



The Village of Youngstown

LAND USE BYLAW

No. 21-718

Last Consolidated March 2021

**PALLISER REGIONAL MUNICIPAL
SERVICES**

VILLAGE OF YOUNGSTOWN

BYLAW NO. 21-718

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

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

“THE VILLAGE OF YOUNGSTOWN LAND USE BYLAW”

AND WHEREAS: a Public Hearing was held on March 2, 2021 as required by Section 230 of the Municipal Government Act.

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

1. This Bylaw may be cited as “The Village of Youngstown Land Use Bylaw”.
2. Bylaw No. 14-702 being the “Village of Youngstown Land Use Bylaw” currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw No. 21-718.
3. Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, “The Village of Youngstown Land Use Bylaw.”
4. Council adopts as “The Village of Youngstown Land Use Bylaw” this text and the accompanying Schedules.
5. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME this ___ day of ____, 2021.

READ A SECOND TIME this ___ day of ____, 2021.

READ A THIRD TIME AND FINALLY PASSED this ___ day of ____, 2021.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Text Amendments to Land Use Bylaw 21-718

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1.0 GENERAL

The “User Guide” is intended for information and clarity purposes only and is not a section of the Land Use Bylaw.

The Land Use Bylaw establishes rules and regulations for the use of land and buildings. It regulates location, intensity, type of land use, buildings, and also details the process for land use re-designations and the application process for permits to develop property.

Alignment with existing policies is a key component of the rules and regulations outlined in the Land Use Bylaw. This Land Use Bylaw reflects the Municipal Development Plan and bylaws, regulations and Acts of the Village and governments of Alberta and Canada. Wherever possible, these are referenced in the Land Use Bylaw, but the onus is on the individual landowner, developer and/or applicant to ensure that relevant laws are complied with. Applicants are encouraged to review their proposed development with the Village prior to submitting an application.

As a reference document, the Land Use Bylaw's Table of Contents is an important index.

This Bylaw is written in metric. To convert metres to feet multiply the number of metres by 3.28 to get the approximate dimension in feet. To convert square metres to square feet multiply the number of square metres by 10.764 to get the number of square feet. Some typical dimensions used in the Bylaw and their Imperial equivalents are shown below.

METRES TO FEET		METRES ² to FEET ²	
Metres	Feet	Metres ²	Feet ²
0.5	1.64	1.5	16.15
1.0	3.28	7.5	80.73
2.0	6.56	310.0	3336.81
3.0	9.84	570.0	6135.43
4.0	13.12	850.0	9149.32
5.0	16.40	1300.0	13993.08
6.0	19.69	8000.0	86112.28

Figure 1

1.1 TITLE

This Bylaw may be cited as the “The Village of Youngstown Land Use Bylaw”.

1.2 PURPOSE

The purpose of this Bylaw is to manage the use and development of land and buildings within the municipality to achieve the orderly, economical and beneficial development of land with the Village of Youngstown.

More specifically, this Bylaw:

- a.) Designates a land use district to all parcels of land within the Village;
- b.) Establishes the roles of the Approving Authorities; and
- c.) Establishes the method of making decisions on applications for redesignation and Development Permits.

This Bylaw is in alignment with the Village's Municipal Development Plan as amended from time to time, and shall be applied in a manner that serves to implement statutory plans that have been adopted by the Village.

This Bylaw shall be used in conjunction with the Guidelines, Standards, Policies, and Procedures as adopted and amended by Council from time to time.

1.3 REPEAL

Bylaw No. 14-702, and amendments thereto, are hereby repealed.

1.4 APPLICATION AND ADDITIONAL REQUIREMENTS

The provisions of this Bylaw apply to all land and buildings within the boundaries of the Village.

Compliance with the requirements of this Bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such permits, approvals or licenses that may be required by the municipality or other Provincial and/or Federal Government departments and agencies. A person(s) who applies for, or is in possession of a valid Development Permit is responsible for complying with or carrying out development

in accordance with:

- (A) The conditions of any caveat, covenant, easement, instrument or agreement affecting the land or building;
- (B) The requirements of other applicable Village bylaws, policies and procedures as adopted by the Village from time to time; and
- (C) Any successor or replacement legislation or regulation which may be enacted in substitution thereof.

1.5 CONFORMITY WITH BYLAW

No person shall commence any development unless it is in accordance with the terms and conditions of this Land Use Bylaw.

1.6 SEVERABILITY

If any provision of this Bylaw is found to be unenforceable or contradictory to superseding laws and regulations, it is the intention of the Council that such provision be severed from this Bylaw and that every other provision of this Bylaw continue in force and effect.

1.7 APPLICATIONS IN PROCESS

All applications for redesignation, subdivision and development which are received and deemed complete but not yet approved prior to the effective date of this Bylaw shall require alignment with this Bylaw and the provisions of this Bylaw shall be applicable to all decisions on these applications.

1.8 FORMS AND NOTICES

For the purpose of administering the provisions of this Bylaw, the development authority shall prepare forms and notices as they may deem necessary.

1.9 RULES OF INTERPRETATION

Compliance with the policies in this Bylaw shall be interpreted and applied as follows:

- (A) **“DISCRETIONARY USE”** means the use of land or a building for which a Development Permit may be issued by the Development Authority, with or without conditions. Discretionary uses require the approval of the Municipal Planning Commission.
- (B) **“MAY”** is a discretionary term, meaning the provision in question can be enforced by the Village if it chooses to do so, dependent on the particular circumstances of the site and/or application.
- (C) **“MUST”** is a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion, by Administration, the developer, and the Development Authority.

- (D) **“PERMITTED USE”** means the use of land or a building provided for in this Bylaw for which a Development Permit shall be issued with or without conditions by the Development Authority, unless Exempt under this Bylaw.

- (E) **“SHALL”** is a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion, by Administration, the developer/landowner, and the Development Authority.

- (F) **“SHOULD”** is a directive term that provides direction to strive to achieve the outlined action, but is not mandatory. When the regulation is directed to the applicant, the onus is on the applicant to justify why the desired action/result is not proposed and/or will not be achieved. When a regulation or district involves two (2) or more conditions, provisions or events connected by a conjunction, the following definitions shall apply:
 - (I) “And” means all the connected items shall apply in combination;

 - (II) “Or” indicates that the connected items may apply singularly or in combination; and

The system of measurement used in this document is the metric system. Imperial conversions of metric measurements are provided in brackets, but shall not be used in lieu of metric measurements.

1.10 AMENDMENTS TO THE BYLAW

1.11 Any person may apply to have this Bylaw amended using the approved form.

1.12 The Council may initiate amendments by its own motion.

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

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

1.14 All amendments to this Bylaw shall be made Council by bylaw in conformity with the Act and the regulations.

1.15 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) Special Area No. 3, if the proposed amendment
 - (i) affects land on the boundary with Special Area No. 3, or
 - (ii) may otherwise have an effect on within Special Area No. 3,
- (c) such other persons or agencies as it considers necessary for comment.

1.16 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 (6) months from the date of refusal.

2.0 ADMINISTRATION

2.1 COUNCIL

Applications which shall be referred to Council for consideration and decision shall include:

- (A) Any planning application for which a bylaw is required.
- (B) Any applications for discretionary uses within a Direct Control district unless otherwise specified within the Direct Control district.

2.2 ESTABLISHMENT OF SUBDIVISION AUTHORITY

The Subdivision Authority for the Village is established by separate bylaw in accordance with Section 623 of the Municipal Government Act. The Subdivision Authority shall:

- (a) keep and maintain for the inspection of the public copies of all decisions and ensure that copies of same are available to the public at a reasonable charge;
- (b) keep a register of all applications for subdivision, including the decisions therein and the reasons therefore;
- (c) receive all complete applications for subdivision including the required application fees and decide upon all applications in accordance with the Subdivision and Development Regulation and Land Use Bylaw with consideration of all comments received through circulation and the recommendations of the Municipal Planning Commission;
- (d) On receipt of an application for subdivision, review to ensure sufficient information is provided to adequately evaluate the application in accordance with Part 1 of the Subdivision and Development Regulation;
- (e) Excepting subdivision applications not requiring circulation under the Municipal Government Act to circulate applications for subdivision for comments to those authorities and agencies as prescribed within the Subdivision and Development Regulation and this Land Use Bylaw and all comments to be added to the subdivision report;
- (f) Excepting subdivision applications not requiring circulation under the Municipal Government Act, to circulate applications for subdivision for comments to Special Area No. 3 when the original parcel boundaries are adjacent to the municipal boundary or where an intermunicipal development plan requires or, at the discretion of the subdivision authority, where a subdivision application is not adjacent to the municipal boundary but has potential for land use impacts within Special Area No. 3;
- (g) Excepting subdivision applications not requiring circulation under

the Municipal Government Act, the Subdivision Authority may proceed with processing of the application after thirty (30) days from the date of referral to authorities, agencies or landowners whether or not comments have been received;

- (h) Prepare a subdivision report including all relevant information to the application, recommendations and any comments received from circulated agencies and review with the Municipal Planning Commission for municipal recommendations;
- (i) Prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the Subdivision and Development Regulation;
- (j) Ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality;
- (k) Endorse Land Titles instruments to effect the registration of the subdivision of land;
- (l) Advise the Council, Municipal Planning Commission and Subdivision and Development Appeal Board on matters relating to the subdivision of land;
- (m) Appear before the Subdivision and Development Appeal Board or Municipal Government Board where appeals are made on subdivision application decisions.

2.3 ESTABLISHMENT OF DEVELOPMENT AUTHORITIES

The Development Authority for the Village is established by separate bylaw in accordance with Section 624 of the Municipal Government Act.

2.4 DUTIES AND POWERS OF DEVELOPMENT AUTHORITIES

The Development Officer shall:

- (A) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments there to;
- (B) keep a register of all applications for development, including the decisions therein and the reasons therefore, for a minimum period of seven years;
- (C) receive, consider and decide on development permit applications for those uses listed as "Permitted Uses"; and
- (D) receive, consider and decide on development permit applications for those uses listed as "Discretionary Uses under the authority of the Development Officer"; and
- (E) refer development permit applications to the Municipal Planning Commission for those uses:
 - (I) listed as "Discretionary Uses"; and
 - (II) (ii) which the Development Officer wishes to refer to the Municipal Planning Commission.

