days after the date the notice is mailed to all owners of adjacent land. Any development proceeded with by the applicant prior to the expiry of this appeal period is done solely at the risk of the applicant.

4.7.4 The notices indicated in section 4.7.2 must state:

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

(b) the uses proposed for the subject development;

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

(d) how an appeal may be made to the appeal body and the deadline for such appeal.

4.6.4.7.5 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:

4.6.6 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;

4.6.7 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;

Commented [TW151]: Incorrect. Notification only sent where it is a discretionary use.

4.6.8 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;

Commented [TW152]: This is referring to a Notice of Application, not after a decision has been made.

4.6.9 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

4.6.10 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.~~

~~4.6.11 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.~~

Commented [TW153]: A development permit in the case of a permitted use. A Notice of Decision is sent in the case of a discretionary use.

~~4.6.124.7.6~~ When the Development Authority refuses an application for a Development Permit, the decision shall ~~be issued to the applicant and shall~~ contain ~~the~~ reasons for the refusal.

Commented [TW154]: Only the applicant is notified of a refusal.

~~4.6.134.7.7~~ 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; or
- ~~(d) the requirements or conditions of the Development Permit have not been complied with; or~~
- ~~(e)(d)~~ (d) 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.

4.8 CONDITIONS OF APPROVAL

~~4.8.1 The Development Authority may, as a condition of issuing a development permit for a permitted use or discretionary use, require the applicant to make satisfactory arrangements for the supply of utilities including but not limited to natural gas, cable, electric power, water, sewer service, or any one or more of them including the payment of the cost of installation of construction of any such utility or facility by the applicant.~~

~~4.8.2 The Development Authority may, as a condition of issuing a development permit for a permitted or discretionary use, require the applicant enter into an agreement with the Village of Hussar to any or all of the following:~~

- ~~(a) to construct or pay for the construction of a road required to give access to the development;~~
- ~~(b) to construct or pay for the construction of:~~
 - ~~(i) a pedestrian walkway system to serve the development, or~~
 - ~~(ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to~~

serve an adjacent development, or both;

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

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

(i) off-street or other parking facilities, and

(ii) loading and unloading facilities;

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

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

4.8.3 The Village of Hussar may register a caveat pursuant to the provisions of the Act and the Land Titles Act in respect of an agreement under section 4.8.2 against the certificate of title for the land that is subject of the development. Said caveat shall be discharged when the agreement has been complied with.

4.8.4 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) regarding the phasing of development;

(i) establishing the maximum density of dwelling units;

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

(k) ensuring the development is compatible with surrounding development.

4.74.9 DEVELOPMENT PERMIT COMMENCEMENT AND COMPLETION

4.9.1 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 is submitted in writing by the applicant and granted by the Development Authority. The extension request must provide the reasons for the request. 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.~~

Commented [TW155]: Recommend 4.9.2 below.

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

Commented [TW156]: Greater clarity on completion date. Easier to enforce if this is stated in the LUB.

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

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

Part 5 Appeals

5 APPEALS PROCEDURES

5.1 SUBDIVISION APPEALS PROCEDURES

- 5.1.1 An appeal with respect to a decision on a subdivision application is governed by the ~~MGA~~Act and the Regulation.
- ~~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 APPEALS PROCEDURES

- 5.2.1 An appeal with respect to a decision on a development permit application is governed by the ~~MGA~~Act.
- 5.2.2 Where the Development Authority:
 - (a) refuses or fails to render a decision on an application for a development permit; or
 - (b) approves an application for a development; or
 - (c) issues an order under this Bylaw;the person applying for the permit or affected by the order, or any other affected person, as the case may be, may appeal to the appeal body within the dates outlined in the Act.
- ~~5.2.1 An appeal may be made to the appropriate Appeal Body in accordance with the MGA.~~
- ~~5.2.2 Where a Development Permit is issued within a Direct Control District the appeal may be limited in accordance with the MGA.~~

Commented [TW157]: The procedures are outlined in the Act and the regulations, do not need to be repeated in the LUB.

Commented [TW158]: Recommend to delete as the Act and the Regulation should be referred to. Additionally, some of these statements are not complete or incorrectly stated.

Commented [TW159]: Recommend to delete as the Act and the Regulation should be referred to. Additionally, some of these statements are not complete or incorrectly stated.

~~5.2.3 — 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.~~

~~5.2.4 — 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.~~

~~5.2.5 — 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.~~

~~5.2.6 — 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~~

Commented [TW160]: Delete all reference to the ISDAB process. The Act and Regulations are the source of how these processes operate.

~~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;~~

Commented [TW161]: Delete all reference to the LPRT process. The Act and Regulations are the source of how these processes operate.

Part 6 ~~Conditions,~~ ~~Enforcement &~~ ~~Administration~~ Enforcing and Amending the Land Use Bylaw

6 ~~CONDITIONS, ENFORCEMENT & ADMINISTRATION~~ ENFORCING AND AMENDING THE LAND USE BYLAW

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~~

Commented [TW162]: This section moved to 4.8 in relation to issuing a development permit.

- 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.~~

6.26.1 COMPLIANCE WITH OTHER BYLAWS AND REGULATIONS

~~6.1.1 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. 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.~~

~~6.1.2 In addition to 6.1.1, the applicant is also responsible for complying with the conditions of any caveat, covenant, easement or instrument affecting a building or land.~~

~~6.1.3 The Village of Hussar is not responsible nor does the Village of Hussar have any obligation whatsoever to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.~~

6.36.2 RIGHT OF ENTRY AND INSPECTION

~~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:~~

~~6.3.2 "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,~~

~~6.3.3 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,~~

~~6.3.4 request anything be produced to assist in the inspection, remedy, enforcement or action, and~~

~~6.3.5 make copies of anything related to the inspection remedy, enforcement or action.~~

~~6.3.6 "542(2) The designated officer must display or produce on request identification showing that the person is authorized to make the entry:~~

~~6.3.7 542(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."~~

~~6.3.8 The Development Officer, Subdivision Officer or such other designated person, is the~~

Commented [TW163]: Delete excerpts from the Act.

~~“designated person” for the purposes of Section 6.3.~~

~~6.2.1 Pursuant to the Act, a Designated Officer may only enter land or a building for the purposes of ensuring compliance with the Act and the Regulation, or this Bylaw if:~~

- ~~(a) the owner or person in possession of it gives his consent to the entry; or~~
- ~~(b) the entry is authorized by an Order of the Court of King’s Bench; and~~
- ~~(c) only for the purpose of ensuring compliance with the Act and the Regulation, or this Bylaw.~~

~~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~~

Commented [TW164]: The correct term is a Designated Officer, which must be appointed by Council.

Commented [TW165]: Delete excerpts from the Act.

~~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.~~

Commented [TW166]: Duplicate clause covered in 4.7.7. This isn't enforcement, so the clause remained in section 4.7.

6.56.3 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.~~

~~6.3.1 — Any owner, lessee or occupant of land or a building, or the owner of a structure or a Sign thereon, who with respect to such land, building, structure or Sign, contravenes, causes, or allows a contravention of any provision of the Bylaw commits an offense.~~

~~6.3.2 — Any person who commences or continues development for which a development permit is required but has not been issued, has expired, has been revoked or suspended, or which is in contravention of a condition of a development permit under the Bylaw commits an offense.~~

~~6.3.3 — Any person who prevents or obstructs the Development Authority or a Designated Officer from carrying out any official duty under the Bylaw or the Act commits an offense.~~

~~6.3.4 — A Designated Officer may enforce the provisions of the Bylaw, or the conditions of a development permit pursuant to the Act.~~

~~6.3.5 — Nothing in this Bylaw diminishes or in any way affects the rights of the Village of Hussar pursuant to the Act, or at common law to seek an entry order, order for compliance, injunction or any other order to obtain compliance with this Bylaw.~~

6.4 ORDERS

~~6.4.1 — Pursuant to Section 645 of the Act where an offense under the Bylaw occurs, the Development Officer may by written notice, order the owner or the person in possession of the land or buildings, or the person responsible for the contravention to:~~

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

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

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

6.4.2 A person who receives an order referred to in Subsection 8.3.1 above may appeal to the Appeal Body in accordance with Part 5 - Appeals of this Bylaw.

6.4.3 Where the Council or a person appointed by it carries out an order the Council shall cause the costs and expenses incurred in carrying out the order to be added to the tax roll of the parcel of land and the amount:

(a) is deemed for all purposes to be a tax imposed under the Act from the date it was added to the tax roll; and

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

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.

