

TOWN OF RIMBEY
TOWN COUNCIL AGENDA

AGENDA FOR REGULAR MEETING OF THE TOWN COUNCIL TO BE HELD ON TUESDAY MAY 8, 2018 AT 5:00 PM IN THE COUNCIL CHAMBERS OF THE TOWN ADMINISTRATION BUILDING

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10.	Open Forum (Bylaw 939/18- Council Procedural Bylaw Part XXI 1.The open forum shall be for a maximum total of twenty (20) minutes in length to allow members of the public present at the meeting to address Council regarding issues arising from the meeting in progress. No formal decision shall be made on any matter discussed with Council during the open forum session.	
11.	In Camera - None	
12.	Adjournment	

TOWN OF RIMBEY

TOWN COUNCIL

MINUTES OF THE REGULAR MEETING OF TOWN COUNCIL HELD ON
TUESDAY, APRIL 24, 2018 IN THE COUNCIL CHAMBERS OF THE TOWN
ADMINISTRATION BUILDING

1. Call to Order Mayor Pankiw called the meeting to order at 5:00 pm, with the following in attendance:

Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel
Chief Administrative Officer – Lori Hillis, CPA, CA
Director of Finance – Wanda Stoddart
Director of Public Works – Rick Schmidt
Recording Secretary – Kathy Blakely

Absent:
Councillor Curle

Public:
Treena Mielke, Rimbey Review
Liz Armitage and Brian Austrum – Vicinia Planning + Engagement Inc.
2 members of the public

2. Adoption of Agenda

2.1 April 24, 2018 Agenda

Motion 138/18

Moved by Councillor Coulthard to accept the Agenda for the April 24, 2018 Regular Council Meeting, as presented.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

3. Minutes

3.1. Minutes of Regular Council April 10, 2018

Motion 139/18

Moved by Councillor Coulthard to accept the Minutes of the Regular Council Meeting of April 10, 2018, as presented.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

4. Public Hearings

4.1 Public Hearings None

5. Delegations

5.1 Seniuk & Company - Mike Seniuk

Mayor Pankiw welcomed Mr. Seniuk to the Council Meeting.

Mr. Seniuk presented the Town of Rimbey Audited Financial Statements for the Town of Rimbey highlighting revenues, expenses, cash flows and debt for the period ending December 31, 2017, to Council.

Motion 140/18

Moved by Councillor Coulthard to accept the Town of Rimbey Audited Financial Statements for the year ending December 31, 2017, as presented.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

Mr. Seniuk departed the Council meeting at 7:35 pm.

6. Bylaws

6.1 Bylaw 942/18 2018 Property Tax Bylaw

Motion 141/18

Moved by Councillor Coulthard to give first reading to Bylaw 942/18 2018 Property Tax Bylaw.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

Motion 142/18

Moved by Councillor Payson to give second reading to Bylaw 942/18 2018 Property Tax Bylaw.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

Motion 143/18

Moved by Councillor Coulthard to unanimously agree to present Bylaw 942/18 2018 Property Tax Bylaw for third and final reading.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

Motion 144/18

Moved by Mayor Pankiw to give third and final reading to Bylaw 942/18 2018 Property Tax Bylaw.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

7. New and Unfinished Business

7.1 National Public Works WeekMotion:145/18

Moved by Councillor Coulthard to proclaim May 20-26, 2018 as Public Works Week in the Town of Rimbey.

In Favor

Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

7.2 Apraxia Awareness DayMotion 146/18

Moved by Councillor Payson to proclaim May 14, 2018 as Apraxia Awareness Day in Rimbey.

In Favor

Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

7.3 Rimbey Historical Society Memorandum of UnderstandingMotion 147/18

Moved by Councillor Coulthard to approve the Rimbey Historical Society and the Town of Rimbey Memorandum of Understanding Regarding Revenue, Expense Allocation and Reporting, as presented.

In Favor

Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

7.4 Bylaw 905/15 Fees for Services Schedule AMotion 148/18

Moved by Councillor Payson to approve the Bylaw 905/15 Fees for Services Schedule A, as presented.

In Favor

Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

7.5 Intermunicipal Collaborative Frameworks and Intermunicipal Development Plans

Motion 149/18

Moved by Councillor Coulthard to accept the updates on the Inter-municipal Collaborative Frameworks and Inter-municipal Development Plans, as information.

In Favor

Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

8. Reports

8.1 Department Reports - None

8.2 Boards/Committee Reports - None

8.3 Council Reports

- 8.3.1 Mayor Pankiw's Report
- 8.3.2 Councillor Coulthard's Report
- 8.3.3 Councillor Curle's Report
- 8.3.4 Councillor Payson's Report
- 8.3.5 Councillor Rondeel's Report

Ms. Armitage, Mr. Austrom and Treena Mielke of the Rimbey Review departed the Council Meeting at 6:23 pm.

Motion 150/18

Moved by Councillor Coulthard to accept the reports of Council, as presented.

In Favor

Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

9. Correspondence

Correspondence

- 9.1 Letter from Rimbey & District Chamber of Commerce Letter
- 9.2 Letter from Alberta Historical Resources Foundation
- 9.3 Letter from Alberta Municipal Affairs
- 9.4 Letter from Alberta Municipal Affairs
- 9.5 Letter from Alberta Seniors and Housing
- 9.6 Letter from Jason Nixon, MLA, Rimbey-Rocky Mountain House-Sundre
- 9.7 Letter form Alberta Transportation

Motion 151/18

Moved by Mayor Pankiw to accept the correspondence from the Rimbey & District Chamber of Commerce, Alberta Historical Resources Foundation, Alberta Municipal Affairs, Alberta Seniors and Housing, Jason Nixon MLA for Rimbey-Rocky Mountain House-Sundre and Alberta Transportation, as information.

In Favor

Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

10. Open Forum

10.1 Open Forum

One person spoke indicating she had heard many comments over the winter as to how well the Town of Rimbey Public Works staff had handled the snow removal this winter and spring.

One person spoke regarding the intersection of 51st street and 50th avenue, and inquired who owns the roads and who owns the pipes under the streets.

Mayor Pankiw recessed the Council Meeting at 6:42 pm.

2 members of the public and Director of Finance Wanda Stoddart departed the meeting at 6:42 pm.