The Municipal Planning Commission shall:

- (A) issue decisions for development permit applications for those uses listed as

- Discretionary Uses in the subject land use district and determine the method of notification;
- (B) issue decisions for those uses which the Development Officer refers to the Municipal Planning Commission; and,
 - (C) perform such other duties as described in this bylaw or as may be assigned to it by Council.

2.5 DEVELOPMENT AUTHORITY'S DECISIONS AND DISCRETION

A development permit application for a use which is not listed as a "Permitted Use" or a "Discretionary Use" in the subject District shall be refused.

In making a decision on an application for a "Permitted Use", the Development Authority shall:

- a) approve with or without conditions, an application for a development permit where the proposed development conforms with this Bylaw; or
- b) refuse an application for a development permit if the proposed development does not conform to the Bylaw.

In making a decision on an application for a "Discretionary Use", the Municipal Planning Commission:

- a) may approve, either permanently or for a limited period of time, a development permit application which meets the requirements of this Bylaw, with or without conditions; or
- b) may refuse a development permit application even though it meets the requirements of this Bylaw; or
- c) shall refuse a development permit application if the proposed development does not conform with this Bylaw.

In reviewing a development permit application for a Discretionary Use, the Municipal Planning Commission shall have regard for:

- a) the purpose and intent of the Act;
- b) any statutory plans adopted by the municipality; and
- c) the circumstances and merits of the application, which may include such items as
 - (i) impact of such nuisance factors as smoke, airborne emissions, odors and noise on nearby properties;
 - (ii) the design, character and appearance of the development shall be compatible with and complementary to the surrounding area; and
 - (iii) the servicing requirements for the proposed development.

Subject to Section 3.1 and 3.2 the Development Authority may approve an application for a Development Permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Authority:

- a) the proposed development would not
 - (iii) unduly interfere with the amenities of the neighbourhood; or

- (iv) materially interfere with or affect the use, enjoyment or value of neighbouring properties;
- b) the proposed development conforms with the use prescribed for the land or building in this Bylaw;
- c) the proposed variance is minor in nature and would not alter the spirit and intent of this Bylaw; and

The proposed variance, if not granted, would cause undue hardship to the applicant characterized by location, use and character of the land or building.

The Development Officer may allow a minor variance of less than or equal to 10% of any or all of the numerical regulations subject to Section 3.1.

The Municipal Planning Commission may allow a variance of greater than 10% of any or all of the numerical regulations subject to Section 3.1.

Notwithstanding any provisions or requirements set out in the Bylaw, the Municipal Planning Commission may establish a more stringent standard for uses listed under the "Discretionary Uses" column when it is deemed necessary to do so.

A variance will not be allowed if the granting of the variance results in a development which does not meet the requirements of the Subdivision and Development Regulation.

In the event that a variance is granted pursuant to Section 3.1. or 3.2., the Development Authority shall indicate in its minutes the type and extent of any variance granted to any development permit approval.

Notwithstanding Sections 3.1 and 3.2, if a proposed use of land or a building is not listed as a "Permitted Use" or "Discretionary Use" in the Bylaw, the Municipal Planning Commission may determine that such a use is similar in character and purpose to a use listed under that land use district and may issue a development permit.

2.6 ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board for the Village is established by separate bylaw in accordance with Section 627 of the *Municipal Government Act*.

The Subdivision and Development Appeal Board for the Village shall perform such duties as are specified in the *Act*.

2.7 APPEAL PROCEDURE

- (1) An appeal may be made to the Subdivision and Development Appeal Board where the Development Authority:
 - (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application;

- (b) issues a development permit subject to conditions;
 - (c) issues an order under Section 7 of this Bylaw.
- (2) The person applying for a development permit or affected by the order, under subsection (1), or any other person complying with the appeal requirements as set out in the Act may appeal the decision or development permit of the Development Authority to the Subdivision and Development Appeal Board.
- (3) An appeal shall be made by serving a written notice of appeal, stating the reasons for the appeal, to the Secretary of the Subdivision and Development Appeal Board within 21 days after the date of the order, decision or permit issued by the Development Authority was either:
- (a) first published in a newspaper circulating in the area; or
 - (b) posted on the site of the property which is the subject of the application; or
 - (c) received by the applicant, whichever of these occur first.
- (4) For the purpose of subsection 3(c), the date of receipt of the decision is deemed to be five (5) days from the date the decision was mailed.

2.8 PUBLIC HEARING

- (1) Within 30 days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the public hearing to:
- (a) the appellant or any person acting on his/her behalf;
 - (b) The Development Officer / Chairman of the Municipal Planning Commission from whose order, decision or development permit the appeal is made;
 - (c) those registered owners of land in the municipality who were notified under subsection 10(3)(b) and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit;
 - (d) the Director/Senior Planner of Palliser Regional Municipal Services;
 - (e) such other persons as the Subdivision and Development Appeal Board specifies.

- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal, as they become available, subject to Section 217 of the Act, including:
 - (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Authority under Section 14, as the case may be.

- (4) At the public hearing referred to in subsection (1), the Board shall hear:
 - (a) the appellant or any person acting on his/her behalf;
 - (b) the Development Officer / Chairman of the Municipal Planning Commission from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his/her behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or person acting on his/her behalf.

2.9 DECISION

- (1) The Subdivision and Development Appeal Board shall give a written decision together with reasons for the decision within 15 days of the conclusion of the hearing;
- (2) 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 Section 688 of the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:

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

3.0 DEVELOPMENT PERMITS

3.1 DEVELOPMENT PERMITS REQUIRED

Except as provided in Section 3.2 no person shall undertake any development unless:

- a) a development is exempted by the Act or its regulations.
- b) a development permit has first been issued pursuant to this Bylaw and the development is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.

Development completed on behalf of the Village and / or on Village-owned land shall be required to obtain a Development Permit unless it is not required as per section 3.2 of this Bylaw.

3.2 DEVELOPMENT PERMIT NOT REQUIRED

A development permit is not required for the following developments provided the development complies with the provisions and regulations of this Bylaw and is carried out in accordance with all other applicable Federal, Provincial and County legislation, regulations and bylaws:

- (1) The carrying out of works of maintenance or repair to a building provided that such work:
 - (a) does not include structural alterations;
 - (b) does not change the use or intensity of the use of the structure;
- (2) The completion of a building which could be prohibited by this Bylaw, but was lawfully begun on or before the date of the first official of this Bylaw provided the building:
 - (a) is completed within 12 months of the notice; and
 - (b) complies with any development permit issues for it.
- (3) The use of any such building as is referred to in subsection (2) for the purpose for which construction was commenced;
- (4) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting a road used by vehicular traffic) less than 1.2 m (4 ft.) in height in front yards and less than 1.82 meters (six ft.) in side and rear yards, and the maintenance,

improvement and other alterations of any gates, fences, or walls or other means or enclosure;

- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit was issued under this Bylaw;
- (6) The development of a building or use of land that is publicly owned or controlled.
- (7) The maintenance or repair of public works, services or public utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- (7) The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite;
- (8) The construction, maintenance and repair of private walkways, pathways, driveways, and similar works;
- (9) Those signs outlined in **Part VII** as not requiring a development permit;
- (10) An official notice, sign, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal Legislation;
- (11) The erection or construction or replacement of one (1) garden/tool shed per site, which does not exceed 10.5 m² (113 sq. ft.) in floor area and 2.5 m (8.2 ft.) in height;

3.3 APPLICATION FOR A DEVELOPMENT PERMIT

- (1) Any owner of a parcel, an authorized agent, or other persons having legal or equitable interest in the parcel may make application for a development permit to the Development Officer using the approved form and shall be accompanied by information as may be required by the Development Authority to evaluate the application including, but not limited to:
 - (a) a site plan in duplicate, drawn to scale, which shows the following:
 - (i) legal description of the site with north arrow;
 - (ii) area and dimensions of the land to be developed including the front, rear and side yards if any;

- (iii) area and external dimensions including the heights of all buildings and structures to be erected on the land;
 - (iv) any provisions for off-street loading and vehicle parking, including all access and exit points to the site; and
 - (v) the position and distances of any existing building, roads, water bodies, trees or other physical features on the land to be developed.
- (b) floor plans, elevations, grading and drainage plans and sections in duplicate and an indication of the exterior finishing materials and colour if required by the Development Authority;
 - (c) pictures of the interior and exterior of an existing building that is proposed to be moved on to a parcel within the Village of Youngstown;
 - (c) a statement of the proposed use or uses;
 - (d) a statement of ownership of land and the interest of the applicant therein;
 - (e) the estimated commencement and completion dates;
 - (f) the estimated cost of the project or contract price;
 - (g) the development permit fee as prescribed by Council;
 - (h) a surveyor's certificate or real property report if required by the Development Officer;
 - (i) written agreement of the registered landowner(s) of the property with regard to the proposed development, if required.
- (2) The Development Authority may require additional copies of the application plans or specifications as well as such additional information as deemed necessary to sufficiently evaluate the application.
 - (3) The Development Authority shall issue a notice of "Complete" or "Incomplete" application, within 20 days of the submission in accordance with the requirements of the Act.

4.0 LAND USE DISTRICTS & OVERLAYS

4.1 DISTRICTS

- (1) For the purpose of this Bylaw, the municipality is divided into the following Districts:

R	- Residential General District
C-1	- Central Commercial District
HWY- C	- Highway Commercial District
I	- Industrial District
CS	- Community Service District
UR	- Urban Reserve District

4.2 DISTRICT BOUNDARIES

- (1) The locations and boundaries of the land use districts are shown on the Land Use District Maps in Schedule A, which forms part of this Bylaw.

- (2) The locations of boundaries shown on the Land Use District Maps shall be governed by the following rules:

Rule 1. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centerline thereof.

Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

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

- (a) using any dimensions given on the map; or
- (b) where no dimensions are given, measurement using the scale shown on the map.