Commented [TW167]: Forms do not need to be authorized by Council.

Commented [TW168]: Fees are set by a separate bylaw of Council.

Commented [TW169]: Duties of the Development Authority are specified in previous sections of this bylaw.

6.76.5 AMENDMENTS TO THE LAND USE BYLAW

6.7.16.5.1 Any person may apply to have this Bylaw amended.

6.7.26.5.2 The Council may initiate amendments by its own resolution.

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

- (a) the prescribed application fee determined by the Council;
- (b) a statement of the applicant's interest in the land;
- (c) any required drawings, plans or maps required by the Development Officer; and
- (d) any documents as required by the Development Officer.

Commented [TW170]: The application and fee is submitted to Palliser.

Commented [TW171]: The Development Officer has no authority in a land use bylaw amendment.

6.7.46.5.4 All amendments of to this Bylaw shall be made by Council by Bylaw in conformity with the Act and the Regulations.

6.7.56.5.5 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.

~~6.7.66.5.6~~ 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.

Commented [TW172]: This is not allowed under the Act. An agreement can only be required as a condition of development permit or subdivision approval under sections 650 and 655 of the Act.

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 YARD SETBACKS REQUIREMENTS AND PERMITTED PROJECTIONS~~

~~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.~~

Commented [TW173]: Sign setback regulations will be in the signs section.

~~7.2.27.2.1~~ The minimum ~~distance~~ required ~~for~~ yards do not apply to:

Commented [TW174]: Use defined terms.

(a) exterior finishing materials applied to principal buildings provided the material does not ~~encroach project~~ more than ten (10) centimeters into any yard;

Commented [TW175]: Encroachment is a different term for planning, and usually refers to when a building encroaches onto another property.

(b) construction wholly beneath the surface of the ground; ~~or~~

(c) ~~decks less than 0.6m (2ft) in height from grade patios, fences, retaining walls and landscaping;~~

Commented [TW176]: The definition of a deck is greater than 0.6m. use the new defined word of a patio instead

~~(c)(d)~~ driveways, parking stalls and sidewalks.

~~7.2.37.2.2~~ Projections may be allowed to ~~encroach~~ into a yard as follows: The following building projections into or over a required yard setback shall not require a variance.

Commented [TW177]: Use defined terms.

(a) Front Yards:

Eaves, balconies, bay windows, canopies, chimneys, unenclosed decks, fire escapes ~~and porches and stairways and landings~~ may project a maximum of 0.6 m (2 ft) over or onto a required front yard.

Commented [TW178]: Porches should be considered as part of the principal building and not allowed to project.

(b) Side Yards:

Eaves, balconies, bay window, canopies, chimneys unenclosed decks, fire escapes ~~and porches~~ may project a maximum of 0.6 m (2 ft) over or onto a required ~~side~~ 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.~~

(c) Rear Yards:

Eaves, balconies, bay windows, canopies, chimneys, unenclosed decks, fire escapes and stairways and landings may project a maximum of 2 m (6.6 ft) over or onto a required rear yard.

Commented [TW179]: Rear yard projections are important to allow.

7.2.47.2.3 In addition to those features listed in Section 7.2.2-7.2.3(a) and (b), a projection into any designated required 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 3.6 m (12 ft) 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 4.5 m (14.7 ft) 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.~~

Commented [TW180]: Cannot include building code requirements in the LUB

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

Commented [TW181]: This will be contained in the district regulations.

~~(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.~~

Commented [TW182]: Cannot do this. Delete.

7.3 UTILITIES

7.3.1 A development shall not be permitted if the development is not served by the public sewer or at the discretion of the Development Authority, a provincially approved private system.

~~7.3.2 A development shall not be permitted until satisfactory arrangements have been made for the~~

Commented [TW183]: Some developments do not need these services.

~~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 the number of dwelling units or other unit as noted in this section.~~

~~7.4.17.4.2~~ ~~u~~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.

~~7.4.27.4.3~~ 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:~~

~~7.4.3~~ ~~a requirement of one space per 7m² (75.34 sq ft) based on this adjusted or net floor area.~~

7.4.4 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/37 m ² (398.2 sq-ft ²)
Building Supply Centre/ Lumber Yards	5 space/ha (2 space/ac) of site plus 1 space/37 m ² (398.2 sq-ft ²)
Child Care Facility, Pet Care Facility <u>Services</u>	1 space/employee plus 1 space for owner's vehicle
Drinking Establishment, <u>Eating Establishment</u>	<u>1 space/7 m² (75.3 ft²)</u> - See 7.4. 32
Dwelling, Accessory Residential <u>Dwelling, Secondary Suite</u> <u>Dwelling, Backyard Suite</u>	1 additional parking stall per Dwelling Unit
Eating Establishment	See 7.4.2
Hotel/ Motel	1 space /sleeping unit plus 1 space/employee
Industrial Service Shop	1 spaces/ 46 m² (495.1 sq-ft)
Intensive Vegetative Operation	1 space/ 30 m ² (322.9 sq-ft ²)
<u>Libraries</u>	<u>1 spaces/ 37m² (398.2sq-ft)</u>
Medical Clinic	1 space/37 m ² (398.2 sq-ft ²)
Manufacturing, <u>Plants, Light and Heavy</u>	1 space/56 m ² (602.7 sq-ft ²)

Commented [TW184]: Not defined as a use.

Office	1 space/37 m ² (398.2 sq ft)
Private Clubs, Lodges and Fraternal Orders	1 space/37m²(398.2sq ft)
Public and Quasi-Public Buildings	1 space/28 m ² (301.3 sq ft) plus 1 space/employee
Recreation Facilities	1 space/37 m ² (398.2 sq ft)
Recreation Facilities with Seating	1 space/5 seats
Worship Facilities	1 space/8 patrons
Residential Dwellings	1 spaces/dwelling unit
Bed and Breakfast	1 space /guest bedroom
Retail Stores and Service/ Repair Shops	1 space/37 m ² (398.2 sq ft)
Schools-Elementary	1 space/class
Junior High	4 spaces/class
Senior High	8 spaces/class
Senior Citizens Accommodation Care Facility	1 space/46 m ² (495.1 sq ft)
Automotive Repair and Service Station	1 space/46 m ² (496.1 sq ft) total building are plus 3 spaces/repair bay
Warehouses	1 space/93 m ² (1,001 sq ft) plus 1 loading bay/1,858m²(19,999.3sq ft) minimum of 1

Commented [TW185]: Not defined as a use.

- ~~7.4.5 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:~~
- ~~7.4.6 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;~~
- ~~7.4.7 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~~
- ~~7.4.8 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.~~
- ~~7.4.9 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,~~

Commented [TW186]: Shared parking provisions not required in a Village the size of Hussar.

~~located, and constructed to the Village's standards so that:~~

~~7.4.10 — it is easily accessible to the vehicle intended to be accommodated there;~~

~~7.4.11 — 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~~

~~7.4.12 — it is satisfactory to the Development Officer in size, shape, location, grading, and construction.~~

~~7.4.13~~7.4.5 A loading space shall have an area of not less than 28 m² (301.3~~sq~~ ft²), 3.5 (11.4 ft) in width, and 3.5 m (11.4 ft) overhead clearance.

~~7.4.14 — Any parking space or any loading space provided shall be developed and surfaced to Village standards.~~

~~7.4.15~~7.4.6 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.

~~7.4.16~~7.4.7 Adequate curbs or concrete bumpers or fences shall be provided to the satisfaction of the Development Officer.

~~7.4.17 — 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.~~

~~7.4.18~~7.4.8 Parking spaces shall not be less than 2.5 m (8.2 ft) in width, and 6 m (19.6 ft) in length, and 15m² (161.4 sq ft) in area.

~~7.4.19~~7.4.9 Parking spaces shall be designed and provided in accordance with the following table and diagram.

WIDTH OF STALL m (ft)	ANGLE OF PARKING, DEG	WIDTH OF AISLE m (ft)	DEPTH OF STALL PERPENDICULAR TO AISLE m (ft)
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)

~~7.4.20 — Parking spaces shall not be located in the front yard of a site in any residential district unless otherwise allowed by the Development Officer.~~

Commented [TW187]: The standards need to be specific or deleted.

Commented [TW188]: This is a grading standard, not parking regulation.