Mayor Pankiw reconvened the Council Meeting at 6:51 pm.

11. In Camera

11.1 FOIP Section 17(2)(f) Personal Privacy Aerodrome Lease

11.2 FOIP Section 17(4)(d) Library Auditor

Motion 152/18

Moved by Councillor Coulthard the Council meeting go in camera at 6:51 pm, pursuant to Division 2, Section 17 (2)(F) Personal Privacy regarding an Aerodrome Lease with Mayor Pankiw, Councillor Coulthard, Councillor Payson, Councillor Rondeel, and Chief Administrative Officer Lori Hillis and Recording Secretary Kathy Blakely as Administrative support and the Director of Public Works Rick Schmidt for Public Works support, and Section 17(4)(d)) regarding the Library Auditor with Mayor Pankiw, Councillor Coulthard,, Councillor Payson, Councillor Rondeel, and Chief Administrative Officer Lori Hillis and Recording Secretary Kathy Blakely as Administrative support.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

Director of Public Works Rick Schmidt departed at 7:19 pm.

Motion 153/18

Moved by Councillor Coulthard the Council meeting reverts back to an open meeting at 7:23 pm.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

Motion 154/18

Moved by Councillor Coulthard to authorize Administration to execute the Residential Lease Agreement with Mr. Neil Forsyth for the residential lot at the Rimbey Aerodrome, as amended to include a clause regarding performance of the duties required, and remove the maintenance of trees and planting of trees from the Rimbey Aerodrome Residential Lease Agreement Schedule B.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

Motion 155/18

Moved by Mayor Pankiw to appoint Paulette Martens to audit the Rimbey Municipal Library Board financial records.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

12. Adjournment

Motion 156/18

Moved by Councillor Coulthard to adjourn the meeting.

In Favor
Mayor Pankiw
Councillor Coulthard
Councillor Payson
Councillor Rondeel

Opposed

CARRIED

Time of Adjournment: 7:25 pm.

MAYOR RICK PANKIW

CHIEF ADMINISTRATIVE OFFICER LORI HILLIS

Council Agenda Item	7.1
Council Meeting Date	May 8, 2018
Subject	Bylaw 917/16 Land Use Bylaw Review
For Public Agenda	Public Information
Background	Bylaw 917/16, the Town of Rimbey Land Use Bylaw was approved by Council on July 25, 2016.
Discussion	<p>Administration has reviewed the Land Use Bylaw, and has highlighted items which Council may wish to consider amending. These amendments recommended because:</p> <ul style="list-style-type: none"> • Modernized Municipal Government Act compliance • Administrative review • Public input <p>Recommended changes include:</p> <ul style="list-style-type: none"> • Inclusion of cannabis regulations, per MMGA • Update of application process, per MMGA • Item's not requiring development permit <ul style="list-style-type: none"> • Buildings less than 13.4 m2 do not need to meet setback requirements • Decks under 60 cm (2 feet) do not need to meet setback requirements • Minimum value of development permit requiring development permit • Inclusion of new definitions • Revisions to enforcement/contravention • Review of permitted and discretionary uses in all districts • Addition of retaining wall regulations • Specific electronic sign regulations <p>Items highlighted in yellow have been added. Items which have a strike through will be deleted.</p>
Relevant Policy/Legislation	Land Use Bylaw 917/16 Municipal Government Act
Options/Consequences	Not applicable
Financial Implications	Not applicable
Attachments	Mark-up Land Use Bylaw 917/16
Recommendation	Administration recommends Council provide input on the Land Use Bylaw, and direct Administration to return for First Reading on May 22, 2018.



Prepared By:

Elizabeth Armitage

Elizabeth Armitage, MEDes, MCIP, RPP
Planning and Development Officer

May 1, 2018

Date

Endorsed By:

Lori Hillis

Lori Hillis, CPA, CA
Chief Administrative Officer

May 11 8

Date



Town of
Rimbey

Bylaw 917/16
LAND USE BYLAW

Schedule A
Approved July 25, 2016
Consolidation of Amendments April 10, 2018

AMENDMENTS TO LAND USE BYLAW #917/16

All amendments to the Land Use Bylaw of the Town of Rimbey #917/16 must be passed as a bylaw. Any bylaw requires three (3) separate hearings by Town Council under Section 187 of the Alberta Municipal Government Act (MGA), and a public hearing must be held by Council prior to Second Reading of the proposed bylaw under Section 692 of the MGA.

Bylaw #	Date	Affected Section	Description
928/16	2017.01.09	12.7(5)(a)(ii) 12.7(5)(a)(iii) 12.7(5)(a)(iv)	Manufactured home park setbacks.
929/16	2017.03.13	11.5(1) 11.5(2)	Signage on roadways, boulevard, sidewalks and land owned by the Development Authority.
932/17	2017.05.08	11.6(1) 12.2(1) 12.9 12.10	Deletion of Country Residential Estate district. Creation of Residential Estate district and Country Residential district.
940/18	2018.04.10	2.2 (22) 2.2 (23) 12.11.1 12.12.1	Addition of "brewery, winery and distillery" and "brewpub".
941/18	2018.04.10	2.2(30) 12.11.1 12.12.1	Addition of "commercial recreation and entertainment facility".

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PART 1 - ENACTMENT

1.1 TITLE

The title of this Bylaw shall be the Land Use Bylaw of the Town of Rimbey.

1.2 PURPOSE

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Town to achieve the orderly and economic development of land, and for that purpose, amongst other things:

- (1) to divide the Town into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units permitted on a parcel of land.

1.3 APPLICATION

This Bylaw shall apply to the whole of the Town of Rimbey being all lands and buildings contained within its corporate limits.

1.4 EFFECTIVE DATE

- (1) This Bylaw comes into effect upon the date of its third reading.
- (2) Land Use Bylaw No.762-04, as amended, is hereby repealed.

1.5 CONFORMITY WITH THE BYLAW

- (1) No person shall commence any development within the Town except in conformity with this Bylaw.

- (2) Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any adopted Statutory Plan.

1.6 OTHER LEGISLATIVE REQUIREMENTS

- (1) In addition to this Bylaw, an applicant is responsible for complying with any other applicable federal, provincial, or municipal legislation or law. The applicant is also responsible for complying with the conditions of any caveat, covenant, easement or other instrument affecting a building or land.
- (2) The Town is not responsible for nor does the Town have any obligation whatsoever to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.
- (3) The Development Authority shall not approve an application for a development permit that is not in conformity with the Town's Statutory Plans.