- (3) Where the exact location of the boundary of a land use district cannot be determined using the rules in subsection (2), 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.
- (4) The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.
- (5) The Council shall keep a list of its decisions fixing the locations of district boundaries.

4.3 RG - RESIDENTIAL GENERAL DISTRICT

(1) Purpose

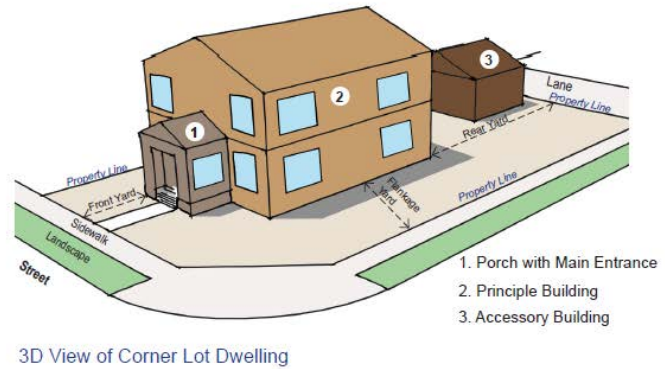
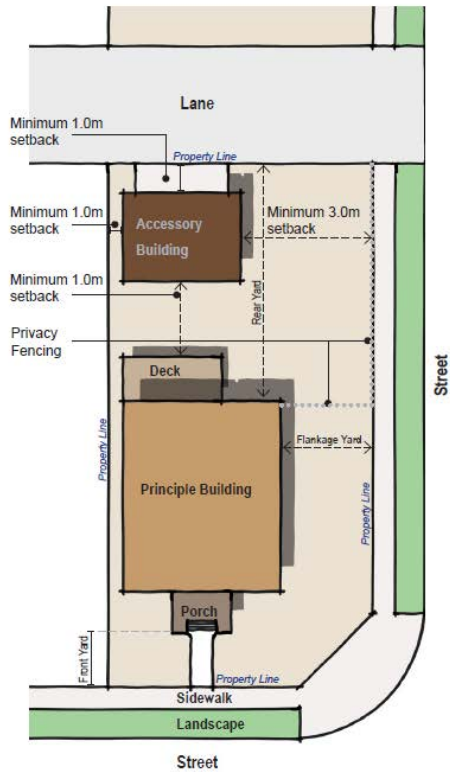
The purpose and intent of this district is to provide for a variety of housing types in residential neighborhoods.

(2) Permitted Uses

- Accessory buildings and uses
- Dwelling – Duplex
- Dwelling - Semi-detached
- Dwelling - Single-unit – all types excluding manufactured homes
- Home occupation
- Permitted signs
- Parks and Playgrounds
- Public Utility Building
- Renewable Energy System

(3) Discretionary Uses

- Bed and breakfast establishment
- Daytime child care service
- Dwelling – Multi Unit
- Dwelling - Manufactured Home
- Manufactured Home Park
- Public and quasi-public buildings, facilities and installations
- School
- Storage Structure



Corner Lot Dwelling

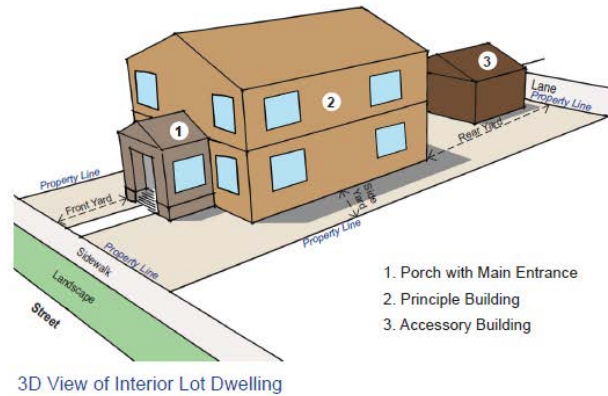
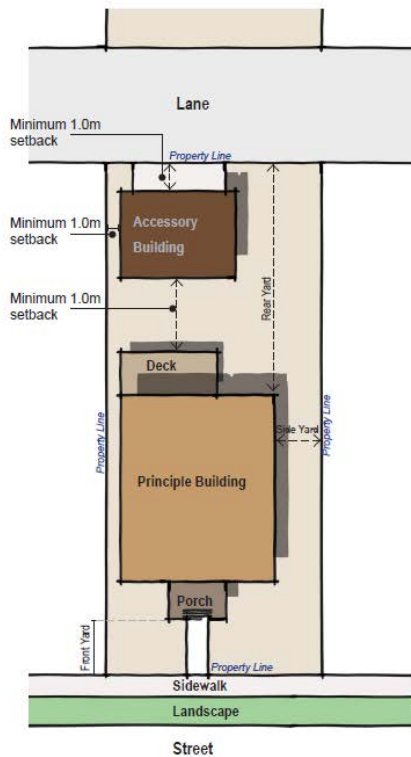
BUILDING ENVELOPE OF SINGLE DETACHED DWELLING FOR LANE SUBDIVISION

(4) Minimum Requirements

- (a) Site Area:
- 110.4 m² (3,900 sq. ft.) for single-unit dwellings;
 - 325 m² (3,500 sq. ft.) for each corner unit and 278.7 m² (3,000 sq. ft.) for each interior unit for semi-detached dwellings; and
 - 650 m² (7,000 sq. ft.) for apartment buildings;
 - 232 m² (2,500 sq. ft.) for end units and 185 m² (2,000 sq. ft.) for interior units for attached housing; and
 - Other uses at the discretion of the Municipal Planning Commission.

- (b) Lot Width:

- (i) 15.24 m (50 ft.) for single-detached dwellings and manufactured homes;
 - (ii) 7.6 m (25 ft.) for each dwelling unit in a semi-detached dwelling;
 - (iii) 18.3 m (60 ft.) for apartment buildings;
 - (iv) 7.6 m (25 ft.) for end units and 6.1 m (20 ft.) for interior units for attached housing; and
 - (v) Other uses at the discretion of the Municipal Planning Commission.
- (c) Front Yard:
- (i) 4.57 m (15 ft.) for dwellings; and
 - (ii) Other uses at the discretion of the Municipal Planning Commission.
- (d) Side Yard:
- (i) 1.2 m (4 ft.) except those buildings having the principle entrance provided from a side yard. The minimum side yard shall then be 2.1 m (7 ft.);
 - (ii) Accessory buildings shall be sited in accordance with **Part VII** of this Land Use Bylaw;
 - (iii) Others at the discretion of the Municipal Planning Commission.
 - (vi) Other uses at the discretion of the Municipal Planning Commission.
- (e) Rear Yard:
- (i) 6.1 m (20 ft.) for one and two unit dwellings; and
 - (ii) Accessory buildings shall be sited in accordance with **Part VII** of this Land Use Bylaw;
 - (iii) Other uses at the discretion of the Municipal Planning Commission.
- (f) Gross Floor Area:
- (i) 74.32 m² (800 sq. ft.) for detached dwellings;
 - (ii) 56 m² (600 sq. ft.) for each dwelling unit in a duplex dwelling, semi-detached dwelling and attached housing; and
 - (iii) 38 m² (238 sq. ft.) for apartment units.
 - (iv) Other uses at the discretion of the Municipal Planning Commission.



1. Porch with Main Entrance
2. Principle Building
3. Accessory Building

3D View of Interior Lot Dwelling

Interior Lot Dwelling

BUILDING ENVELOPE OF SINGLE DETACHED DWELLING FOR LANE SUBDIVISION

(5) Maximum Limits

- (a) Height:
 - (i) 10.67 m (35 ft.) for one and two unit dwellings,
 - (ii) 13.7 m (45 ft.) for other uses; and
 - (iii) 4.57 m (15 ft.) for accessory buildings.
- (b) Site Coverage
 - (i) 35% for single- detached dwellings;
 - (ii) 40% for apartment buildings;
 - (iii) 30% for a Duplex dwelling, semi-detached dwelling and attached housing;
 - (iv) 15% for accessory buildings; and
 - (v) Other uses at the discretion of the Municipal Planning Commission.

(6) Parking

Parking shall be provided according to the following:

- (a) Single-unit, Duplex, and semi-detached dwellings - One (1) parking or garage space per dwelling unit;
- (b) Apartment houses and attached housing - One (1) parking space per dwelling unit plus one (1) parking space per seven (7) dwelling units must be assigned to guest parking;
- (c) Public and Quasi-public buildings - One (1) parking space per 15 seats;
- (d) Other uses at the discretion of the Municipal Planning Commission.

(7) Landscaping & Screening

- (a) A minimum of 10% of the site area for apartments and attached housing developments shall be landscaped or developed in order that it can be utilized as an amenity area. Balconies may be considered part of the amenity area.
- (c) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares, including lanes.
- (d) All trees and hedges must be kept trimmed clear of public property.

4.4 C-1 – CENTRAL COMMERCIAL DISTRICT

(1) Purpose

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

(2) Permitted Uses

- Financial institution
- Municipal buildings and facilities
- Permitted sign
- Professional, financial and administrative office
- Post office
- Personal service shop
- Renewable Energy System
- Retail store
- Restaurant

(3) Discretionary Uses

- Accessory buildings and uses
- Amusement enterprise
- Automobile Vehicles sales, service and repairs
- Building materials sales and service
- Cannabis Retail Sales
- Car wash
- Clinic
- Coin laundries and cleaners
- Communication Structure
- Community recreation facility
- Daytime childcare service
- Dwelling Units as a secondary use to the commercial use of the building
- Dwelling – Multi unit
- Funeral home
- Hotels and motels
- Libraries
- Clinic
- Parks and Playgrounds
- Print shop

- Service station
- Storage structure - accessory to a commercial use
- Public and quasi-public buildings and facilities and installations
- Private clubs and lounges
- Tradesman's shop
- Veterinary clinic
- Warehousing
- Other Similar Uses at the discretion of the Municipal Planning Commission

(4) Minimum Requirements

- (a) Site Area:
 - (i) 135 m² (1453 sq. ft.).
- (b) Lot Width:
 - (i) 10 m (33 ft.).
- (c) Front Yard:
 - (i) Based on the front yard provided by neighbouring buildings and is to be determined for each application by the Development Authority.
- (d) Side Yard:
 - (i) 1.52 m (5 ft.) adjacent to residential districts;
 - (ii) No side yard is required where a fire-wall is provided but if a side yard is provided, it must be 1.23 m (4 ft.).
- (e) Rear Yard:
 - (i) 6.1 m (20 ft.) or as required by the Development Officer / Municipal Planning Commission.