Commented [TW189]: This is not reasonable, perhaps only in certain districts for certain uses (i.e. apartments).

7.5 ACCESSORY BUILDINGS

~~7.5.1 All accessory buildings shall be located at least 2m (6.5ft) from any principal building.~~

Commented [TW190]: Unrealistic, and unnecessary to regulate.

~~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.~~

~~7.5.1 Accessory buildings must be secondary and subordinate to the principal building or principal use on the same parcel.~~

Commented [TW191]: Clarifying that an accessory building can't be the principal use or building on the site.

~~7.5.3.5.2 For the purpose of calculating yard setbacks and site coverage requirements, wWhen an accessory building is to be attached to the principal building by a roof, a floor or a foundation it shall be deemed to be part of the principal building.~~

Commented [TW192]: Clarifying what 'attached' means in this context

~~7.5.4.5.3 An accessory building erected on a site in any residential district shall not be used as a dwelling unit 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.~~

Commented [TW193]: Cannot require greater at discretion for permitted uses.

~~7.5.6.7.5.4 No side yard is may be required for an accessory building in any district provided that, to the satisfaction of the Development Authority:~~

- (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.

~~7.5.7.5.5 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. For parcels that abut a lane, no rear yard may be required for an accessory building provided that, to the satisfaction of the Development Authority, the requirements of section 7.5.4 (a) and (b) are met.~~

~~7.5.8.7.5.6 Accessory Buildings – Fabric Covered shall be considered a discretionary use in Residential Land Use Districts and shall adhere to the following requirements:~~

Commented [TW194]: Listed as a use in each district instead of stating this in the general regulations.

- (a) shall not exceed 20.4 m² (219.5 sq-ft²) in floor area within residential districts;
- (b) shall be a minimum 3 m (9.8 ft) from flammable material (e.g. burning barrels, fire pits or other open flame accessories) and vegetation;
- (c) shall be kept in good condition and the fabric not frayed or damaged to the satisfaction of the Development Authority; and
- (d) shall not be used in a manner to cause or create a nuisance by way of noise, vibration, etc. or dust and the privacy and to impact the enjoyment of adjacent

~~residential uses or properties shall be preserved, and the amenities of the neighbourhood maintained~~

~~7.5.7 The Development Authority may require the exterior surface of an Accessory Building – Shipping Container be finished, or screened from public view, to the satisfaction of the Development Authority.~~

~~7.5.8 An Accessory Building – Shipping Container shall not be used as a sign.~~




~~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.~~

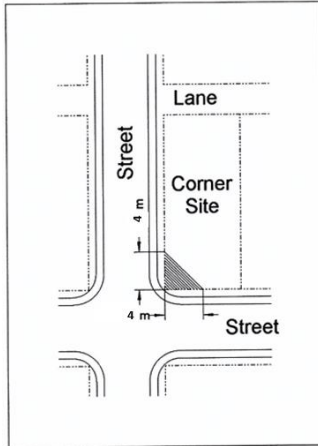
Commented [TW195]: Recommend deleting. For permitted uses, any landscaping regulations must be very clear what is required. Add regulations for landscaping for any particular uses or within specific districts if desired (i.e. apartments, commercial districts, etc).

~~7.7.6 FENCING AND HEDGES:~~

~~7.7.17.6.1 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:~~

Refer to 7.7.3	Location <u>Yard</u>	Maximum height from grade:
	Rear yard and Interior Side Yard	2 m (6.5 -ft.)
	Front yard	1.2 m (3.9 -ft.)
	<u>Exterior</u> Side yard (exterior)	1.2 m (3.9 -ft.)

~~7.7.17.6.1 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. On corner lots within the corner visibility setback, which lies within a triangle formed by a straight line drawn between two points on the exterior boundaries of said site, parcel lines 4 m (13.1 -ft) from the point where they intersect, as indicated on the following diagram:~~



fences shall be a maximum of 0.9 m (2.9 ft) in height to ensure public safety and/or good visibility for traffic and pedestrian purposes.

7.7.27.6.2 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).~~

Commented [TW196]: See Corner Lots section.

~~7.7.47.6.3 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. In commercial and industrial districts, the maximum height above grade of a fence located within any yard is 2.4 m (8.0 ft).~~

Commented [TW197]: Screening regulations are use-specific.

~~7.7.5 Swimming pools shall be fenced in accordance with Alberta Safety Codes Requirements.~~

Commented [TW198]: Cannot require Safety Codes Act requirements in the LUB.

~~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.~~

Commented [TW199]: Need to be specific. See new 7.6.3.

7.7.77.6.4 No fence shall be of barbed wire construction within Village boundaries.

7.87.7 CORNER LOTS, REVERSE CORNER LOTS AND IRREGULAR LOTS

7.8.17.7.1 The parcel lines and yards of corner lots shall be determined by the following (see diagram for Corner Lots and Reverse Corner Lots below):

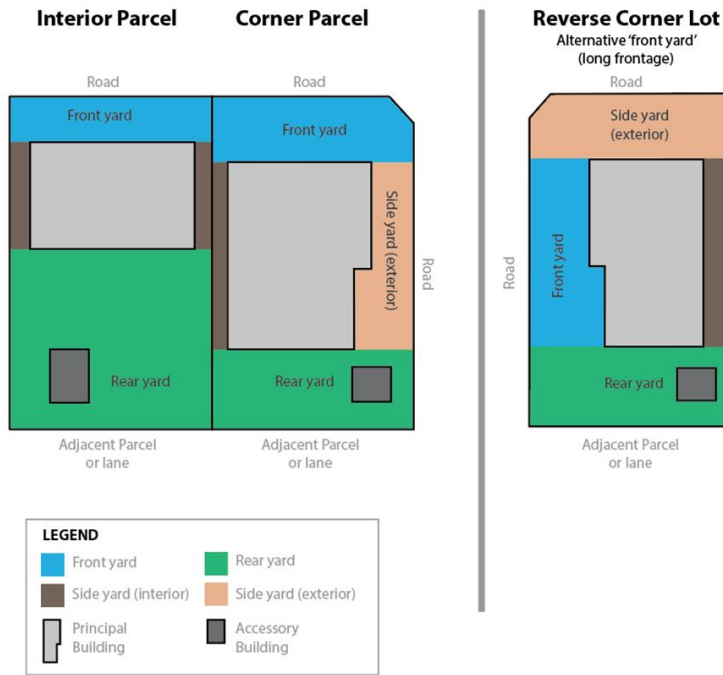
- (a) the front parcel line of a corner lot is the shortest property line abutting a road;
- (b) the exterior side parcel line of a corner lot is the longest property line abutting a road;

- (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.

7.8.27.7.2 Notwithstanding ~~7.8.17.7.1~~ 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).

7.8.37.7.3 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.



7-8.47.7.4 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.

7.97.8 SCREENING OF, OUTSIDE STORAGE AREAS AND GARBAGE STORAGE

7.9.17.8.1 Garbage shall be stored in weatherproof and animal proof containers, screened from adjacent ~~sites-parcels~~ and ~~public thoroughfares, roads~~ and be in a location easily accessible for pick up.

Commented [TW200]: This does not include lanes

7.8.2 Outside storage areas shall be screened from view from adjacent ~~sites-parcels~~ and ~~thoroughfares-roads~~ to the satisfaction of the Development Authority.

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

7.9.27.8.4 On corner lots within the corner visibility setback, screening shall be a maximum of 0.9 m (2.9 ft) in height above grade to ensure public safety and/or good visibility for traffic and pedestrian purposes.

7.107.9 BED AND BREAKFASTS

~~7.9.1~~ Bed and Breakfasts ~~accommodation~~ shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.

~~7.10.17.9.2~~ Bed and Breakfasts ~~accommodation~~ shall be an incidental and subordinate use to the principal residential use, shall be restricted to the dwelling unit and shall not:

- ~~(a)~~ require any alterations to the principal building unless the alterations are approved by the Development Officer;
- ~~(b)~~(a) create a nuisance by way of noise, parking or traffic generation;
- ~~(c)~~(b) 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)~~(c) sell meals or alcoholic beverages to non-overnight guests; and
- ~~(f)~~(d) include a kitchen in any room rented; and

Commented [TW201]: Recommend allowing a small sign.

~~7.10.2~~ shall provide one (1) onsite parking space per guest room.

Commented [TW202]: See parking regulations in Section 7.4.4

~~7.9.3~~ 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.