1.7 SEVERABILITY

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

1.8 TRANSITION

- (1) An application for a Subdivision, Development Permit or amendment to this Bylaw commenced prior to the coming into force of this Bylaw shall be evaluated under the provisions of the Town's Land Use Bylaw No.762-04, as amended.

PART 2 – INTERPRETATION

2.1 RULES OF INTERPRETATION

- (1) Where a word is used in the singular, such a word may also mean plural.
- (2) Where a masculine or impersonal pronoun or adjective is used, such a word may also mean the feminine or impersonal pronoun or adjective.
- (3) Where a word is used in the present tense, such a word may also mean the future tense.
- (4) The word “person” includes a corporation as well as an individual.
- (5) The words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to the Act or this Bylaw.
- (6) Words, phrases, and terms not defined in this part may be given their definition in the Act or the Alberta Building Code. Other words shall be given their usual and customary meaning.
- (7) Where a regulation involves two or more conditions or provisions connected by the conjunction “and” means all the connected items shall apply in combination; “or” indicates that the connected items may apply singly; and “and/or” indicates the items may apply singly or in combination.
- (8) All units of measure contained within this Bylaw are metric (SI) standards, and are rounded to the nearest decimal place. For the purpose of convenience, the following conversion factors are provided:

Metric	Imperial
1 square metre (m ²)	10.8 square feet (ft ²)
1 hectare (ha)	2.47 acres (ac)
1 kilometre (km)	0.6 mile (mi)
1 metre (m)	3.3 feet (ft)
1 centimetre (cm)	0.4 inch (in)
1 millimetre (mm)	0.04 inches (in)
1 kilogram (kg)	2.2 pounds (lb)

2.2 DEFINITIONS

For the purposes of this Bylaw and any amendments made hereto, the definitions set out in the following shall be used. When no definition is provided hereunder, the Town's dictionary of choice shall be used.

- (1) "abattoir" means a building and/or site used as a slaughterhouse, where animals are killed and butchered for human or animal consumption;
- (2) "abut" or "abutting" means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;
- (3) "accessory building" means a building separate and subordinate to the principle building, the use of which is incidental to that principle building and is located on the same lot. A garage attached to a principle building is deemed to be part of the principle building;
- (4) "accessory use" means any use in a building and/or on a parcel of land which is supplementary or subordinate to the principle use located in the same building and/or on the same parcel of land;
- (5) "Act" means the Municipal Government Act, R.S.A. 2000, as amended;
- (6) "adjacent" means land that is contiguous to a particular parcel of land and includes land that would be contiguous if not for a highway, road, river or stream;
- (7) "adult entertainment" means any building used as "retail" in which books and/or items for a mature audience are displayed and sold, or a building that shows mature films or live entertainment;
- (8) "agricultural operation" means an agricultural operation as defined in the Agricultural Operation Practices Act;
- (9) "agricultural sales and/or service" means a building or site used for "retail" but in which the goods for sale are vehicles, equipment, or machinery for use in the agricultural industry, and/or the servicing of vehicles, equipment, or machinery related to the agricultural industry;
- (10) "amusement arcade" means a building and/or site which operates mechanical and/or electronic games, and rides, for entertainment purposes;
- (11) "animal kennel" means a building and/or site used for the breeding, care, supervision, and/or housing of animals on either a short or long term basis;
- (12) "animal shelter" means a building and/or site used for the temporary accommodation and/or impoundment of animals;
- (13) "art gallery" means a building used for the display and "retail" of works of art;
- (14) "auction mart" means a building and/or site used for "retail" but in which goods are sold by an auctioneer and where goods are sold to the highest bidder;
- (15) "automotive sales and/or rental" means a building or site used for "retail" but in which the goods for sale, and/or lease are automobiles, trucks, boats, trailers, recreational vehicles, or other similar personal vehicles;

- (16) "automotive supply store" means a building or site used for "retail" but in which the goods for sale are related to the use and operation of automobiles, trucks, boats, trailers, recreational vehicles, or other similar personal vehicles;
- (17) "automotive service and/or paint shop" means a building or site used for the repair, servicing, and/or painting of motor vehicle, boats, trailers, recreational vehicles, or other similar personal vehicles and may include the sale of automotive fuels, lubricating oils or other like automotive fluids;
- (18) "bakery" means a building used for baking food as well as the "retail" of said food;
- (19) "balcony" means a horizontal structure, with a railing, adjoining a building above the first storey floor level, and intended for use as a private outdoor amenity space with access only from within the building.
- (20) "basement" means the portion of a development which is wholly or partially below grade, having above grade no more than 1.8 m of its clear height lying below the finished level of the floor directly above;
- (21) "bed and breakfast" means a home based business in which an owner occupying a single-detached dwelling provides temporary accommodation with one meal provided to registered patrons in exchange for compensation;
- (22) "brewery, winery and distillery" means a use where beer, wine, spirits and other alcoholic beverages are manufactures and that may have areas and facilities for the storage, packaging, bottling, canning and shipping of the products made;
- (23) "brewpub" means a restaurant or drinking establishment where beer, wine or alcoholic spirits are produced on-site for consumption within the development and for retail sale. The facility must be appropriately licensed by the Alberta Liquor and Faming Commission;
- (24) "building" includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;
- (25) "bulk fuel and/or fertilizer sales and storage" means the storage of and "retail" of large quantities of fuel and/or fertilizer;
- (26) "c-can" means a specific type of portable storage container which is a metal freight container that is used for the temporary storage of materials and equipment. See portable storage container definition;
- (27) "campground" means the use of a site managed for the short term stay of tents, campers, and/or recreational vehicles, but which is not used as year round storage or accommodation;
- (28) "cannabis counselling" means a use:
- (a) where counselling on cannabis is provided,
 - (b) where consumption of cannabis must not occur,
 - (c) where the sale of cannabis must not occur, and
 - (d) that may include the ancillary retail sale or rental of merchandise;