(5) Maximum Limits

- (a) Site Coverage:
 - (i) 80%
- (b) Height:
 - (i) 13.72 m (45 ft.) unless otherwise approved by the Development

(6) Parking

(a) Parking should be provided according to the following:

- | | |
|--|---|
| (i) Professional, financial & administrative offices (including banks) | - One (1) parking (800 sq. ft.) of gross floor area in the building. |
| (ii) Retail shops, repair and service shops | - One (1) parking (800 sq. ft.) of gross floor area in the building. |
| (iii) Clinics | - Two (2) parking spaces per 93 m ² (1,000 sq. ft.) of gross floor area in the building. |
| (iv) Restaurants | - One (1) parking space per eight (8) seats. |
| (v) Hotels & Motels | - One (1) parking space per guest suite. |
| (vi) Funeral Homes | - One (1) parking space per 3 seats. |
| (vii) Libraries | - One (1) parking space per 74 m ² (800 sq. ft.) of gross floor area in the building. |

(viii) Other uses at the discretion of the Development Officer / Municipal Planning Commission.

(b) Notwithstanding subsection 6(a) should the Municipal Planning Commission deem it advisable it may reduce or waive the parking space requirements for proposed development or redevelopment of a commercial site within the Central Commercial Land Use District:

- (i) where the configuration of the buildings to be developed and those adjacent buildings is such that the provision of required parking is not practical; or
- (ii) where the dimensions or site area is inadequate to reasonably accommodate the proposed development and required parking.

(7) Landscaping and Screening

- (a) Sites abutting a residential district shall be screened from view to the satisfaction of the Development Officer / Municipal Planning Commission;
- (b) Outside storage areas of material and equipment shall be screened from adjacent sites and public thoroughfares; and
- (c) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares.

4.5 HWY-C - HIGHWAY COMMERCIAL DISTRICT

(1) Purpose

The purpose and intent of this district is to provide for a range of commercial uses along major roadways with high traffic volumes and exposure to the Village and region.

(2) Permitted Uses

- Accessory buildings and uses

- Motel/ Hotel
- Permitted sign
- Renewable Energy System
- Restaurant
- Service Station
- Tourist and information centre

(3) Discretionary Uses

- Accessory buildings and uses
- Automotive Vehicle Sales
- Automotive repair and service
- Auto body shop
- Auto wrecker
- Building material sales & storage
- Bulk fuel depot
- Cannabis Retail Sales
- Car wash
- Clinic
- Communication Structure
- Dwelling Unit as a secondary use to the commercial use of the building/ site
- Fabric Covered Building
- Funeral home
- Heavy Equipment Assembly, Sales and Service
- Hotels and motels
- Public and quasi-public buildings and facilities and installations
- Retail store
- Small Wind Energy System
- Storage Structure
- Storage yard
- Veterinary Clinic
- Warehouse
- Tradesmen's Shop
- Other Similar Uses at the discretion of the Municipal Planning Commission

(4) Minimum Requirements

- (a) Site Area:

(i) 135 m² (1453 sq. ft.).

(b) Lot Width:

(i) 15.24 m (50 ft.).

(c) Front Yard:

(i) Based on the front yard provided by neighbouring buildings and is to be determined for each application by the Development Authority.

(d) Side Yard:

(i) 1.52 m (5 ft.) adjacent to residential districts;

(ii) No side yard is required where a fire-wall is provided but if a side yard is provided, it must be 1.23 m (4 ft.).

(e) Rear Yard:

(i) 6.1 m (20 ft.) or as required by the Development Officer / Municipal Planning Commission.

(5) Maximum Limits

(a) Site Coverage:

(i) 80%

(b) Height:

(i) 10.67 m (35 ft.) unless otherwise approved by the Development Officer / Municipal Planning Commission

(c) Front Yard:

(i) 7.6 m (25 ft)

(ii) Shall be landscaped to the satisfaction of the Development Officer

(6) Parking

Parking shall be provided according to the following:

(a) Professional, financial & administrative offices

- One (1) parking space per 74 m² (800 sq. ft.) of

gross floor area.

- (b) Retail stores, equipment repair and workshops
 - One (1) parking space per 93 m² (1,000 sq. ft.) of gross floor area.
- (c) Restaurants
 - One (1) parking space per eight (8) seats.
- (d) Hotel & motels
 - One (1) parking space per guest suite.
- (e) All other uses
 - One (1) parking space per 93 m² (1,000 sq. ft.) of gross floor area or at the discretion of the Municipal Planning Commission

(7) Landscaping & Screening

- (a) The boulevard and a minimum of 10% of the site area must be landscaped in accordance with the plan approved by the Development Authority;
- (b) Any trees or shrubs which die, that were planted under the approved plan, must be replaced the next planting season;
- (c) Sites abutting a residential district shall be screened from view to the satisfaction of the Development Authority;
- (d) Outside storage area of material and equipment should be screened from adjacent sites and public thoroughfares; and
- (e) Garbage and waste material must be stored in weather and animal proof

containers and screened from adjacent sites and public thoroughfares.

4.6 I - INDUSTRIAL DISTRICT

(1) Purpose

The purpose and intent of this district is to provide for a range of manufacturing, warehousing and other industrial land uses.

(2) Permitted Uses

- Accessory buildings and uses
- Permitted signs
- Renewable Energy System

(3) Discretionary Uses

- Truck terminal
- Automotive vehicle sales
- Automotive repairs and service
- Automobile body and paint shop

- Building material sales, storage and processing
- Bulk fertilizer distribution and storage
- Bulk fuel depots and sales
- Cannabis Retail Sales
- Communication Structure
- Dwelling Unit as a secondary use to the principal use of the building/ site
- Tradesmen's Shop
- Equipment and machinery sales and rental establishments
- Fabric Covered Building
- Flour and feed mills
- Grain elevator
- Heavy Equipment Assembly, Sales and Service
- Light manufacturing
- Propane gas distribution
- Professional, financial and administrative offices
- Small Wind Energy System
- Storage Structure
- Storage yard
- Truck and freight terminal
- Veterinary clinic
- Warehousing
- Other Similar Uses at the discretion of the Municipal Planning Commission

(4) Minimum Requirements

(a) Area of Site:

As required by the Development Officer / Municipal Planning Commission.

(b) Width of Site:

As required by the Development Officer / Municipal Planning Commission.

(c) Front Yard:

(i) 6.1 m (20 ft.)

(d) Side Yard:

(i) 5 m (16.5 ft.)

(ii) Or as required by the Development Officer / Municipal Planning Commission.

- (e) Rear Yard:
 - (i) 5 m (16.5 ft.)
 - (ii) Or as required by the Development Officer / Municipal Planning Commission.

(5) Maximum Limits

As required by the Development Authority.

(6) Special Requirements

- (a) The operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government. If the Development Authority believes a proposed use may conflict with those standards, he shall refer the application to the appropriate Provincial Department for clarification prior to issuing a Development Permit;
- (b) The Municipal Planning Commission may prescribe screening and landscaping for uses which involve storage of goods, machinery, vehicles, building materials, waste materials, and other items.
- (c) Each application for industrial development shall be accompanied by the following information:
 - Location map
 - Type of industry
 - Size of buildings
 - Estimated number of employees
 - Estimated water demand and anticipated source
 - Type of effluent and method of treatment
 - Transportation routes to be used (rail and road)
 - Reason for specific location
 - Any accessory works required (pipeline, railway spurs, etc.)
 - Anticipated residence location of employees

(7) Parking

Off-street parking shall be provided according to the following:

- (a) All uses
 - One (1) parking space per 93` m² (1,000 sq. ft.) of gross floor area plus one (1) loading space per 1,858 m² (20,000 sq.

ft.) gross floor area.

4.7 CS - COMMUNITY SERVICE DISTRICT

(1) Purpose

The purpose and intent of this district is to provide recreational, educational and community uses.

(2) Permitted Uses

- Clinic
- Community recreation facility
- Municipal buildings and facilities
- Parks and playgrounds
- Permitted sign
- Public and quasi-public buildings, installations and facilities
- Renewable Energy System
- School

(3) Discretionary Uses

- Accessory buildings & uses
- Campground
- Cemetery
- Communication Structure
- Fabric Covered Building
- Seniors lodge
- Small Wind Energy System

- Storage structure

(4) Minimum Requirements

- (a) Front Yard:
 - (i) 6.1 m (20 ft.)
- (b) Side Yard:
 - (i) 3.05 m (10 ft.)
- (c) Rear Yard:
 - (i) 7.62 m (25 ft.)

(5) Development Requirements

The Development Authority shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

(6) Parking

Parking (on site) shall be provided according to the following:

- (a) Public places of assemble including sports arenas, ball parks and other recreational or amusement places
 - One (1) parking space per 10 seat-in spaces.
- (b) Hospitals
 - One (1) parking space per 93 m² (1,000 sq. ft.) of gross floor area.
- (c) Libraries and Clinics
 - Two (2) parking space per 93 m² (1,000 sq. ft.) of gross floor area.
- (d) Schools
 - Elementary & Junior High
 - One (1) parking space per class-

- Senior High room.
- Four (4) parking spaces per classroom.

(7) Screening

Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares including lanes.

4.8 UR - URBAN RESERVE DISTRICT

(1) Purpose

The purpose and intent of this district is to reserve lands outside of the developed area of the Village which is intended for future development.

(2) Permitted Uses

- Accessory buildings and uses
- Extensive Agriculture
- Greenhouse
- Horticultural nursery
- Market garden
- Parks and Playgrounds
- Permitted sign
- Renewable Energy System

(3) Discretionary Uses

- Communication Structure
- Dwelling - Single-Detached -on existing parcels only
- Fabric Covered Building
- Public and quasi-public buildings, installations and facilities
- Small Wind Energy System
- Storage Structure

- Storage yard

(4) Development Requirements

The Development Authority shall evaluate each development permit for this district on its merit and establish suitable development requirements for each individual application.