~~7.10.37.9.4~~ A maximum of one (1) fascia or freestanding sign for a Bed and Breakfast may be displayed in accordance with subsection 7.17.5.

7.117.10 HOME OCCUPATIONS

~~7.11.17.10.1~~ 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).

~~7.11.27.10.2~~ A Home Occupation shall not occupy more than 20% of the habitable floor area or 30 m² (332.9 ft²) of a Dwelling Unit, whichever is the lesser.

Commented [TW203]: Need to clarify which value is applicable.

~~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.

Commented [TW204]: Better clarified in Major and Minor classifications.

~~7.11.5~~ A Home Occupation shall not be permitted if, in the opinion of the Development Authority,

Commented [TW205]: Better clarified in Major and Minor classifications.

~~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.~~

~~7.11.6.10.3~~ 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 that is not characteristic of a residential use.

~~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.

Commented [TW206]: Better clarified in the Minor and Major classifications.

Commented [TW207]: the LUB only regulates parking on site, not on roads.

~~7.11.8.10.4~~ 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 dwelling unit only building, accessory building or accessory structure;
- ~~(b)(c)~~ shall not have on-site sales or customer visits totaling no greater than five (5) visits per day, and no more than two (2) customers on site at a time;
- ~~(c)(d)~~ Outdoor storage of materials, commodities, or finished products related to the use is prohibited; and
- ~~(d)(e)~~ May display a Window Signs in accordance with section 17.7.4. are the only permitted sign type for a Home Occupation-Minor

Commented [TW208]: Recommended to include additional regulations to differentiate between a minor and a major.

~~7.11.9.10.5~~ A Home Occupation – Major shall ~~comply with the following~~ be determined as any Home Occupation that meets one or more of the following criteria:

- ~~(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;
- ~~(a)~~ located within an accessory building or structure;
- ~~(a)(b)~~ May be permitted to employ up to a maximum of 4 employees that do not reside in the dwelling unit at the discretion of the Development Authority;
- ~~(b)~~ Shall be contained within the principal building or an accessory building;
- ~~(c)~~ 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.
- ~~(c)~~ on-site sales or customer visits totaling six (6) or more customer visits per day, or more than two (2) customers on-site at a time;
- ~~(d)~~ requires parking of a commercial vehicle up to a G.V.W rating of 4,500 kg (9920.8 lbs) associated with the Home Occupation.

Commented [TW209]: For any application.

Commented [TW210]: This is in the administration section regarding revoking a permit or enforcing a permit.

7.127.11 PET CARE SERVICES

~~7.12.1 Rules that apply to all Pet Care Services;~~

~~7.12.2 Animals shall not be boarded overnight;~~

~~7.12.3 May have the incidental sale of products relating to the services provided by the use; and~~

~~7.12.47.11.1 The Development Authority may, when issuing a development permit for Pet Care Services, determine limit the maximum number of animals that may be kept at any one time by the operator of a Pet Care Service.~~

~~7.12.57.11.2 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. Pet Care Services shall be designed, constructed and operated in a manner to prevent a nuisance to any adjacent residential use or other adjacent uses in regard to factors such as noise, odors and waste. Outside enclosures, pens, runs or exercise areas may be allowed at the discretion of the Development Authority.~~

7.137.12 KENNELS, BOARDING & BREEDING

~~7.13.47.12.1 An application for a Development Permit for a Kennel shall include, among in addition to the other application requirements stated in this Bylaw in Section 4.3, the following:~~

- ~~(a) A site plan indicating the size and location of all kennel buildings and facilities (e.g. outdoor enclosure, pens runs or exercise areas, waste (feces) management areas, parking areas, signs);~~
- ~~(b) the distance between any buildings or facilities used for the kennel operation to any residential uses within a 50.0 m (164.0 ft) radius; and~~
- ~~(d)(c) proposed screening and noise attenuation measures.~~

~~7.13.2 Floor plans illustrating the number, size and location of animal pens inside and outside the building(s);~~

~~7.13.3 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~~

~~7.13.4 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.~~

~~7.13.5 Kennels do not include a Veterinary Clinic.~~

~~7.13.6 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.~~

~~7.13.7 Kennels may provide for the incidental sale of products relating to the services provided by the~~

Commented [TW211]: This is in the definition of Pet Care Services.

Commented [TW212]: The Development Authority will limit the numbers, this is a more accurate statement.

Commented [TW213]: Cannot regulate other legislation in the LUB.

Commented [TW214]: Only request information that is related to the use of the lands.

Commented [TW215]: Veterinary Clinic has a separate definition and is a separate use. This is not required to be stated in the regulations.

Commented [TW216]: This relates to the section above.

Commented [TW217]: In the definition.

use.

~~7.13.8 Kennels may include enclosures, pens, runs or exercise areas~~

Commented [TW218]: Not a regulation.

~~7.13.97.12.2 No buildings or exterior exercise area(s) to be used to accommodate dogs shall be allowed within 50.0 m (164.0 ft.) of any dwelling located on adjacent parcels and a diagram indicating the distances shall be submitted with the development permit application.~~

~~7.13.10 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:~~

Commented [TW219]: These are not land use regulations.

~~7.13.11 Interior walls and ceilings shall be constructed of washable building material;~~

~~7.13.12 Exterior walls should be fire resistant and impervious to moisture;~~

~~7.13.13 Doors, window frames and window sashes should be impervious to moisture and rodent resistant;~~

~~7.13.14 Insulation shall be required, taking into consideration the breed, age, and overall health of the dogs; and~~

~~7.13.15 All facilities must have adequate ventilation and light.~~

~~7.13.167.12.3 The Development Authority may, when issuing a development permit for a kennel, determine the maximum number of adult dogs/animals that may be kept at any one time by the operator of a kennel.~~

~~7.13.177.12.4 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.~~

~~7.13.187.12.5 In addition to soundproofing requirements, the times at which the animals are allowed outdoors may be regulated/limited at the discretion of the Development Authority. 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.~~

~~7.13.197.12.6 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.~~

~~7.13.20 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.~~

Commented [TW220]: These clauses are not related to land use.

~~7.13.21 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.~~

~~7.13.22 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.~~

7.15.13 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.~~

~~7.13.1 Notwithstanding Section 4.2 Development Permits Not Required, a development permit shall be required for the relocation of any building, which has been previously used or occupied, to any parcel within the Village of Hussar as part of the development of a permitted or discretionary use.~~

~~7.13.2 A development permit for the relocation of a building may include conditions of approval that:~~

~~(a) the building and the proposed location of the building meets the requirements of the land use district in which the building is to be located;~~

~~(b) the building is compatible with the character of the neighbourhood in which the~~

Commented [TW221]: This clause is in the referrals section.

Commented [TW222]: Already stated in 4.3.2(h) using the correct defined terms.

Commented [TW223]: clarity: this statements means that the applicant will pay for an evaluation even if the Village undertakes its own?

Commented [TW224]: A municipality cannot require this in a LUB. Security can only be taken in accordance with Sections 650 and 655 of the Act.

building is to be relocated; and
the building be renovated to a satisfactory condition within a specified time. All renovations to a relocated building are to be completed within one (1) year of the issuance of the Development Permit.

Commented [TW225]: see new 7.14.2. Renovations could take longer or shorter, depending on the building and its condition.

7.15.2 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.

Commented [TW226]: This should be in the Notice of Application section if this is required. It is either required every time for a relocated building, or not required.

7.15.3 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.

Commented [TW227]: See 4.3.2(f)

7.15.4 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.

Commented [TW228]: the MPC cannot require removal. Enforcement must be undertaken in accordance with Section 6.4

7.15.5 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.

Commented [TW229]: Replace with a statement that relates specifically to relocated buildings, rather than a general statement.

7.15.6 Rough landscaping (spreading of topsoil) must be completed before the damage deposit is refunded.

Commented [TW230]: Previous damage to what? This is not specific or related to relocated buildings.

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.

Commented [TW231]: Cannot take deposits as per the above.

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.

7.15.13 demolition

Commented [TW232]: Permit not required.

7.15.14 A development permit shall be required for the demolition of a building with an area of 54m² (581.2 sq. ft) or greater.

7.15.15 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.~~

Commented [TW233]: Public safety is part of the building code requirements for demolition. A Development Permit is not required.