- (29) "cannabis facility" means a building and/or site used for production of cannabis, as licensed by Health Canada, where cannabis is grown, processed, packaged, tested, destroyed, or stored;
- (30) "cannabis store" means a building used for the distribution of cannabis, as licensed by the Alberta Government:
- (a) where cannabis is sold for consumption off the premises,
 - (b) where consumption of cannabis must not occur, and
 - (c) that may include the ancillary retail sale or rental of merchandise;
- (31) "car/truck wash" means the use of a building and/or site for the cleaning of motorized vehicles either manually or through an automated process;
- (32) "cemetery" means a site used for the burying of the remains of animals and/or humans;
- (33) "Certificate of Compliance" means the endorsement by the Development Officer on a survey document indicating that the building locations on a lot are in compliance with this Bylaw.
- (34) "Child Care Facility" means a development intended to provide care, educational activities and supervision for groups of seven or more children under thirteen (13) years of age during the day or evening, but does not include overnight accommodation, and is intended to be operated for at least twelve (12) consecutive weeks each year. This includes daycares, pre-schools, out-of-school care, and other programs where the primary purpose is the care of children.
- (35) "commercial recreation and entertainment facility" means a facility or establishment that provides recreation or entertainment for gain or profit but does not include a casino or adult entertainment establishment;
- (36) "club" means a building and/or site used for the private meeting and social activities of members of a private organization and which may include space for eating, drinking, and congregating;
- (37) "community centre" means a building and/or site open to the general public and used for recreational, educational, social and/or cultural activities;
- (38) "confined feeding operation" means a confined feeding operation as defined in the Agricultural Operation Practices Act;
- (39) "contracting services" means a building or site used for the operation and storage of materials and/or vehicles related to the industries of construction, painting, plumbing, heating, electrical, landscaping, drilling and excavation, paving, maintenance and cleaning;
- (40) "convenience store" means "retail" but where the gross floor area does not exceed 186.0 m² in gross floor area;
- (41) "corner lot" means a lot having boundary lines on two or more roads or highways, or with a road and a highway, at their intersection or junction. Corner lot also means a lot having a boundary line at a point where a road or highway changes direction by a minimum of 45 degrees within the boundaries of the lot;
- (42) "Council" mean the Council of the Town of Rimbey;

- (43) "coverage" means the sum of the floor areas at grade of all buildings, both principle and accessory, on a lot divided by the area of the lot;
- (44) "date of issue" means the date on which the notice of a decision of the Development Authority is published or mailed;
- ~~(45) "day care centre, adult" means a building and/or site used to provide care and supervision of four or more adults who are over the age of 15 years, by a person not related to the adult for periods no longer than 24 consecutive hours;~~
- ~~(46) "day care centre, child" means a building used to provide care and supervision of four or more children who are under the age of 15 years, by a person not related to the children for periods no longer than 24 consecutive hours;~~
- (47) "deck" means a means an uncovered horizontal structure with a surface height greater than 0.6m (2 ft) above grade at any point, and intended for use as a private outdoor space;
- (48) "development" means:
- (a) an excavation or stockpile and the creation of either of them, or
 - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
 - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
 - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; and without restricting the generality of the foregoing, includes:
 - (i) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit,
 - (ii) in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot,
 - (iii) the display of advertisements or signs on the exterior of a building or on any land,
 - (iv) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered,
 - (v) the removal of topsoil from land,
 - (vi) the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months,
 - (vii) the use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery, or
 - (viii) the removal or demolition of a building;
- (49) "development authority" means the development authority of the Town as established by this Bylaw;

- (50) "development permit" means a document authorizing a development issued pursuant to this Land Use Bylaw;
- (51) "discretionary use" means the use of land or a building provided for in this Land Use Bylaw for which a development permit may be issued at the discretion of the development authority upon an application having been made;
- (52) "driveway" means a vehicle access route on the parcel which provides access to the driving surface;
- (53) "dwelling unit" means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently, semi-permanently, or seasonally as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;
- (54) "Family Day Home" means a dwelling unit used for the temporary supervision or care for a maximum of six (6) children 0-12 years old, including the residents' own children. In a family day home a maximum of three (3) children may be under 36 months with a maximum of two (2) children may be under 24 months. These regulations are the same for Before/After School Care or Private Babysitting service."
- (55) "farming" means the raising or production of crops, or animals, and includes a single residence for the farmer, but does not include a "Confined Feeding Operation" as defined by the Agricultural Operation Practices Act (Chapter A-7, R.S.A. 2000) and all regulations and amendments passed thereto;
- (56) "financial services" means a building used as a bank, credit union, or any other similar monetary enterprise;
- (57) "floor area" means the total area of all floors of all buildings including accessory buildings located on any lot, excluding the area of basement floors, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of floor area;
- (58) "floor/area ratio" means the ratio or decimal resulting from dividing the floor area of all buildings by the total site area of the parcel of land on which the buildings are located;
- (59) "fragmented parcel" means a parcel of land that is separated from the balance of a quarter section by a natural barrier such as a river or a coulee, or by a physical barrier such as a road or highway;
- (60) "front line" means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line;
- (61) "front yard" means a yard extending across the full width of a lot from the front line of the lot to the nearest wall of the main building situated on the lot. For the purposes of lakefront lots, the front line of the lot shall be considered to be closest to the lake;
- (62) "funeral Home" means a building and/or site used for the organization of funerals, the preparation of the deceased for burial or cremation, and/or the holding of funeral services;