(5) Regulations

- (a) The design, siting, 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 / Municipal Planning Commission who in determining a development permit application shall take into account:
 - (i) the general purpose of the district; and
 - (ii) the existing uses and prospective uses of land in the vicinity.
- (b) The Municipal Planning Commission may require an area structure plan before recommending approval of a subdivision.
- (c) The Development Authority shall be satisfied prior to the granting of a development permit that the proposed use will not prejudice the orderly development of the area including the future establishment of residential, commercial, industrial, recreational, and service facilities on a neighborhood and community basis.

5.0 DEFINITIONS

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

“Accessory Building – Fabric Covered” means:

- (a) A **temporary** structure separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land;
- (b) The building is designed by virtue of easy assembly and dismantling;
- (c) Pre-engineered and commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film;
- (d) Shall require the necessary building permits to meet all the requirements of the Alberta Safety Code to ensure foundation, anchoring and location/ placement are in accordance with the Alberta Safety Codes;
- (e) All fabric covered accessory buildings shall adhere to the requirements of the General Regulations of this Bylaw.

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

“Act” means the Municipal Government Act S.A. 1994 Ch. M.26-1 as amended;

“Addition” means an enclosed section of building adjoined structurally to a principal or accessory building to become part of that building including, but not limited to, sunrooms and garages;

“Adjacent” means land that is contiguous to a parcel of land and includes land that would be contiguous if not for a highway, road, river, stream or railway;

“Amusement Enterprise” means a commercial establishment for public entertainment or recreation including, but not limited to, bowling alleys, theaters, and billiard parlors;

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

“Automotive Vehicle Sales” means a use:

- (a) where motor vehicles are sold or leased;

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

"Auto Wrecker" means a use:

- (a) where dilapidated vehicles are stored, dismantled or crushed;
- (b) where motor vehicle parts may be sold;
- (c) where motor vehicles in their complete and operable state are not displayed or sold;
- (d) that may have equipment used for crushing, dismantling or moving motor
- (e) that may have a building for administrative functions associated with the use;
- (f) that does not involve the manufacture or assembly of any goods.

"Bed & Breakfast Establishment" means a lodging facility within an owner occupied dwelling, having no more than three (3) guest rooms, providing a common washroom and dining facilities but no cooking facilities in guest rooms;

"Building" includes anything constructed or placed on, in, over, or under land, but does not include a primary highway or a public roadway;

"Bulk Fuel Sales Depot" means a use where fuel for motor vehicles is sold either with or without an attendant.

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

"Cannabis" means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

"Cannabis Accessory" means cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time.

"Cannabis Retail Sales" means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend the premises.

"Carport" means a structure attached to a principal or accessory building, designed and used for the shelter and storage of vehicles which must have at least the side which abuts the side yard and one end unenclosed;

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

"Central Commercial district C-1" means a district whose purpose and intent is to provide for centralized commercial and retail development.

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

"Community Service District CS" means a district whose purpose and intent is to provide recreational, educational and community uses.

"Communication Structure" means an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

1. **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;
2. **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

"Community Recreation Facility" means a use where it is available to the public for sports and recreational activities conducted indoors and/or outdoors. Typical uses

include indoor/outdoor swimming pools, hockey rinks, gymnasiums, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, bowling greens, riding stables and fitness centres.

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

"Council" means the Council of the Village of Youngstown;

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

"Development" means:

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the land or building, or
- (d) a change in the intensity of use of land of 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) a person (or persons) appointed as Development Officer by Bylaw,
- (b) the Municipal Planning Commission appointed by Bylaw;

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

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

"Development Completion" means the moment the required building/ development permit conditions and requirements have been met for the purposes of the development permit application and/ or the final inspection reports have been received (as required for the project).

"Development Permit" means a document authorizing a development issued pursuant to a land use bylaw;

"Discretionary Use" means a use of land or a building or a building provided for in this land use bylaw for which a development permit may be issued upon an application having been made;

"District" means an area of land designated on the Land Use District Map as a land use district;

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

"Dwelling" means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, lodging and boarding houses, but does not include Manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or

any other temporary foundation;

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

"Dwelling - Duplex" means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, and may contain a common stairwell exterior to both dwellings;

"Dwelling – Moved-on" means a structure from a previous location, that has now been relocated to a new parcel for use as a dwelling.

"Dwelling - Multiple Unit (Apartment)" means a residential building designed and built to contain three or more dwelling units with shared services, facilities and outside entrances;

"Dwelling – Multiple Unit (Attached)" means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall each unit having separate entrances from grade level. (For purpose of this Bylaw, Garden, Linked, Row, Townhouses, four-plex, five-plex, and six-plex units which meet this criteria are considered to be attached housing.);

"Dwelling - Manufactured Home" means a transportable, single or multiple section single dwelling unit conforming to CAN/CSA Z240 MH Series certified standards at time of manufacture. It is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions.

"Dwelling - Modular" means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular home represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling unit(s) for year-round occupancy. Modular homes are not to be considered as manufactured homes under this Bylaw and will be congruent in appearance to conventional single detached dwellings.

"Dwelling – Secondary Suite" means a self-contained Dwelling Unit that is located within a primary Dwelling Unit, where both Dwelling Units are registered under the same land title."

"Dwelling - Semi-Detached " means a single building designed and built to contain two side by side dwelling units, separated from each other by a common or party wall and each having separate access to the outside grade.

"Dwelling - Single-Detached" means a building containing one dwelling unit only; but does not include semi-detached one family dwellings or Manufactured homes;

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

"Existing" means existing as of the date of adoption of this By-law;

"Extensive Agricultural" 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 but does not include feedlots, intensified hog operations or poultry farms;

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

"Fence" means a vertical physical barrier constructed out of typical building material to prevent visual or unauthorized access or both;

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

"Front Lot Line" means the boundary dividing the lot from the abutting street. In the case of a corner lot, the shorter boundary shall be deemed to be the front lot line;

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

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

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

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

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

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

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

"Highway-Commercial HWY-C" means a district whose purpose and intent is to provide for a range of commercial uses along major roadways with high traffic volumes and exposure to the Village and region.

"Home Occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building or a use secondary to the residential use of the building, and which does not change the residential nature of the building nor the neighborhood or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.18m² (2 sq. ft.) in area. A home occupation does not include the outside storage of materials, goods or equipment, nor the employment of more than one paid assistant other than the occupant and the occupant's family.

"Hotel or Motel" means a building providing sleeping accommodation which may also contain commercial uses and such additional uses as restaurants, dining rooms, room service, or public convention facilities;

"Industrial district I" means a district whose purpose and intent is to provide for a range of manufacturing, warehousing and other industrial land uses.

"Landscaping" means to change or modify the natural features of a site so as to make it more attractive by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other structures and materials;

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

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

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

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

"Manufactured Home Subdivision" means an area subdivided by registered plan, containing lots for Manufactured homes by free-hold or leasehold tenure

"Municipality" means, where the context requires, the area of land contained within the boundaries of the Village of Youngstown's corporate limits, as delineated on the Land Use Map, being Part VIII of this Bylaw;

"Municipal Planning Commission" (MPC) means a Municipal Planning Commission which may be established by Council pursuant to the Municipal Government Act;

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

"Non-Conforming Use" means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date this Bylaw becomes effective, as required by the Act, and which does not or will not comply with the requirements of this Bylaw;

"Parcel" means the aggregate of the 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;

"Parks and Playgrounds" means a use:

- (a) where open space is provided for the purposes of recreation;
- (b) that may include playground equipment, benches, landscaping and related development.

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

"Personal Service Shops" means a facility for providing a service on a commercial basis to individuals and includes, but is not limited to such uses as photography studios, dry cleaning establishments and barber shops;

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

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

"Private Club or Organization" means an athletic, social, recreational or service organization which is privately owned and operated;

"Property Line" means a legal boundary of the lot;

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

"Public Utility" means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) Water or steam;
- (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;
- (i) Waste management;
- (j) Telecommunications;

And includes the thing that is provided for public consumption, benefit, convenience or use (MGA Part 17 Sec. 616 (v));

"Public Utility Building" means the building in which the proprietor of a public utility:

- (a) maintains its office or offices, or
 - (b) maintains or houses any equipment used in connection with the public utility;

"Renewable Energy System" means a use:

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

"Residential General District (RG)" means a district whose purpose and intent is to provide for a variety of housing types in residential neighborhoods.

"Retail Store" means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such as a store. This definition does not include Cannabis Retail Sales;

"School, Public or Separate School" means a place of instruction operated with public funds pursuant to the School Act of Alberta and any amendments;

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

"Seniors Lodge" means a building to provide an appropriate living environment for older adults who do not need access to unscheduled personal or nursing care. Lodges are provided by lodge foundations and provide housing, meals, housekeeping, linen/ laundry, recreational programs and 24-hour safety and security services;

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

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

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

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

- (d) **"Free-Standing Sign"** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure;
- (e) **"Projecting Sign"** means a sign which is attached to a building or structure so that part of the sign projects more than one foot from the face of the building or structure;
- (f) **"Roof Sign"** means any sign placed on or over a roof.

"Site" means:

- (a) a quarter section; or
- (b) 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; or
- (c) 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
- (d) 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;

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

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

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

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

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

"Storage Structure" means a structure that does not meet the definition of an accessory building

and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container, trailer or other structure.

"Storage Yard" means a use:

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

"Subdivision and Development Appeal Board" means a subdivision and development appeal board appointed pursuant to Section 627 of the Municipal Government Act.