~~7.15.16 — 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.~~

~~7.15.17(c) 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.~~

7.167.14 RESIDENTIAL BUILDINGS ON THE SAME SITE

~~7.16.17.14.1 No person shall erect, construct or locate more than one (1) principal building dwelling unit on a site in any Residential Land Use District parcel unless otherwise permitted in this Bylaw (e.g. secondary suite or backyard suite).~~

Commented [TW234]: Use defined terms.

~~7.16.2 — 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.~~

Commented [TW235]: Both statements not required.

7.177.15 SIGN CONTROL

~~7.17.1 — 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.~~

Commented [TW236]: New section in Development Permits not required which indicates certain signs that do not need a permit and do not need to comply with the land use bylaw. These signs included in those sections.

~~7.17.27.15.1 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.~~

~~7.17.37.15.2 Signs other than fascia signs which overhang any abutting Municipal, Provincial, or Federal property are prohibited. No sign shall be erected upon, affixed to or overhang municipal property without the prior consent of the Village of Hussar.~~

~~7.15.3 Where a sign is no longer related to a business, product or event located on the same parcel as the sign, the sign must be removed by the owner of the sign or the owner of the parcel on which the sign is located.~~

~~7.15.4 All sign lighting shall be designed to illuminate the sign only.~~

~~7.17.47.15.5 Within a Residential Districts, one identification sign per site may be permitted as follows: the following sign regulations apply:~~

Commented [TW237]: Need to define in the districts if these are permitted or discretionary signs. "May be permitted" is not clear.

- ~~(a) one (1) a fascia sign which does not exceed 864in² (0.56 m² or 6 ft².) in area to identify for an approved home occupation – major and must be constructed of durable material and properly secured or anchored; or~~
- ~~(b) one (1) A window sign for a home occupation- minor; or~~

(c) ~~a one (1)~~ free-standing or fascia sign ~~when used to identify for~~ an apartment building, church/worship facility, day-child care centre, nursery school, care facility, cultural establishment ~~or manufactured home park~~ which does not:

(i) exceed 1.5 m² (16.1 sq-ft²) in area, ~~and~~

~~(ii) project back 0.6 m (1.9 ft) from the property line, or~~

~~(iii)~~ (ii) exceed 3.6 m (11.8 ft) in height ~~from grade.~~

~~7.17.57.15.6~~ Within a Commercial, ~~or Industrial or Community Service~~ District, ~~advertising, identification, or directional signs may be allowed as follows~~ the following sign regulations apply:

(a) freestanding signs ~~provided that:~~

(i) ~~shall not~~ exceed 1.5 m² (16.1 sq-ft²) in area,

(ii) ~~the total sign area for each face shall not exceed 1.5 m² (16.1 sq ft) shall not exceed 9 m (29.5 ft) in sign height; and~~

(iii) ~~the sign shall not project within 600 mm (1.97 ft) be located greater than 1.52 m (5 ft) back from a property line.~~

(b) fascia signs ~~provided that the total copy area of a sign or signs~~

(i) ~~shall not exceed 20% in sign area of the face of the building or bay to which the sign is attached; and~~

~~(iv)~~ (ii) ~~shall be located on the building frontage directly adjacent to the business.~~

(c) projecting signs ~~provided that:~~

(i) ~~the maximum area shall be a maximum of 9 m² (96.8 sq-ft²) in sign area;~~

(ii) ~~a sign shall not rise more than 300 mm (11.8 in) above a parapet;~~

(iii) ~~a sign shall not project within be located greater than 600 mm (23.6 in) back from the property line;~~

(iv) a minimum clearance of 3 m (9.8 ft) ~~shall be provided between the bottom of a sign and a private from grade or any sidewalk or walkway; and~~

~~(d) the structural supports and anchors have been approved by a professional structural engineer.~~

~~(e)~~ (d) ~~projecting roof signs provided that:~~

(i) ~~a sign shall appear as an architectural blade with no visible support structures;~~

(ii) ~~no portion of a sign shall not~~ overhang the roof on which it is located; and

(iii) ~~the shall not exceed a maximum sign area of a sign shall be 9 m² (96.8 sq~~

Commented [TW238]: Does not apply to fascia signs.

Commented [TW239]: Clarify this height is from grade, not sign height.

Commented [TW240]: Sign content does not matter

Commented [TW241]: Clarify in the district if signs are permitted or discretionary.

Commented [TW242]: Wrong sign type inserted, now corrected.

ft²).

~~7.17.6~~~~7.15.7~~ Within an Urban Reserve District, ~~identification or directional signs may be allowed as follows~~the following sign regulations apply:

- (a) one ~~(1)~~ free-standing ~~directional sign per site~~ which does not exceed 1 m² (10.7 sq ft²) in area ~~nor~~ 6 m (19.6 ft) in height ~~to identify the permissible use in the district.~~

~~7.17.7~~ 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.~~

~~7.17.8~~ 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.

~~7.18~~~~7.16~~ NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

~~7.18.1~~ 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.

~~7.18.2~~ 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.

~~7.18.3~~ 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.

~~7.18.4~~ 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.

~~7.18.5~~ A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:

Commented [TW243]: Recommend no billboards in Hussar.

Commented [TW244]: Requirement for a development permit for sign removed.

Commented [TW245]: Do not include excerpts of the Act.

~~7.18.6 to make it a conforming building;~~

~~7.18.7 as may be deemed necessary by the Development Officer for the routine maintenance of the building; or~~

~~7.18.8 in accordance with this Bylaw that provides minor variance powers to the Development Officer~~

~~7.18.9 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.~~

~~7.18.10 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.~~

~~7.18.11~~ **7.16.1** 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.

Commented [TW246]: Inadequate parking does not make a building non-conforming.

7.16.2 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.

~~7.18.12~~ **7.16.3** Nothing in this Bylaw diminishes or in any way affects the power of the Development Authority to issue a development permit which makes a non-conforming building conforming through the granting of a relaxation of the requirements or rules to which the existing building does not conform.

~~7.19~~ **LAND NEAR WATER OR SUBJECT TO FLOODING OR SUBSIDENCE**

Commented [TW247]: Not applicable to Hussar.

~~7.19.1 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~~

Commented [TW248]: This is not allowed or possible.

~~7.20~~ **7.17 SITE GRADING AND DRAINAGE**

~~7.20.1~~ **7.17.1** 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. Parcel grades and building elevations shall be established to ensure effective drainage and prevent drainage from one parcel to another, except where drainage conforms to an approved subdivision drainage plan.

~~7.21~~ **7.18 CONTROLLED APPEARANCE**

~~7.21.1~~ **7.18.1** 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 development.

~~7.22~~ **STORAGE STRUCTURES**

- ~~7.22.1~~ A storage structure shall meet the setback requirements for an accessory building in the appropriate district.
- ~~7.22.2~~ 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.
- ~~7.22.3~~ A storage structure shall not be permitted in residential areas or on parcels where the primary land use is residential.
- ~~7.22.4~~ A storage structure shall not be used as a sign.
- ~~7.22.5~~ A storage structure may be approved on a temporary basis during construction within any Land Use District

Commented [TW249]: Deleted. This use is "Accessory Buildings – Shipping Containers".

~~7.23~~7.19 **SECONDARY SUITES & BACKYARD SUITES**

- ~~7.23.1~~ 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
 - ~~7.23.2~~ An application for a "Dwelling, Secondary Suite" or "Dwelling, Backyard Suite" shall include a detailed parking plan outlining:
 - ~~7.23.3~~ Proposed off-street parking in line with the parking requirements outlined in Section 7.4.4, and
 - ~~7.23.4~~ On-street parking available in the area
 - ~~7.23.5~~ 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.).
 - ~~7.19.1~~ A "Dwelling, Secondary Suite" and a "Dwelling, Backyard Suite" cannot be located on the same property. A maximum of one (1) dwelling, secondary suite or dwelling, backyard suite is allowed per parcel.
 - ~~7.23.6~~7.19.2 A dwelling, secondary suite or dwelling, backyard suite must not be separated from the principal residential use on a parcel by the registration of a condominium or subdivision.
- ### Secondary Suites Regulations
- ~~7.23.7~~ 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.
 - ~~7.23.8~~7.19.3 The minimum floor area for a "Dwelling, Secondary Suite" shall be not less than 30 m² (322.92-sq.-ft²).

Commented [TW250]: Cannot regulate Safety Codes requirements in a LUB.

Commented [TW251]: Parking is already part of the site plan requirements of a development permit application.

Commented [TW252]: This isn't a requirement for parking stalls for a dwelling, do not have higher requirements for suites.