- (63) "gambling and gaming hall" means a building used as a gaming establishment which offers games of chance including slot machines, table games, video lottery terminals, and/or a bingo hall;
- (64) "garage" means a building or portion thereof which is designated and used for the storage, marking or the maintenance of personal vehicles.
- (65) "gas bar" means a site or portion thereof used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include automotive service establishments;
- (66) "golf course" means a site used for the purposes of playing golf and which may include a clubhouse as an accessory use;
- (67) "grade" means the average elevation at the finished level of the ground, excluding an artificial embankment, at any point immediately adjacent to the building. Grade may have been established in conjunction with a subdivision grade plan prepared by a civil engineer.
- (68) "greenhouse" means a building and/or site used to grow and "retail" flowers, trees, shrubs, vegetables, and/or other plants;
- (69) "grocery store" means a building used for "retail" but which sells primarily food items for consumption off-site, and which has a gross floor area greater than 450 m²;
- (70) "group home" means a building and/or site use for residential purposes for individuals who require supervision because of their age, disability, or need for rehabilitation, and where qualified staff are present at all times;
- (71) "habitable floor space" means any room or enclosed space used or useable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms and dens, bathrooms, laundries, pantries, foyers, hallways/entry ways, and areas containing infrastructure/servicing (furnace, circuit panel, water heater, etc.) but excludes any room or space not intended primarily for human occupancy including but limited to storage areas/cellars and undeveloped basements;
- (72) "height" means the vertical distance between the grade and the highest point of a building that is not a stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, or a flagpole, or similar device not structurally essential to the building;
- (73) "highway" means a highway as defined in the Public Highways Development Act, R.S.A. 2000;
- (74) "Home occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use;
- (75) "hospital" means a building and/or site used for medical care, examination, treatment, surgery and recovery of patients and which may include an extended stay;
- (76) "hotel" means a building used for short term stays through the provision of rooms or suites where rooms are accessed from a common interior corridor, and which may also contain commercial uses such as restaurants, or convention space;

- (77) "Housing, apartment (low rise)" means a residential use consisting of more than four dwelling units, but which has a height less than 15 metres, but shall not mean row housing;
- (78) "Housing, apartment (high rise)" means a residential use consisting of more than four dwelling units, but which has a height greater than 15 metres, but shall not mean row housing;
- (79) "housing, duplex" means a building with two dwelling units that have sharing one common wall in the case of side-by-side units, or having the dwelling area located above the dwelling area of the other in the cases of vertical units, each with a private entry;
- (80) "housing, fourplex" means a building that contains four dwelling units;
- (81) "housing, manufactured home" means a transportable factory built residential building containing one dwelling unit suitable for long term occupancy, designed to be movable, transported on its own wheels and chassis or other means and arriving at a site ready for occupancy except for incidental operations such as placement on foundation supports and connection to utilities. Manufactured homes shall have pitched roofs and eaves and shall conform to CAN/CSA Z240 MH Series and A277 certified standards;
- (82) "housing, mixed use" means a building and/or site which has a combination of uses but which typically entails "retail" or "office" uses on the ground floor and residential uses on the upper floors;
- (83) "housing, mobile" means a factory constructed detached dwelling unit, with an integral frame, readily relocatable singly or in double modules. Due to the age of the home they do not meet the Canadian Standards Association (CSA) A277 Standard or building code standards;
- (84) "housing, modular" means a building containing one dwelling unit, built in a factory and transported to a site to be permanently installed on a foundation., and which appears indistinguishable in design and finish from a stick-built house, and does not includes "housing, manufactured home" or "housing, mobile";
- (85) "housing, row house" means a building with one of three or more dwellings joined side by side or side to back. Can also include townhouse, garden homes and townhouses attached to high-rise buildings. Have no dwellings above or below them;
- (86) "housing, secondary suite" means a self-contained living space either located in the principle building or on the same site as the principle building. Secondary suites have a separate entrance, cooking, sleeping and bathing facilities and are no larger than 70 m². Secondary suites shall include basement suites and garage suites;
- (87) "housing, single detached" means a residential building containing one dwelling unit which is intended as a permanent residence. Single detached dwellings must be of new construction and be physically separate from any other residential building. Single detached dwellings do not include a manufactured home;
- (88) "housing, triplex" means a building that contains three dwelling units;
- (89) "internal local roads" includes all roads within subdivisions, and all service roads adjacent to major two-lane highways, minor two-lane highways, and multi-lane highways;

- (90) "landfill" means a site operated by the Town for controlled waste management where waste collected within the municipality is recycled or permanently disposed of;
- (91) "lane" means a right-of-way on which motorized vehicles are normally allowed to operate which is 10 m or less in width;
- (92) "lake" means a body of water, free from large quantities of aquatic vegetation, and characterized by relatively large open water and deep water zones compared with the shore zone; and, as defined by the Council of the Town of Rimbey;
- (93) "library" means a building which primarily loans reading and/or visual material to the general public;
- (94) "livestock" means livestock as defined in the Agricultural Operation Practices Act;
- (95) "liquor store" means a building and/or site used for "retail" but in which the goods sold are liquor/alcohol for human consumption;
- (96) "lot" means:
- (a) a quarter section,
 - (b) a river lot or a lake lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office,
 - (c) 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
 - (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 by reference to a plan of subdivision;
- (97) "maintenance" means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building;
- (98) "major" means, when added as a prefix or suffix to a use, a use which, due to its nature or relatively larger scale, will or could have, in the sole opinion of the Development Authority, an impact on surrounding uses, or which may be intended to serve an area larger than the immediate or local area;
- (99) "Manufacturing, processing, packaging or assembly of goods or materials" means a building and/or site where materials are merged to assemble a product and where the product is then packaged for distribution;
- (100) "may" is an operative word meaning a choice is available , with no particular direction or guidance intended;
- (101) "meat processing plant" means the processing and distributing of animal carcasses to retailers, but does not include a kill floor;
- (102) "medical clinic" means a building used for the provision of physical and mental health services on an outpatient basis including dental offices, physical therapy, pharmacy, counselling, doctor's offices, and/or chiropractic offices;

- (103) "MGA" means the Municipal Government Act (Chapter M-26, R.S.A. 2000) and all regulations and amendments passed pursuant thereto;
- (104) "mini storage" means a building and/or site used for containing separate secured indoor storage units, designed to be rented or leased for private storage of personal goods;
- (105) "minor" means, when added as a prefix or suffix to a use, a use which, due to its nature or relatively smaller scale, will or could have, in the sole opinion of the Development Authority, a limited impact on surrounding uses, or which may be intended to serve a small or local area;
- (106) "motel" means a building or group of buildings on a parcel of land designed and operated for the provision of rooms or suites for temporary sleeping accommodation where each room has its own exterior access, and may include a restaurant and/or convention services;
- (107) "municipality" means the Town of Rimbey;
- (108) "museum" means a building and/or site used for the display of artefacts for cultural and educational purposes;
- (109) "nightclub" means a building and/or site featuring live entertainment such as music and dancing, and in which alcohol and food may also be served to patrons;
- (110) "non-conforming building" means a building:
- (a) 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
 - (b) that on the date this land use bylaw becomes effective does not, or when constructed will not, comply with this land use bylaw;
- (111) "non-conforming use" means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw affecting the land or building becomes effective, and
 - (b) that on the date this land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with this land use Bylaw;
- (112) "office" means a building primarily used for the provision of professional, management, administrative and consulting services but does not include the use as "retail";
- (113) "open space" means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options;
- (114) "owner" means:
- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - (b) in the case of any other land, the person shown as the owner on the Land Title.