"Temporary" means a limited period of time as decided by the development authority;

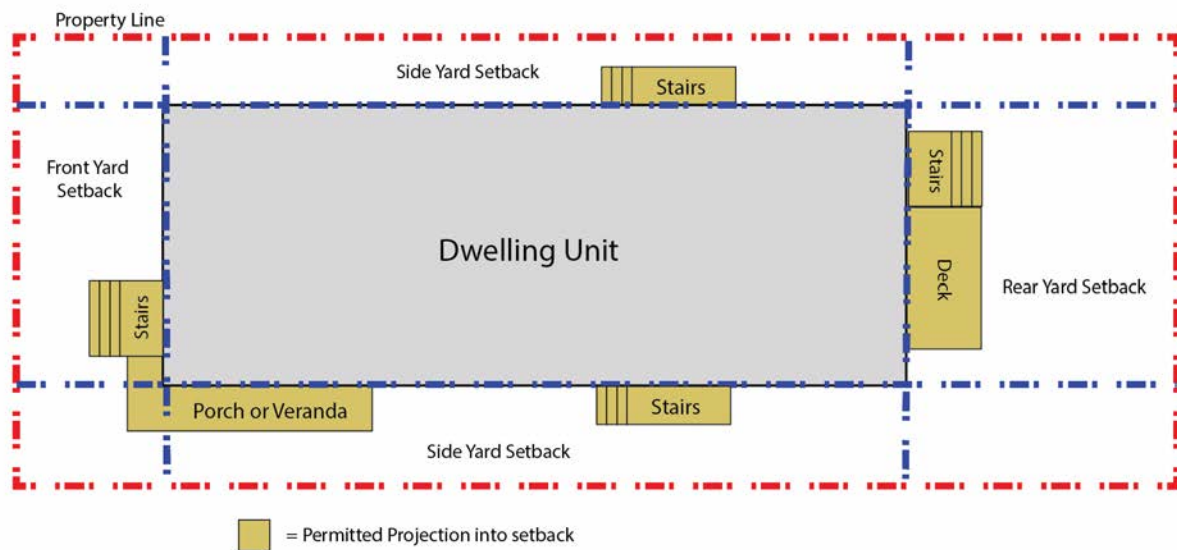
"Temporary Use" means a proposed land use or development where the intent is to operate the use or structure for a specified period of time, not to exceed one (1) year unless otherwise approved by the development authority in consideration of a land use that is temporary but has longer term requirements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

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

"Urban Reserve District UR" means a district whose purpose and intent is to reserve lands outside of the developed area of the Village which is intended for future development.

"Veterinary Clinic" means a facility for the care of animals including ancillary outdoor pens, runs and enclosures;

"Warehouse" means a building for the storage of goods and merchandise;



"Yard" means a part of a parcel upon or over which no main building is erected including:

"Front Yard" means a yard extending across the full width of a parcel from the front lot line of the parcel to the front foundation of the principal building situated on the parcel. In situations with an irregular front lot line, the point taken from an average distance of the arc shall meet the minimum front yard requirements.

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

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

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act R.S.A. Ch. M.26 as amended.

6.0 GENERAL LAND USE

6.1 SUBDIVISION OF LAND

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

6.2 NON-CONFORMING BUILDINGS AND USES

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw then in effect.
- (2) 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, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part of any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building, or
 - (b) as the Development Officer considers necessary for the routine maintenance of the building.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Land Use Bylaw.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

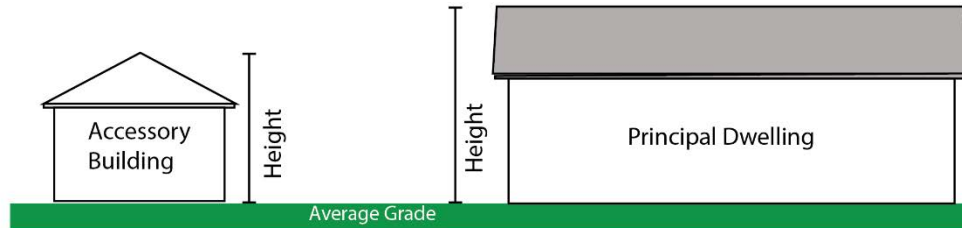
6.3 FENCING AND HEDGES

- (1) In a residential district, a fence or hedge located within a rear or side yard of a lot, shall not exceed 1.83 m (6 feet) in height.
- (2) In a residential district, a fence or hedge located within the front yard of a lot shall not exceed 1.2 m (4 feet) in height.
- (3) In a residential district, a fence or hedge located within a corner lot shall not exceed 1 m (3.2 feet) in height from the building facing the streets.
- (4) Swimming pools shall be fenced with a minimum height in consideration of applicable Provincial health and safety requirements.

6.4 ACCESSORY BUILDING & USES

- (1) A structure which is attached to the principle building by a roof, a floor or a foundation, is not an accessory building, it is to be considered part of the principal building.
- (2) An accessory building shall not be used as a dwelling.
- (3) An accessory building or use shall be located at least 1 m (3.3 feet) from any principal building.
- (4) The total combined floor area of an accessory building shall not exceed 15% of the site area.
- (5) Side and rear yard requirements for an accessory building shall not be less than 1m (3.3 ft.) except on corner lots where the distance between an accessory building and the street flanking the lot shall not be less than the side yard requirement for the principal building in that particular land use district.
- (6) No accessory building or use shall be located in the front yard of a residential district.

- (7) The height of an accessory building shall not exceed 4.5 m (15 ft.).



- (8) **Accessory Buildings – fabric Covered** shall adhere to the regulations above and the following specific requirements:
- (a) not to exceed 20.44 sq. m. (220 sq. ft.) in area;
 - (b) shall be a minimum 3 metres (10 ft.) from flammable material (i.e. burning barrels, fire pits or other open flame accessories) or vegetation;
 - (c) All development permit application approvals shall be **temporary** with a maximum time limit of one year. Extensions may be provided beyond one year as a subsequent application dependent on condition of the structure at the time of inspection and any complaint correspondence received;
 - (d) A building permit may be required (proper anchoring, etc.) and shall be determined in accordance with the Safety Codes Act;
 - (e) the development shall be kept in good condition to the satisfaction of the development authority; and
 - (f) shall not cause or create a nuisance by way of noise, vibration, etc. and the privacy and enjoyment of adjacent properties shall be preserved and the amenities of the neighborhood maintained.

6.5 OFF-STREET LOADING & UNLOADING FOR COMMERCIAL & INDUSTRIAL DEVELOPMENT

Any new industrial and commercial development or a substantial expansion of an existing development shall provide and maintain off-street loading and unloading spaces according to the following requirements:

- (1) The space shall not be less than 2.5 m (8 feet) wide and shall provide no less than 3.6 m (12 feet) overhead clearance;
- (2) The space shall be hard surfaced if the access is from a street or lane which is hard surfaced;
- (3) Access to the space shall be such that no backing and turning movements of vehicles causes interference with traffic on the adjoining or abutting streets or lanes;
- (4) Off-street loading and unloading spaces should be provided in accordance with the following:

<u>Use of Building or Site</u>	<u>Total Gross Floor Area</u>	<u>Spaces Required</u>
(a) Retail, industry warehousing or similar use	Less than 464.5 m ² (5,000 sq. ft.)	1
	464.5 m ² (5,000 sq. ft.) to 2322.5 m ² (25,000 sq. ft.)	2
	Each additional 2322.5 m ² (25,000 sq. ft.) or fraction thereof	1 additional
(b) Office Building, hospitals, public school or similar	Up to 2782 m ² (30,000 sq. ft.)	1

use

Each additional 2782 m ² (30,000 sq. ft.) or fraction thereof	1 additional
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- (5) The above standards can be modified at the discretion of the Development Officer / Municipal Planning Commission.

6.6 PARKING

- (1) The number of off-street parking spaces for any development shall be according to requirements set out for the land use district in which the space is located.
- (2) For a multiple use site, parking requirements shall be based on the calculation of parking required for each individual use.
- (3) Parking spaces for multi-unit dwellings shall not be less than 14.8 m² (160 sq. ft.) in area and not be less than 2.4 m (8 ft.) wide.
- (4) Parking spaces for an apartment building shall not be located in the front yard.
- (5) A parking space shall be located on the same site as the building or the use in respect of which it is required and shall be designated, located, and constructed to the Village's standards so that:
 - a) it is reasonably accessible to the vehicle intended to be accommodated there.
 - b) It can be properly maintained; and
 - c) It is satisfactory to the Development Officer in size, shape, location and construction

6.7 SITE DEVELOPMENT

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

6.8 HOME OCCUPATIONS

- (1) All development permits issued for home occupations shall be revocable at any time by the Municipal Planning Commission, if in its opinion, the use is or has become detrimental to the amenities of the neighborhood.
- (2) The Municipal Planning Commission may issue a temporary permit for a home occupation.
- (3) 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 Municipal Planning Commission written authorization from the registered owner(s).
- (4) A development permit issued for a home occupation shall remain valid unless:
 - (a) the applicant fails to purchase a valid business license as set out in the Village's current business bylaw;
 - (b) the Municipal Planning Commission revokes the development permit as set out in subsection (1).
- (5) A home occupation shall not include any use or operation which will cause or create a nuisance by way of dust, noise, smell, smoke or traffic generation.

6.9 UTILITIES

- (1) A development shall not be permitted if the development is not served by the public sewer and water system or a provincially approved private system.
- (2) A development shall not be permitted until satisfactory arrangements have been made by the developer for the supply of water, electric power, sewerage and street access to the development including payments of costs of installing or constructing any such utility or facility by the developer.
- (3) A development in a Commercial / Industrial District may be required to install a trap drain system.

6.10 DRAINAGE

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

6.11 SIGNS

- (1) No signs or advertising structures of a commercial, direction or information nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (4) No signs or advertisement shall resemble or conflict with a traffic sign.
- (5) All signs, with the exception of temporary signs, allowed under a Temporary Development Permit, shall be attached to a permanent foundation capable of supporting the sign.