Commented [TW253]: The updated statement is more clear that you also cannot have 2 additional suites per principal dwelling.

Commented [TW254]: This is the definition of a secondary suite.

~~“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.~~

Commented [TW255]: This is the use, that it is accessory and not a principal use (i.e. a duplex).

~~7.23.9 — Only one Dwelling, Secondary Suite may be developed in conjunction with a principal dwelling.~~

~~7.23.10 — A “Dwelling, Secondary Suite” shall not be separated from the principal dwelling through a condominium conversion or subdivision.~~

~~7.23.11~~ **Backyard Suites Regulations**

~~7.23.12, 19.4~~ Development of a “Dwelling, Backyard Suite” shall comply with the following:

~~(g) — Must be located in a detached building located behind the front façade of the principal Dwelling Unit, shall not exceed 80 m² (861 ft²) in floor area;~~

~~(a) — May be attached to or on where the suite is located on the second storey of an Accessory Building, the maximum height of the building is 8.0 m (26.2 ft);~~

~~(b) — A maximum of one (1) “Dwelling, Backyard Suite” is permitted on a parcel.~~

Commented [TW256]: See 7.21.1

~~(c) — Must comply with all development standards for accessory Buildings in the Land Use District that the property falls within.~~

Commented [TW257]: This cannot be the same, in particular building height.

~~(d)(b) — 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.~~

~~7.24~~ **SUBDIVISION OF LAND**

~~7.24.1 — 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.~~

Commented [TW258]: This is not always applicable. Recommend to delete.

~~7.25~~ **UNDERMINING OR SUBSIDENCE CONDITIONS**

~~7.25.1 — 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.~~

Commented [TW259]: Not applicable in Hussar.

~~7.26.7, 20~~ **MANUFACTURED HOMES DWELLINGS**

~~7.26.17, 20.1~~ 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.

~~7.26.27, 20.2~~ The undercarriage of each a manufactured home dwelling shall be completely screened from view by the foundation or by skirting within thirty (30) days of placement of the manufactured home dwelling.

~~7.26.37.20.3~~ All manufactured ~~homes-dwellings~~ shall be provided with steps and landings to all entrances within thirty (30) days of their placement.

~~7.26.47.20.4~~ All accessory structures such as steps, patios, porches, additions, skirting and storage facilities shall be ~~shall be~~ of complementary quality and design to the Manufactured Dwelling.

~~7.26.5~~ Each manufactured home shall be ~~connected to and be serviced by electrical power, natural gas and the Village's sanitary sewer and water supply.~~

Commented [TW260]: See general utility regulations.

~~7.26.67.20.5~~ 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.

~~7.27~~ **BULK FUEL, LIQUEFIED PETROLEUM GASES AND CHEMICAL STORAGE AND DISTRIBUTION FACILITIES**

~~7.27.1~~ 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.~~

Commented [TW261]: Cannot regulate provincial or federal legislation in a LUB.

~~7.287.21~~ **TEMPORARY BUILDINGS OR USES**

~~7.28.17.21.1~~ The Development Authority may conditionally approve a temporary building ~~or use~~ 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.

Commented [TW262]: To match the defined use in the definitions section.

~~7.28.27.21.2~~ A temporary building shall not exceed one storey in height and shall not have a basement or a cellar or any below grade foundation.

~~7.28.37.21.3~~ A temporary building shall be maintained at all times.

~~7.28.47.21.4~~ No temporary building ~~or use~~ 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.

~~7.28.57.21.5~~ The Development Authority may require skirting around the base of a temporary building.

~~7.28.67.21.6~~ 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.

~~7.297.22~~ **RENEWABLE ENERGY SYSTEMS**

~~7.29.1~~ 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:~~

Commented [TW263]: See the definition of a renewable energy system.

~~7.22.1 Renewable Energy Systems that are part of, or attached to, the principal building or an accessory building shall follow the requirements for that use (e.g. Solar panels on a roof);~~

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

~~(b) not project past a roof by 1.5 m (4.92 ft) at any point; and~~

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

~~7.29.2 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 that are freestanding must meet the height and setback regulations for an accessory building within the applicable land use district. Renewable Energy Systems shall be considered a discretionary use in all Land Use Districts.~~

Commented [TW264]: List in each district, not in the general regulations.

~~7.29.3 Small wind energy Systems~~

Commented [TW265]: Recommend to delete from Hussar.

~~7.29.4 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.~~

~~7.29.5 The maximum height of a tower shall be:~~

~~7.29.6 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~~

~~7.29.7 no maximum tower height for parcels that are greater than 0.4 ha (0.98 ac) in area.~~

~~7.29.8 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.~~

~~7.29.9 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.~~

~~7.29.10 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.~~

~~7.29.11 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.~~

~~7.29.12 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.~~

~~7.29.13 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.~~

~~7.29.14 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
R R	Residential District
R-MDH R-MDH	Residential – Manufactured Home-Dwelling District
C C	Commercial District
I I	Industrial General District
UR UR	Urban Reserve District
CS 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 the municipal boundary, it

~~shall be deemed to follow the municipal boundary 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 or parcel line, it shall be deemed to follow the lot or parcel line.

~~8.3.3 **RULE 3.** In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined:~~

~~8.3.4 (a) using any dimensions given on the map, or~~

~~8.3.5 (b) where no dimensions are given, measurement using the scale shown on the map.~~

~~8.3.6~~ 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.

~~8.3.7 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*.~~

~~8.3.8~~ 8.3.4 The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

~~8.3.9 The Council shall keep a list of its decisions fixing the locations of district boundaries.~~

~~8.3.5~~ 8.3.5 When any road is closed, the road lands have the same district as the abutting lands. When abutting lands are governed by different districts, the centre of the road is the district boundary.

Commented [TW266]: There are no distances on the Land Use District map.

Commented [TW267]: The municipal boundary is not being regulated here. The land use districts boundary is. See 8.3.2(a) above.

Commented [TW268]: This prevents rezoning being required if a road closure happens.

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 detached dwellings with integration of some two-family, multi-unit development dwellings and other compatible neighbourhood uses.

Commented [TW269]: Cannot regulate by whether or not the occupants are related or a "family".

8.4.2 Permitted Uses:

List of Permitted Uses:

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

Commented [TW270]: Refer to the definition of Single Detached Dwelling. No clarification required here.

Commented [TW271]: This is an Accessory Building.

8.4.3 Discretionary Uses:

List of Discretionary uses:

(a)	Accessory Building or Structure	(j)	Dwelling, Secondary Suite
(ba)	Accessory Structure-Building – Fabric Covered	(m)	Group-Care Facility
(eb)	Accessory-Use Care Facility	(ka)	Home Occupation, Major
(ec)	Child Care Facility	(el)	Public Utility Building
(ed)	Demolition Cultural Establishment	(p)	Renewable Energy Systems
(fe)	Dwelling, Apartment	(q)	Senior-Citizen Accommodation
(gf)	Dwelling, Attached Housing	(r)	Signs
(hg)	Dwelling, Backyard Suite	(s)	Swimming Pool Temporary Buildings and Uses
(h)	Dwelling, Duplex	(m)	Worship Facility
(i)	Dwelling, Manufactured Home		

(k)	Dwelling, Moved On		
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~~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.

~~8.4.58.4.4~~ The minimum ~~requirements of the area of a site in a Residential District are~~ parcel area is:

- (a) Dwelling, Single Detached ~~and Manufactured~~: 464 m² (4,994.4 ~~sq~~ ft²);
- (b) Dwelling, ~~Semi-Detached and~~ Attached: 279 m² (3,003.1 ~~sq~~ ft²) for each interior dwelling or 326 m² (3,509 ~~sq~~ ft²) for each dwelling unit with a side yard abutting a street/road; or
- (c) Dwelling, Duplex: ~~464279~~ m² (~~4,994.43,003.1~~ ~~sq~~ ft²) for each dwelling.

~~8.4.68.4.5~~ The minimum ~~requirements of the~~ parcel width of site in a Residential District is:

- (a) Dwelling, Single Detached ~~and Manufactured~~: 15 m (49.2 ft);
- (b) Dwelling, Attached: 9 m (29.5 ft) for each interior dwelling or 10.5 m (34.45 ft) for each dwelling unit with a side abutting a street/road; or
- (c) Dwelling, Duplex: ~~15m-7.5 m (49-224.6 ft)~~ per dwelling.