- (115) “parcel of land” means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (116) “park” means any parcel of land which is for use by the general public for recreational activities, sporting, or gathering, and which may be left in a natural state or may include man-made features including area for sporting activities, playgrounds, picnic areas, and/or walking trails;
- (117) “parking facility” means a building and/or site used for vehicular parking as a principal use;
- (118) “pawn shop” means a building and/or site used for “retail” but in which the goods for sale are second hand personal items;
- (119) “permitted use” means the use of land or a building provided for in a land use Bylaw for which a development permit shall be issued upon application having been made, provided that all of the regulations of this Bylaw, and all of the matters left to the discretion or the satisfaction of the Development Authority, have been satisfied to the satisfaction of the Development Authority;
- (120) “personal service establishment” means a use relating to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include barber shops, beauty parlours, nail salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments (pick-up and drop-off only), laundromats, photographic studios, personal fitness activity, and may include accessory retail sales. This use class does not include escort services, even as an accessory use;
- (121) “portable storage container” means a secure, steel/wood structure that is portable in nature (e.g. Sea Can, cargo container, shipping container etc.). See also “sea can” definition;
- (122) “porch” means means a structure abutting a dwelling having a roof but with walls that are open and unenclosed to the extent of at least 50% thereof except for removable screens and storm sashes or awnings, used as a private outdoor amenity space;
- (123) “principle building” means a building where the principle use of the site operates from;
- (124) “principle use” means the primary purpose or purposes for which a building or lot is used;
- (125) “public administration” means the use of a building and/or site for the operation and/or provision of services by the Municipal, Provincial, and/or Federal governments;
- (126) “Real Property Report” means a codified standard adopted by the Alberta Land surveyor’s Association which contains: (a) the legal description of the property and the municipal address; (b) the dimensions and bearings of all property boundaries as determined by an actual field survey in accordance with the Surveys Act; (c) the designation of adjacent properties, roads, lanes, etc.; (d) the location and description of all pertinent improvements located on the property along with their dimensions and clearances to the property boundaries. The projections of overhangs or eaves are also shown; (e) the location of any easements which may affect the property; (f) the location and dimensions of any visible encroachments onto or off of the property; (g) a list of the registered encumbrances as noted on the title to the property at the date of the survey; (h) a certification by an Alberta Land

Surveyor duly signed.

- (127) "rear line" means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;
- (128) "rear yard" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot, to the rear line of the lot;
- (129) "recreational facility" means a building and/or site used for sports or other active recreational activities and may include health and fitness clubs, racquet courts, dance studios, martial arts schools, basketball and volleyball courts, hockey arenas, football and soccer field, and or other similar sporting fields but not including an outdoor golf course;
- (130) "recycling depot" means a facility used for the purchasing, collection, sorting, packaging, and temporary storage of empty bottles, cans, and containers or other recyclable and reusable materials and where storage is contained within an enclosed building;
- (131) "religious institution" means a building used for the congregation, meeting, study, and prayer related to any religious faith;
- (132) "repair shop" – means a building and/or site used for the maintenance, and repair of any goods and/or equipment excluding motor and/or recreational vehicles;
- (133) "reserve land" means environmental reserve, conservation reserve, municipal reserve, community services reserve, school reserve or municipal and school reserve;
- (134) "Residential Care Facility" means a private or publicly funded seniors lodge, nursing home, extended or congregate care facility.
- ~~(135) "retaining wall" means a structure constructed to withstand lateral pressure in order to hold back earth, loose rock, or similar materials;~~
- (136) "restaurant" means a use where food is prepared and served on the premises for sale to patrons, and which may or may not be licensed to serve alcohol, and may include entertainment which is accessory to the preparation and service of food;
- (137) "restaurant, drive-thru" means a building where food is prepared and sold for consumption to patrons and which offers service through a drive up window;
- (138) "retail" means a use that focuses on the display and sale of goods, wares, or merchandise. This use includes, but is not limited to drug stores, clothing stores, sporting goods stores and other similar uses, but does not includes retail stores where the majority of total sales are generated through the sale of adult-oriented materials (clothing, videos, magazines, etc.);
- (139) "retaining wall" means a structure constructed to withstand lateral pressure in order to hold back earth, loose rock, or similar materials;
- (140) "riding arena, private" means a building or structure in which equestrian, athletic or recreational activities are carried out on the lot upon which the arena is located;
- (141) "road" means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act, but does not include either a highway or a lane;
- (142) "salvage yard" means a building and/or site used for the storage and deconstruction of scrap materials;

- (143) "school" means a use operated by a School Board that provides grade and secondary school instruction to pupils through courses prescribed or approved by the Provincial Government;
- (144) "screening" means a fence, wall, berm, hedge or other barrier providing visual and/or acoustic separation of sites;
- (145) "sea can" see c-can;
- (146) "setback" means the perpendicular distance that a development must be set back from the front, side or rear property boundaries of the parcel as specified in the particular District in which the development is located;
- (147) "shall" is an operative word which means the action is obligatory;
- (148) "shoreline" means the bank of the body of water as determined pursuant to the Surveys Act;
- (149) "should" is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;
- (150) "side line" means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;
- (151) "side yard" means a yard extending from the front yard of a lot to the rear yard of the lot and lying between the side line of the lot and the nearest wall of the main building;
- (152) "sign" means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign, and except as provided for in this Bylaw, is subject to all regulations governing signs;
- (153) "site" means an area of land designed to accommodate, and intended to be rented for, a tent or recreational vehicle or cabin;
- (154) "solar collector" means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy.
- (155) "subdivision and development appeal board" means a subdivision and development appeal board appointed pursuant to Town Bylaw and the Act;
- (156) "subdivision authority" means the Subdivision Authority established pursuant to the Act through the Town's Subdivision Authority Bylaw;
- (157) "substandard lot" means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
- (158) "temporary development" means a development for which a development permit has been issued and which exists for a limited time only;
- (159) "theatre" means a building and/or site used to show entertainment including films, live theatre, or musical performances;