- (6) All signs shall be designed and manufactured to a professional standard of quality equivalent thereto.
- (7) All signs shall be kept in a safe, clean, tidy and legible condition and may, at the discretion of the M.P.C., be required to be renovated or removed. Signs advertising businesses no longer in operation shall be removed.
- (8) No signs or advertising structures other than those specified under subsection 7(9), shall be permitted in a residential district.
- (9) No signs or advertising of any kind shall be permitted adjacent to a highway unless the prior approval of Alberta Transportation & Utilities has been obtained.
- (10) The following separation distances between signs shall be applied:
- (a) 9.14 m (30 ft.) adjacent to a municipal road;
 - (b) 99.06 m (325 ft.) adjacent to a primary highway or as required by Alberta Transportation & Utilities.
- (11) Projecting signs may be permitted provided that:
- (a) a minimum height clearance of 2.74 m (9 ft.) be provided from any sidewalk below;
 - (b) the signs shall not project above the roof by more than 0.91 m (3 ft.);
 - (c) the sign does not project within 0.61 m (2 ft.) of the curb;
 - (d) the sign does not project more than 2 m (6.5 ft.) from the face of the building;
 - (e) the sign does not exceed 9.29 m² (100 ft.²) in area.
- (12) Free standing signs (directional, advertising or identification) may be permitted provided that:
- (a) the sign does not exceed 9.14 m (30 ft.) in overall height;
 - (b) the maximum total sign area allowable is 13.94 m² (150 ft.²);

- (c) the sign shall be a minimum of 6.1 m (20 ft.) from a curb or 1.52 m (5 ft.) from the property line.

- (13) Roof signs shall not exceed 9.29 m² (100 ft².) and no portion of the sign shall extend beyond the periphery of the roof on which it is located.

- (14) Fascia signs may be permitted provided that:
 - (a) the total sign area does not exceed a ratio of 20% of the face building to which the sign is attached;
 - (b) it shall not project above the roof or marquee by more than .91 m (3.0 ft.).

- (15) Solid awnings containing advertising shall be treated as projecting signs. However, at the discretion of the Development Officer or Municipal Planning Commission the minimum height clearance from the sidewalk may be relaxed.

- (16) Mobile signs may be permitted provided that:
 - (a) Maximum sign area shall not exceed 10.03 m² (108 sq.ft.);
 - (b) Maximum height shall not exceed 2.44 m (8 ft.);
 - (c) The sign is not located in the sight triangle formed on a corner site by the two street property lines and a straight line which intersects them 5.02 m (16.5 ft.) from the corner where they meet;
 - (d) The lighting of a mobile sign does not adversely affect residential sites and/or traffic lights;
 - (e) A valid development permit has been obtained for signs to be in place for more than 7 consecutive days.

- (17) For any sign which will overhang a sidewalk or other village property, the owner of the sign shall:
 - (a) Indemnify and hold harmless the Municipality for any claim related to the construction and maintenance of the sign;
 - (b) Furnish a public liability insurance policy of such an amount satisfactory to the Council naming the Municipality as co-insured.

- (18) Small sign displayed for the discretion of convenience of the public, including signs which identify rest rooms, freight, entrance, parking entrance or exit, or the like, not exceeding 0.5 m² (5 sq. ft.) in area.

6.12 RELOCATION OF BUILDINGS

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

6.13 PROJECTION OVER YARDS

- (1) Front Yards:
- (a) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks, may project a maximum of 0.6 m (2 ft.) over or onto a required front yard;
 - (b) Un-enclosed steps may project a maximum of 1.8 m (6 ft.) over or onto a required front yard.
- (2) Side Yards:
- (a) Eaves, shade projections, chimneys, may project a distance not exceeding one half of the minimum side yard requirement for the lot;
 - (b) Un-enclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Un-enclosed steps and landings above grade shall be at the discretion of the Municipal Planning Commission;

- (c) Residential buildings with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves.
- (3) Rear Yards:
- (a) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks and steps may project a maximum of 1.5 m (4.9 ft.) over or onto a required rear yard.

6.14 DAYTIME CHILD CARE SERVICES

- (1) The Municipal Planning Commission shall, in deciding whether to approve or refuse a Daytime Child Care Service, consider among other matters, potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
- (2) The maximum number of children for which care may be provided in a Daytime Child Care Service may be established by the Alberta Family Day Home Standards Manual. According to the Alberta Family Day Home Standards Manual, Providers may accommodate a maximum of six children 0-12 years old including the provider's own children. A maximum of three children may be 36 months or younger. A maximum of two children may be 24 months or younger. [Part 3, Standard 6].

6.15 DWELLING UNITS ON A PARCEL

- (1) No person shall construct or locate or cause to construct more than one (1) dwelling unit on a parcel or lot, unless:
 - (a) the second or additional dwelling(s) is contained in a building designed for or divided into two or more dwelling units;
 - (b) the Municipal Planning Commission may issue a permit for a second dwelling on a parcel, if it believes that the proposal would not:
 - i) unduly interfere with the amenities of the neighbourhood;
 - ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - iii) the proposed development complies with the standards and provisions of the Alberta Uniform Building Code.

6.16 PHYSICAL ENVIRONMENT

- (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. 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. All costs associated with an environmental evaluation are the responsibility of the developer.

6.17 GENERAL REQUIREMENTS FOR MANUFACTURED HOMES

- (a) **Foundation:** A permanent foundation shall be provided on the stand of each manufactured home lot capable of supporting the maximum anticipated load of the manufactured home at all seasons without settlement or other movement.
- (b) **Skirting:** The undercarriage of each manufactured home shall be completely screened from view by the foundation or by skirting within 30 days of placement of the manufactured home.
- (c) **Additions, Porches etc.:** All accessory structures such as steps, patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units or of a quality equivalent thereto, so that design and construction will complement the manufactured home. Additions to a manufactured home shall have a foundation and skirting equivalent to that of the manufactured home. All manufactured homes shall be provided with steps and landings to all entrances within 30 days of their placement.
- (d) **Utilities:** Each manufactured home shall be connected to and be serviced by electrical power, natural gas, telephone, and the Village's sanitary sewer and water supply.
- (e) **Age:** All manufactured home units shall have Canadian Standards Association (CSA) Certificates. Manufactured Homes constructed more than eight (8) years before the date of application for a development permit shall not be allowed. The Municipal Planning Commission in the performance of its duties in discretionary approval of Development Permits may relax this condition where it is satisfied that the manufactured Home meets the standards of manufactured Homes constructed within the last (8) eight years.

Manufactured Home Parks shall be evaluated according to the following requirements:

(a) Roadways

- (i) All roads in a manufactured home park shall be paved and constructed to the Municipality's specifications;
- (ii) Internal pedestrian walkways shall have a minimum width of 1 m (3.3 ft.) and be surfaced to the satisfaction of the Development Officer / Municipal Planning Commission.

(b) Parking

- (i) No on-street parking shall be permitted in manufactured home parks;
- (ii) A minimum of one (1) car parking stall shall be provided for each manufactured home;
- (iii) Visitor parking shall be one (1) off-street parking stall for every three (3) manufactured homes. Visitor parking shall be dispersed throughout the park and clearly identified.

(c) Appearance

- (i) A 6.1 m (20 ft.) buffer strip shall be provided around the boundary of the park. This buffer shall be landscaped and fenced;
- (ii) Each application shall be accompanied by a landscaping and site development plan;
- (iii) All utility lines shall be placed underground in a manufactured home park;
- (iv) A minimum of 5% of the gross site area of a manufactured home park shall be reserved for recreational use.

(d) Permitted Signs

- (i) One park identification sign at each entrance to the park. Maximum sign area is 3.0 m² (32 sq.ft.) and maximum height of sign is 1.8 m (6 ft.);

(ii) Directional signs within the park.

(e) Storage

(i) A screened storage compound shall be provided for trucks, campers, travel trailers, snowmobiles, boats, etc., at a location and in a manner satisfactory to the Development Authority.

(f) Future Subdivision

(i) The Development Authority should give consideration to the sizing of lots and internal streets in order that the future subdivision of the manufactured home park to provide titled lots is a viable option.

6.18 INDUSTRIAL AND COMMERCIAL DEVELOPMENT

- (1) An application for the establishment of industries shall be considered by the Development Authority who may request advisory comment by the following authorities whose interest or jurisdiction may be affected:
- Palliser Regional Municipal Services
 - Alberta Business Development and Tourism
 - Alberta Infrastructure and Transportation
 - Alberta Agriculture
 - Alberta Environment
 - Alberta Energy and Utility Board
 - David Thompson Health Region
 - Fire Department
 - The Development Officer shall request that such comments be made in writing;

- (2) Each application for industrial development shall be accompanied by the following information as required by the Development Authority:
- Location
 - Type of Industry
 - Size of Buildings
 - Estimated Number of Employees
 - Estimated Water Demand and anticipated source
 - Geotechnical evaluation
 - Environmental Site Assessment
 - Traffic Impact Assessment
 - Storm water Management Plan
 - Other information as may be reasonably required by the Development Authority

6.19 STORAGE STRUCTURES

- (a) A storage structure shall meet the setback requirements for an accessory building in the appropriate district;
- (b) A storage structure shall be screened from view as required by the Municipal Planning Commission and/ or may require exterior finishing to be in general conformance with the principal building or surrounding development;
- (c) A storage structure shall not be used as a sign;
- (d) A storage structure may be approved on a temporary basis during construction within any land use district.

6.20 ANIMAL UNITS

- (1) The application of animal units may be applied as a condition of a development permit;
- (2) All development permits issued for Animal Units shall be revocable at any time by the Development Authority if, in its evaluation, the use is or has become detrimental to the amenities of the neighborhood.
- (3) One animal unit is permitted for every 0.81 ha. (2.0 acres) of land contained within a parcel. The maximum number of animal units permitted shall be calculated in accordance with the total amount of acres fenced and dedicated

to animal uses on the parcel and the total number shall not exceed 10 animal units on any given parcel.

- (4) Animal types and the number of animals that equate to one animal unit shall be established in accordance with the Agricultural Operations Practices Act Matters Regulation Schedule 1.

6.21 BUILDING DEMOLITION

The demolition of a building shall require a development permit. Such a permit application shall require a statement indicating:

- (1) How the demolition will be carried out so as to minimize dust, noise, or other nuisance
- (2) How the parcel will be reclaimed.