~~8.4.78.4.6~~ The minimum ~~All~~ front yard setback shall be ~~a minimum of~~ 6.1 m (20 ft.).

~~8.4.88.4.7~~ The minimum ~~requirements for a~~ side yard setback shall be in a Residential District are:

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

~~8.4.98.4.8~~ The minimum ~~requirements for a~~ side-rear yard setback in a Residential District are shall be:

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

~~8.4.108.4.9~~ The minimum ~~requirements for habitable~~ gross floor area of a dwelling unit per unit in a Residential District are is:

- (a) Dwelling, Single Detached ~~and Manufactured~~: 74 m² (796.5 ~~sq~~ ft²); or

Commented [TW272]: Recommend to regulate the massing of the building rather than the amount of space that is habitable.

- (b) Dwelling, Duplex and Attached: 65_m² (699.6sq ft²).

8.4.118.4.10 The maximum ~~limits of the parcel~~ coverage ~~of a site in a Residential District are:~~

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

8.4.128.4.11 The maximum ~~limits of the height of buildings~~ height is in a Residential District are:

- (a) Principal Building: 9_m (29.5_ft) ~~; and~~
- (b) Accessory Building: 5_m (16.4_ft)

Additional Requirements for Manufactured Homes Dwellings:

8.4.138.4.12 The minimum width of a Manufactured Dwelling shall be 6.7_m (22_ft).

8.4.148.4.13 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 DWELLING (R-MDH) LAND-USE RULES

8.5.1 Purpose:

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

8.5.2 Permitted Uses:

List of Permitted Uses

(a)	Accessory Building or Structure
(a b)	Dwelling, Manufactured Home
(b)	Greenhouse, Private
(c)	Home Occupation, j Minor
(d)	Public Utilities
(e)	Signs

8.5.3 Discretionary Uses:

List of discretionary uses:

(a)	Accessory Building or Structure	(dh)	Home Occupation, j Major
(a b)	Accessory Structure-Building – Fabric Covered	(ei)	Public Utility-Building
(b e)	Dwelling, Backyard Suite	(jj)	Renewable Energy Systems
(c d)	Child Care Facility	(k)	Signs
(e)	Demolition	(tt)	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~~ ~~8.5.4~~ The minimum requirement for the parcel area of a site in a Residential – Manufactured Home District is 464 m² (4,994.4 sq-ft²).

~~8.5.6~~ ~~8.5.5~~ The minimum requirement for the parcel width of a site in a Residential – Manufactured

~~Home District~~ is 15_m (49.2.ft).

~~8.5.78.5.6~~ The minimum ~~requirement for the~~ front yard ~~setback~~ in a Residential—Manufactured Home District is 4.5_m (14.7_ft) and the front yard setbacks of principal buildings may be varied in order to maximize the visual amenity of the district.

~~8.5.88.5.7~~ The minimum ~~requirements for~~ side yard ~~setback~~ in a Residential—Manufactured Home District are:

(a) Principal Buildings

- (i) ~~Street side of a corner site~~ exterior side yard: 3_m (9.8_ft);
- (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~~ interior side yard: 1.5_m (4.9_ft); and

~~(b) 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).~~

~~(c)~~(b) Accessory Buildings:

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

~~8.5.98.5.8~~ The minimum ~~requirements for~~ rear yard ~~setback~~ Residential—Manufactured Home District are:

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

~~8.5.108.5.9~~ The minimum ~~requirement of the habitable gross~~ floor area ~~per of a dwelling~~ unit in a Residential—Manufactured Home District is 55_m² (592sq ft²).

~~8.5.118.5.10~~ The maximum ~~limits of the building~~ height of buildings in a Residential—Manufactured Home District are:

- (a) Manufactured Homes dwellings: 5_m (16.4_ft);
- ~~(b) Other Dwelling Types: 9m (29.5ft); and~~

~~(c)~~(b) Accessory Buildings: 5_m (16.4_ft).

~~8.5.128.5.11~~ The maximum ~~limits of the parcel~~ coverage of a site in a Residential—Manufactured Home District are:

- (a) All buildings together, including accessory buildings: 50% of the ~~site~~ parcel area; and

Commented [TW273]: There are no other dwelling types allowed

- (b) All accessory buildings: 25% of the ~~site~~parcel area.

Additional Requirements for Manufactured ~~Homes~~Dwellings:

~~8.5.13~~8.5.12 The minimum width of a Manufactured Dwelling shall be 6.7_m (22_ft).

~~8.5.14~~8.5.13 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.

~~8.5.15~~ — 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 service commercial and retail developments serving the Village and the surrounding rural areas.

8.6.2 Permitted Uses:

List of permitted uses:

(a)	Bus Terminal <u>Art and Craft Studios</u>	(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 <u>Public Utilities</u>
(g)	Essential Public Service <u>Hotel or Motel</u>	(p)	Retail Store
(h)	Hotel/Motel <u>Offices</u>	(q)	Shopping Centre <u>Signs</u>
(i)	Parking Lot	(r)	Worship F facility

8.6.3 Discretionary Uses:

List of discretionary uses:

(a)	Accessory Buildings <u>and Structures</u>	(l)	Dwelling, Accessory Residential <u>*See additional requirements below</u>
(b)	Alternative Health Care Services Accessory Building – Shipping Container	(m)	Kennel Boarding & Breeding Equipment Rental Shop
(c)	Amusement Centre	(n)	Intensive Vegetative Operation <u>Fabric Covered Building</u>
(d)	Auto Body and Paint Shop	(o)	Liquor Store <u>Gas Bar</u>
(e)	Automotive Repair and Service Shop	(p)	Gas Bar <u>Liquor Store</u>
(f)	Automobile <u>Automotive Vehicle Sales</u>	(q)	Renewable Energy Systems <u>Storage Yard</u>

(g)	Billboards Bus Terminal	(s)	Service Station
(h)	Cannabis Retail Store		
(hi)	Car Washing Establishment	(t)	Signs
(ij)	Child Care Facilities	(u)	Small Wind Energy System
(j)	Communication structure	(vr)	Storage Temporary Building or Use
(k)	Demolition	(ws)	Tradesman's Shop
(k)	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.

~~8.6.58.6.4~~ The minimum ~~requirement for the parcel~~ area of a site in the Commercial District is 302 m² (3250.7 ~~sqft~~²).

~~8.6.68.6.5~~ The minimum ~~requirement for the parcel~~ width of a site in the Commercial District is 7.6 m (24.9 ft).

~~8.6.78.6.6~~ ~~There is no~~ minimum ~~requirement for a front yard~~ setback in the Commercial District is ~~zero~~.

~~8.6.88.6.7~~ The minimum ~~requirement for a rear yard~~ setback in the Commercial District is 5 m (16.4 ft).

~~8.6.98.6.8~~ The minimum ~~requirement for a side yard~~ setback is zero, except where adjacent ~~to~~ abutting a Residential District in the Commercial District the minimum side yard setback is 3 m (9.8 ft), ~~with no side yard required for all other locations.~~

~~8.6.108.6.9~~ The maximum ~~limit for the height of buildings~~ height in the Commercial District is 913.7 m (29.550 ft) unless otherwise approved for a specific use that requires a greater height at the discretion of the Municipal Planning Board.

All development in the Commercial District shall require screening as follows:

~~all sites abutting a Residential District shall be screened from the view of the Residential District to the satisfaction of the Development Authority;~~

~~all apparatus on the roof shall be screened to the satisfaction of the Development Officer; and~~

~~all outside storage of material or equipment shall be enclosed from view from roadways and park reserve to the satisfaction of the Development Officer.~~

~~Dwelling, Accessory Residential Accommodation shall be subordinate to the principal commercial use of the building.~~

Commented [TW274]: This is in the general regulations for screening. Do not repeat.

Commented [TW275]: This is the definition of Accessory Residential, it isn't a regulation.

~~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.~~

Commented [TW276]: Incorrect. This is only for discretionary uses, and is part of the Administrative regulations of this Land Use Bylaw.

~~The exterior finishing materials of the proposed development must be in accordance with the approved plans.~~

Commented [TW277]: This applies to all development.

~~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.~~

Commented [TW278]: Not required to be stated.

~~Additional Requirements – Dwelling, Accessory Residential:~~

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

Commented [TW279]: This is in the definition of the use. It is accessory or subordinate to the principal use.

~~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.~~

Commented [TW280]: No need to repeat regulations in another section.