- (160) "tourist information centre" means the use of a building and/or site to dispense information to the travelling public regarding the Town and may also include washrooms, picnic facilities, or other similar amenities;
- (161) "trucking establishment" means any building and/or site where commercial vehicles may park for a short or long term stay and which may include a "convenience store," "restaurant," and/or "gas bar";
- (162) "undeveloped lot" means a lot which does not contain a dwelling or any other building, but which may contain utility services;
- (163) "unique site requirements" are a set of site locational requirements which have been demonstrated to the Town's satisfaction to be necessary in order for the development of a commercial or industrial use to be carried out;
- (164) "use" means the utilization of a building or parcel of land for a particular type of operation;
- (165) "utility" means a utility as defined in the Act, as amended;
- (166) "utility installations" means a building and/or site for use by a utility company maintains to maintain or shelter any equipment used in connection with the utility;
- (167) "Variance" means an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Board.
- (168) "veterinary clinic" means a building and/or site used for the medical care and treatment of animals on either a short term or long term basis;
- (169) "warehouse" means a building and/or site used for the storage of materials, goods, and products which will ultimately be distributed and for sale at "retail" stores;
- (170) "wrecking yard" means land and buildings that are used for the storage and dismantling of old or wrecked vehicles and / or machinery for the purpose of recycling their components;
- (171) "yard" means a part of a parcel of land upon or over which no building is to be erected unless otherwise provided for in this Bylaw.

PART 3 – GENERAL ADMINISTRATIVE PROCEDURES

3.1 CONTROL OF DEVELOPMENT

- (1) No development shall be undertaken within the Town unless an application for it has been approved and a development permit has been issued.
- (2) In the event of a state of emergency (local or provincial) declared pursuant to the Emergency Management Act, RSA 2000, c.E-6.8. as amended, or as a result of such an emergency, such other temporary development or class of temporary development as Council may declare may be approved in any land use district without compliance with the land use bylaw regulations.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) The following development shall not require a development permit:
 - (a) The carrying out of works of maintenance or repair to any building or internal alteration, provided that such works do not include:
 - (i) structural alterations;
 - (ii) major works of renovation that would require a building permit under the Safety Codes Act; or
 - (iii) Exceed an estimated construction value of \$10,000.00.
 - (b) Activities as exempted by Section 618 of the Act;
 - (c) The use of any such buildings referred to in Section 3.1(2) above, for the purpose which construction was commenced.
 - (d) The use of land for a farm operation on land situated in the Urban Holdings district, provided that the use or building conforms to the minimum setback requirements specified in the Land Use Bylaw. Notwithstanding this section, all dwellings are subject to obtaining a development permit.
 - (e) The erection, construction, or maintenance, improvement or alteration of gates or fences or other means of enclosure less than 1.0 m in height in front yards or in side yards abutting a road, and less than 2.0 m in rear yards or in other side yards, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure. Notwithstanding, barbs and page wire fences are only permitted in the Urban Holding and Industrial Land Use Districts.
 - (f) All types of fences and windbreaks in the Urban Holding district.
 - (g) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw;
 - (h) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;

- (i) The development of Town owned structures or public works, services and utilities. Notice of such structures shall be provided to adjacent landowners for information purposes.
- (j) Development within a basement which does not change or add to the uses in a dwelling, which do not require a building permit under the Safety Codes Act;
- (k) All **accessory** buildings which are less than 13.4 m² in area. ~~and which conform to the setback requirements of the Land Use District.~~
- (l) The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to Subsections (d) to (l) above.
- (m) Dugouts in the Urban Holdings district provided that they conform to the regulations specified in this Land Use Bylaw.
- (n) Fire pits provided that they conform to the regulations specified in this Land Use Bylaw;
 - (i) **the combustion area is contained and screened,**
 - (ii) **the outside diameter is no more than 1.5 metres (five feet),**
 - (iii) **the pit is set back from buildings and fences in accordance with the Alberta Fire Code,**
 - (iv) **only clean wood is burned, and**
 - (v) **the location and use does not reduce the quiet enjoyment of neighbouring property.**
- (o) Landscaping provided that the grades and overland water flows are not substantially altered.
- (p) The construction of a deck, provided that the deck is uncovered, and the walking surface is less than 60cm (2 feet) above grade. ~~and it conforms to the regulations specified in this Land Use Bylaw.~~

3.3 NON-CONFORMING BUILDINGS AND USES

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

3.4 DEVELOPMENT APPROVAL AUTHORITIES

- (1) The Development Authority is hereby established by Bylaw pursuant to the Act.
- (2) The Development Authority shall exercise development powers and duties on behalf of the Town.
- (3) The Development Authority shall be the Development Officer, or where the context of this Bylaw permits, the Council.

PART 4 – DEVELOPMENT APPLICATION PROCESS

4.1 APPLICATION FOR DEVELOPMENT

- (1) An application for a development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - (a) A site plan showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site;
 - (b) The presence of abandoned oil and gas wells in accordance with the Subdivision and Development Regulation;
 - (c) The location and dimensions of all existing and proposed buildings, structures, or uses on the property;
 - (d) Statement of existing and proposed services (i.e. on-site or municipal);
 - (e) Identification of existing and proposed road infrastructure that will provide access to the development;
 - (f) A statement of the current and proposed use on the lands; and
 - (g) The authorization of the registered landowner.
- (2) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include floor plans, elevations and sections of any proposed buildings; drainage, grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located. In addition, such additional information may include assessment by a registered professional engineer of any potential flooding or subsidence hazard that may, in the sole opinion of the Development Authority, affect the subject site.
- (3) Each application for a development permit shall be accompanied by a fee as established by Council.
- (4) All applications for development permits on sites within an area covered by an inter-municipal development plan shall be referred to the other municipality for comments and recommendation.
- (5) The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.