6.22 COMMUNICATION STRUCTURES

- (1) Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers and antenna's. In making its decision regarding the communication structure and related facilities, Industry Canada considers the following:
 - (a) the input provided by the Approving Authority;
 - (b) compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
 - (c) Health Canada's safety guidelines respecting limits of exposure to radio frequency fields; and
 - (d) an environmental impact assessment may be required in order to comply with the **Canadian Environmental Assessment Act**.
- (2) The participation of the Village in the consultation process does not transfer any Federal decision making authority, nor does it confer a right of veto in the location of the communication structure.
- (3) Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures (including buildings or towers) or within transportation and utility corridors.

- (a) The tower base shall be setback from abutting parcels and roadways by a distance of 10 percent of the tower height or the distance between the tower base and guy wire anchors, whichever is greater.
 - (b) Guy wire anchors shall be setback at least 28.0 m (91.9 ft) from the property line.
 - (c) Communication towers must have the least practical adverse visual effect on the environment. This may be mitigated through design features, landscaping and/or fencing.
- (4) Communication structures shall be located in a manner that minimizes the impact on the natural environmental and residential communities while recognizing the unique location requirement for siting communication structures.
 - (5) All equipment shelters must meet Village setback distances to roads and property lines.
 - (6) Appropriate access/ egress shall be provided to the satisfaction of the development authority.
 - (7) All applicants requesting a new telecommunication structure shall be required to identify any other such structure within an 8.05 km (5 mi) radius of the proposed site location. Each request shall also provide documentary evidence that co-location of the existing structures within that 8.05 km (5 mi) radius is not a viable alternative to a second structure.
 - (8) Where Transport Canada requires that a telecommunication tower be lighted, the following procedures shall be encouraged to minimize visual impacts:
 - (a) the lighting of equipment structures and any other facilities on site shall be shielded from adjacent properties where possible without interfering with the requirements of Transport Canada;
 - (b) all lighting shall be a minimum number of low intensity white lights;
 - (c) the strobe interval shall be the maximum allowable by Transport Canada, and the strobe lights shall only be used if absolutely necessary.
- and
- (9) The Village may adopt policies specific to Communication Structure placement in accordance with best practices and guidance documents.

6.23 RENEWABLE ENERGY SYSTEM

- (1) Renewable energy systems such as, but not limited to, active and passive solar, photovoltaic solar panels, heat exchange systems and generators are encouraged as a method to reduce greenhouse gas emissions and to promote sustainability objectives within the Village. Alternative Energy Systems shall require

a development permit to ensure there are no nuisance effects that extend beyond the site and shall have consideration for the following requirements:

- (a) Renewable Energy Systems that are part of or attached to the principal building shall follow the requirements for that use (ie. Solar panels on a roof); and
- (b) Renewable energy systems shall follow the minimum requirements for accessory buildings and uses in the appropriate Land Use District where separate and subordinate to the principal building or use of the property; and
- (c) Renewable energy systems shall be considered a discretionary use in all land use districts.

6.24 SMALL WIND ENERGY SYSTEMS

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

- (1) Maximum Tower Height:
 - (a) Parcel size – 0.2 ha. (0.5 acres) – 0.4 ha. (1.0 acre)
25 m (80 ft.)
 - (b) Parcel size greater than 0.4 ha. (1.0 acre)
No maximum

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

- (2) Setback Requirements:
 - (a) Setbacks from property lines
The SWES tower base shall be no closer to the property line than the **total system height** of the SWES, and no part of the tower structure, including guy wire anchors, may extend closer than 3 m (10 ft.) to the property boundaries of the installation site. The Development Authority may waive the tower base setback requirements if the adjacent property owner

grants an easement for the location of the SWES to be closer than these requirements.

(b) Setbacks from Structures

(i) Dwellings/ public buildings:

The SWES tower base shall be no closer to a dwelling unit or public building on **adjacent** properties than the **total system height** of the SWES. This distance may be greater if it is determined that **shadow flicker** is a factor on adjacent properties. (note: shadow may be up to 3.6 times the distance of tower height in winter months)

(ii) Accessory buildings or structures

No requirements

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

(3) Sound

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

(5) Visual Impact

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

(6) Consultation Requirements

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

(7) Decommissioning

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

6.25 CANNABIS RETAIL SALES

- 1) Must comply with the provisions set out in the Provincial Gaming, Liquor, and Cannabis Act.

- 2) A premises described in the Cannabis License may not have any part of an exterior wall that is located within 200 metres of:
- (a) A building containing a school as defined in the *Schools Act*, or boundary of a parcel of land on which a building is located.
 - (b) A boundary of a parcel of land that is designated as a school reserve or municipal and school reserve under the *Municipal Government Act*.
 - (c) The separation distance between Cannabis Retail Sales use and a school or school or municipal reserve, shall be measured from the closest point of the exterior wall of the building in which the proposed Cannabis Retail Sales use is located to the closest point of the exterior wall of the building in which the other use is located. The separation distance shall not be measured from district boundaries.
- 3) Despite Section 25. (1) to (2), no separation is required between Cannabis Retail Sales and a home education program.

7.0 APPEALS

7.1 APPEAL PROCEDURE

- (1) An appeal may be made to the Subdivision and Development Appeal Board where the Development Authority:
 - (a) refuses or fails to issue a development permit to a person within 40 days of receipt of the application;
 - (b) issues a development permit subject to conditions;
 - (c) issues an order under Section 14 of this Bylaw.
- (2) The person applying for a development permit or affected by the order, under subsection (1), or any other person complying with the appeal requirements as set out in the Act may appeal the decision or development permit of the Development Authority to the Subdivision and Development Appeal Board.
- (3) An appeal shall be made by serving a written notice of appeal, stating the reasons for the appeal, to the Secretary of the Subdivision and Development Appeal Board within 21 days after the date of the order, decision or permit issued by the Development Authority was either:
 - (a) first published in a newspaper circulating in the area; or
 - (b) posted on the site of the property which is the subject of the application; or
 - (c) received by the applicant, whichever of these occur first.
- (4) For the purpose of subsection 3(c), the date of receipt of the decision is deemed to be five (5) days from the date the decision was mailed.

7.2 PUBLIC HEARING

- (1) Within 30 days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the public hearing to:
 - (a) the appellant or any person acting on his/her behalf;
 - (b) The Development Officer / Chairman of the Municipal Planning Commission

- from whose order, decision or development permit the appeal is made;
- (c) those registered owners of land in the municipality who were notified under subsection 10(3)(b) and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit;
 - (d) the Director/Senior Planner of Palliser Regional Municipal Services;
 - (e) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal, as they become available, subject to Section 217 of the Act, including:
- (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Authority under Section 14, as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear:
- (a) the appellant or any person acting on his/her behalf;
 - (b) the Development Officer / Chairman of the Municipal Planning Commission from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his/her behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or person acting on his/her behalf.

7.3 DECISION

- (1) The Subdivision and Development Appeal Board shall give a written decision together with reasons for the decision within 15 days of the conclusion of the hearing;
- (2) 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 Section 688 of the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:
 - (a) to a judge of the Court of Appeal; and
 - (b) within 30 days after the issue of the order, decision, permit, or approval sought to be appealed.

8.0 ENFORCEMENT

Where a person fails or refuses to comply with an order directed to them under Section 14(1), or an order of the Subdivision and Development Appeal Board under Section 687(3)(c) of the Act within the time specified, the Council or a person appointed by it may, in accordance with Section 545 and 646 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.

Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.

A person who contravenes or fails to comply with a development permit or a condition attached thereto is guilty of an offense and is liable on summary conviction to a fine.

8.1 MUNICIPAL INSPECTION AND RIGH OF ENTRY

(1) The development authority, subdivision authority, bylaw enforcement officer, or such other designated person, is the "officer" for the purposes of the village of veteran. Pursuant to section 542 of the municipal government act, an officer may enter land or a building if:

- (a) Reasonable notice has been given to the owner or occupier; or
- (b) The entry is authorized by an order of the court of queen's bench; and then only for the purpose of ensuring compliance with the municipal government act and the regulations thereunder, or this bylaw.

8.2 STOP ORDER

(1) Where the development authority finds that a development or use of land or buildings is not in accordance with:

- (a) The municipal government act or the regulations; or
- (b) A development permit or subdivision approval; or
- (c) The land use bylaw; the development authority may, in accordance with the act, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:
 - (i) Stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or (

(ii) Demolish, remove or replace the development; and/or

(iii) Take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the municipal government act, the regulations, a development permit, subdivision approval or this bylaw, within the time frame specified by the notice, as the case may be.

(2) Where a notice is issued under section 8.2, the notice shall state the following and any other information considered necessary by the development authority:

(a) An explanation of the contravention, and a statement indicating under which provisions of this bylaw or the act the order is being cared out;

(b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;

(c) A time frame in which the contravention must be corrected prior to the Village pursuing action; and

(d) Advise the person of his/her right to appeal the notice to the subdivision and development appeal board.

(3) Where a person fails or refuses to comply with an order directed to him/her pursuant or an order of the subdivision and development appeal board within the time specified, a person appointed by council may, in accordance with the act, enter upon the land or building and take such action as is necessary to carry out the order.

(4) Where the development authority carries out an order, the village shall, as part of its process, ask the courts to allow it to cause the costs and expenses incurred in carrying out he order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land

(5) The village may register a caveat under the land titles act pursuant to the order against the certificate of title that is subject to the order in accordance with section 646(2) of the act.

8.3 OFFENCES & PENALTIES

Offence	Section	Minimum Penalty First Offence	Minimum Penalty Subsequent Offence
General Offences:			
Contravention of a Zoning Bylaw provision	23.1(1)	\$250.00	\$500.00
Development without a Development Permit	23.1(2)	\$250.00	\$500.00
Development in contravention of a Development Permit	23.1(3)	\$250.00	\$500.00
Failure to Comply with a Violation Notice	23.1(4)	\$250.00	\$500.00
Continuing development after a Development Permit has been cancelled or suspended.	23.1(5)	\$250.00	\$500.00

SCHEDULE A

For copies of the Land Use District Map please contact:

The Village of Youngstown Office:

(403) 779-3873

ytown@netago.ca

or

Palliser Regional Municipal Services

(403) 854-3371