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 Permitted Uses:

Commented [TW281]: Each district MUST have permitted uses.

(a)	Accessory Buildings and Structures	(i)	Light Manufacturing
(b)	Accessory Building – Shipping Container	(j)	Public Utilities
(c)	Agricultural Supply Depot	(k)	Public Building
(d)	Building Supply Centre	(l)	Signs
(e)	Car Wash	(m)	Storage Yard
(f)	Equipment Rental Shop	(n)	Tradesman’s Shop
(g)	Fabric Covered Building	(o)	Warehousing
(h)	Grain Elevator and Seed Cleaning		

8.7.3 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
(bd)	Auto Body and Paint Shop	(wj)	Natural Resource Extractive Industries
(ce)	Automotive Repair and Service	(x)	Office (accessory to the principal industrial use)
(df)	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
(ei)	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
(fm)	Dwelling, Accessory Residential	(ff)	Small Wind Energy System
(n)	Equipment Rental Shop	(gg)	Storage Structure
(o)	Fabric Covered Building	(hh)	Storage Yard Temporary Building or Use
(p)	Grain Elevator	(ki)	Warehousing Waste Transfer Station
(gq)	Heavy Manufacturing	(jil)	Veterinary Clinic
(hr)	Intensive Vegetative Operation		
(is)	Kennel Boarding & Breeding		

~~8.7.4 — 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.~~

~~8.7.58.7.4 — The minimum requirement for the parcel area of a site in the Industrial District is 929 m² (9999.6 sq ft²).~~

~~8.7.68.7.5 — The minimum requirement for the parcel width of a site in the Industrial District is 30 m (98.4 ft).~~

~~8.7.7 — The minimum requirements for front yard setback is 7.6 m (24.9 ft) 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) 8.7.6 the front yard requirements shall not apply to gas pumps, free standing or projecting signs or billboards.~~

~~8.7.8 — The minimum requirements for side yard setback in the Industrial District are as follows: 1.5 m (4.9 ft) except~~

~~except as hereinafter provided, a minimum of 1.5m (4.9ft);~~

~~(d) 8.7.7 where a fire resistant wall is provided, no side yard setback is required, and~~

~~8.7.9 — 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.~~

~~8.7.10 — The minimum requirements for rear yard setback is 1.0 m (3.2 ft) in the Industrial District are~~

Commented [TW282]: Not applicable in Hussar.

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) 8.7.8 on a laneless site, if a rear yard is provided, it shall be a minimum of 1m (3.2ft).~~

~~8.7.11 8.7.9 The maximum limits for the height of buildings height in the Industrial District is 13.7 m (50 ft) 9m (29.5ft), unless otherwise approved for a specific use that requires a greater height at the discretion of the Municipal Planning Board~~

~~8.7.12 The exterior finishing materials of the proposed development must be in accordance with the approved plan.~~

~~8.7.13 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.~~

~~8.7.14 All development in the Industrial District shall require screening as follows:~~

~~8.7.15 all sites abutting a Residential District shall be screened from the view of the Residential District to the satisfaction of the Development Officer; and~~

~~8.7.16 all apparatus on the roof shall be screened to the satisfaction of the Development Officer.~~

~~8.7.17 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.~~

~~8.7.18 The application for Industrial Development shall supply relevant information describing any noxious, dangerous, or offensive features of the proposed development in relation to:~~

~~8.7.19 airborne pollutants or odors;~~

~~8.7.20 release of any toxic, radioactive, or environmentally hazardous materials; and~~

~~8.7.21 flammable or explosive materials, and describe their intensity and area of impact.~~

~~8.7.22 Applications for development, along with the information required in Section 8.7.14 may be referred to Alberta Environmental Protection.~~

~~8.7.10 For an application for an industrial development, the development permit application shall contain the following information:~~

~~(a) the type and nature of the industry, including the use of highly flammable or explosive materials;~~

~~(b) the estimated number of employees;~~

~~(c) the estimated water demand and source;~~

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

(e) transportation routes to be used; and

(f) any accessory works required.

~~8.7.23—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.~~

Commented [TW283]: Cannot delegate approval authority. refer the permit to the fire department for comment. Require a fire plan at application.

~~8.7.24—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.~~

~~8.7.25—Fencing shall be of appropriate materials and height to the satisfaction of the Development Officer.~~

~~8.7.26—Wrecked or damage vehicles permitted to be located on the property must be screened to the satisfaction of the Development Officer.~~

Commented [TW284]: Screening regulations.

Additional Requirements— Dwelling, Accessory Residential:

~~8.7.27—Must be situated above, under, or in the back of a commercial business in the Commercial District.~~

~~8.7.28—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)	Accessory Buildings and Structures	(e)	Extensive Agriculture
(b)	Accessory Buildings – Fabric Covered	(f)	Public Utilities
(c)	Accessory Buildings – Shipping Containers	(g)	Signs
(d)	Community Recreational Facility		

Commented [TW285]: Cannot have a public park as the only permitted use. This is a “taking of lands” that would require the Council to purchase any private lands. More uses must be added as permitted uses.

8.8.3 Discretionary Uses:

List of Discretionary Uses

(a)	Accessory Buildings Intensive Vegetative Operation
(b)	Communication Structures Temporary Building or Use
(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.~~

~~8.8.58.8.4~~ The minimum ~~requirement for the parcel~~ area of a site in an Urban Reserve District is 16.2 ha (40 acres) ~~except for Municipal and Environmental Reserve parcels and Public Utility lots where there is no minimum size requirement.~~

~~8.8.68.8.5~~ The minimum ~~requirement for~~ front yard ~~setback in an Urban Reserve District~~ is 15_m (49.2_ft).

~~8.8.78.8.6~~ The minimum ~~requirement for~~ side yards and rear yard ~~setback in an Urban Reserve District~~ is 15_m (49.2_ft).

~~8.8.88.8.7~~ 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 future~~ uses of ~~land in the vicinity adjacent parcels.~~

~~8.8.9~~ ~~The Municipal Planning Commission, Development Authority or Subdivision Authority may require an area structure plan before a subdivision decision is determined.~~

~~8.8.108.8.8~~ The Development Authority shall be satisfied prior to the granting of a Development Permit that the proposed use will not prejudice the ~~future~~ 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.

Commented [TW286]: Ownership is not important for land use.

8.9.2 Permitted Uses:

List of Permitted Uses:

(a)	Accessory Buildings and Structures	(hg)	Community Recreational Facilities
(ab)	Campground	(ih)	Parking Lots
(cb)	Cemeteries	(j)	Public and Quasi-Public Structures, Installations and Facilities Buildings
(de)	Community Buildings and Facilities Child Care Facilities	(kj)	Public Utility Building Utilities
(ed)	Essential Services Cultural Establishment	(lk)	Schools
(fe)	Exhibition Grounds	(m)	Signs
(gf)	Fabric Covered Building	(nl)	Worship Facility

8.9.3 Discretionary Uses:

List of discretionary uses:

(a)	Accessory Building – Shipping Container	(eh)	Recreational Vehicle Temporary Building or Use
(b)	Alternative Health Care Services Clinic	(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
(cf)	Group Care Facility	(m)	Storage Structure
(dg)	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.~~

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

8.9.78.9.5 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~~ Authority 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

Or view Land Use Districts on the Palliser Regional Municipal Services Map at the following Link:

<https://gis.palliserwebmap.ca/login.aspx>

Commented [TW287]: Put this on the website, not in the document itself.

COMMUNICATION TOWER PROTOCOLS

Commented [TW288]: Adopt a separate Telecommunication Structure Policy by Council resolution.

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~~

~~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.~~

~~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.~~

~~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;~~

~~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.~~

~~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:~~

~~Co-utilization of existing antenna systems is the preferred option within the Village and is~~

encouraged whenever feasible.

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.

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:

Map, including legal location, and site plan of the proposed system;

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);

The proposed lighting and aeronautical identification markings for the antenna and any supporting structures;

Documentation regarding potential co-utilization of existing towers within 800m (0.5 miles) of the subject proposal; and

Any other additional information or material deemed necessary and appropriate to properly evaluate the submission.

6 — Notification and Public Consultation Process

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.

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.

Once approval to proceed to public consultation has been given, the applicant or the municipality will notify all landowners within:

1.6km (0.9 mile) of the proposed structure; and

All costs of the notification are borne by the applicant.

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.~~

~~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.~~

~~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.~~