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

4.2 REFERRAL OF APPLICATIONS

- (1) The Development Authority may refer for comment any matter or any application for a Development Permit to any authority he deems necessary.
- (2) Notwithstanding 4.2(1), the Development Authority may refer to any adjacent municipality for consideration and recommendation, any matter or any application for a Development Permit that relates to lands that abut the municipal boundary.
- (3) Notwithstanding 4.2(1), the Development Authority may refer development in proximity to a Highway:
 - (a) Applications for development located within 0.8 km of the right of way of a multi-lane highway or a major two-lane highway where the proposed development would have direct access from the highway shall be referred to Alberta Transportation for comment prior to any decision by the Development Authority;
 - (b) All applications for development located, within 150 m of the right of way of a minor two-lane highway where the proposed development would have direct access from the highway may be referred to Alberta Transportation for comment prior to any decision by the Development Authority.
- (4) Having received a reply on a matter referred to any authority, the Development Authority shall make a decision giving due consideration to the recommendations and comments received.
- (5) After thirty (30) days from the date of referral, the application may be dealt with by the Development Authority whether or not comments have been received.

4.3 DECISION PROCESS

- (1) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
- (2) The Development Authority may require that as a condition of issuing a development permit,

the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.

- (3) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District.
- (4) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
 - (a) The proposed development would not: (i) unduly interfere with the amenities of the neighbourhood, or (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (b) The proposed development conforms to the use prescribed for that land or building in this Bylaw.
- (5) Upon receipt of an application, the Development Authority must review the application for completeness within 20 days of the application being received. The Development Authority shall provide either:
 - (a) A complete certificate, if in the opinion of the Development Authority, the application contains the information necessary to review the application;
 - (b) An incomplete certificate. An incomplete certificate shall provide:
 - (i) the additional information require to be deemed complete
 - (ii) the deadline for submission of the additional information
 - (iii) any other information deemed necessary by the Development Authority
 - (c) In the case of an incomplete certificate, at the discretion of the Development Authority,
 - (i) the timeline for submission of additional information may be extended by an agreement in writing between the applicant and the Development authority.
 - (ii) A complete certificate shall be issued upon receipt of the necessary information.
 - (iii) If an applicant fails to submit all the outstanding items indicated in the complete certificate by the deadline set in the incomplete certificate, an application may be deemed refused and a Development Permit refusal shall be issued. The refusal must give reasons for the refusal.
 - (d) Despite the complete certificate or incomplete certificate, in the course of reviewing the application, the Development Authority may request additional information from the applicant that the Development Authority considers necessary to review the application.

- (6) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in Part 4 of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this subsection. At the descrion of the Development Authority, the 40 days may be extended by an agreement in writing between the applicant and the Development authority
- (7) A Development Authority may suspend or revoke a development permit in writing to the applicant at any time:
- (a) Where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
 - (b) Where the permit was issued in error.
- (8) Temporary Developments where a development permit application in a land use district is for a temporary development, the Development Authority:
- (a) May consider and decide upon a development for a specific period of time, not exceeding one year;
 - (b) Shall impose a condition on such a permit that the Town is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit; and
 - (c) May require the applicant to post acceptable security guaranteeing the cessation or removal of the development to the greater of 25% of the value of the structure or \$1,000.

4.4 VARIANCE AUTHORITY

- (1) Notwithstanding 4.3(3) the Development Authority may approve an application for a development permit for a development that is a Permitted or Discretionary Use, but that does not otherwise comply with the provisions of this Bylaw, if in the opinion of the Development Authority:
- (a) The proposed development would not unduly interfere with the amenities of the neighbourhood.
 - (b) The proposed development conforms with the use prescribed for that land or building in this Bylaw;
- (2) Notwithstanding 4.4(1) the Development Authority shall not grant a variance from the regulations prescribing height, if the height variance results in an increase in floor area, lot coverage, floor area ratio (FAR), or density.

- (3) In addition to the considerations provided under 4.4(1), a variance may only be granted if, in the opinion of the Development Authority:
 - (a) The variance requested maintains the intent and purpose of the Municipal Development Plan;
 - (b) The variance requested maintains the intent and purpose of this Bylaw;
 - (c) The variance is desirable for the appropriate and orderly development or use of the land; and
 - (d) The variance, in the opinion of the Development Authority, is truly minor in nature.
- (4) All requests for a variance shall be accompanied by a letter from the applicant clearly stating the reasons for the variance, outlining the applicable criteria identified in 4.4(3), and the nature of the hardship incurred if the variance is not granted.
- (5) If a variance is granted pursuant to this Section, the Development Authority shall specify its nature in the Development Permit approval.
- (6) The maximum variance that may be granted by the Development Authority is 20%.

4.5 DEVELOPMENT PERMITS AND NOTICES

- (1) Except for those permits described in Section 4.5(3) hereof, a permit granted pursuant to this Part does not come into effect until fourteen (14) days after the date a decision or development permit is publicized as described in 4.5(4). Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to Part 4 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (3) When a permit has been issued for the development of a permitted use, and no provisions of this Bylaw have been relaxed or varied, or when Council makes a decision on a development permit application within the DC District, no notification shall be given of the decision except to the applicant.
- (4) When a permit other than a permit described in Section 4.5(3) hereof has been issued, the Development Authority shall advertise in accordance with the Public Advertisement Policy XXXX. ~~the Development Authority shall immediately:~~
 - (a) ~~Post a notice of the decision conspicuously on the property for which the application has been made; and/or~~

- ~~(b) — Mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or~~
 - ~~(c) — Publish a notice of the decision in a newspaper circulating in the Town, stating the location of the property for which the application has been made and the use approved.~~
- (5) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and completed within three (3) years of the date of issue, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- (6) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

4.6 DEVELOPMENT AGREEMENTS

- (1) The Town may register a caveat pursuant to the provisions of the Land Titles Act and the Municipal Government Act in respect of an agreement under this Section against the Certificate of Title for the land that is the subject of the development, which said caveat shall be discharged when the agreement has been complied with.
- (2) The Town may require conditions consistent with section 4.1(1) or any other conditions as deemed appropriate, 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 imposed by bylaw. This may involve the applicant posting security with respect to the development and paying for construction, where the development requires a road or traffic infrastructure improvement specifically to accommodate the development. The applicant for a development permit may be required to provide dust control adjacent to existing residences located on roads impacted by the development. The Development Authority may require that commercial vehicular traffic be limited to certain roads when gaining access to and from a site.