

# VILLAGE OF LINDEN



## LAND USE BYLAW NO. 2012-04

*Consolidated to include amendments up to September 27<sup>th</sup>, 2021*

**VILLAGE OF LINDEN  
LAND USE BYLAW AMENDMENTS  
TO LAND USE BYLAW 2012-04**

<b>BYLAW #</b>	<b>PART AMENDED</b>	<b>DESCRIPTION OF AMENDMENT</b>	<b>DATE PASSED</b>
2017-10	Land Use Map	Lot 7, Block 3, Plan 1711159 Rezoned from C-B to R-1	Oct. 10/17
2017-17	Text Amendments	Definitions, Development Permit Appeal Timelines and Relocated Buildings to be approved by MPC	
2018-01	Part I, Section 2  Part VII, Section 39  Part VI, Land Use Districts	Cannabis, retail store, and home occupation definitions.  Home occupations sign size.  Cannabis uses added to Industrial district & changes to accessory building maximum height	May 22, 2018
2020-10	Text Amendments	Adding definitions and regulations for "Drive through" and "Walk-up Window".  Adding these uses as discretionary uses to the CB and C-1 District.	November 9 <sup>th</sup> , 2020
2021-06	Land Use Map	NE 20-30-25-W4, UR to RA	July 17 <sup>th</sup> , 2021
2021-08	Text Amendments	Replacing 14 with 21 days for appeal procedure.	September 27, 2021
2021-09	Land Use Map	300 Central Ave, R-1 to CB & RA.	September 27, 2021

**VILLAGE OF LINDEN**

**LAND USE BYLAW**

**BYLAW NO. 2012-04**

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

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

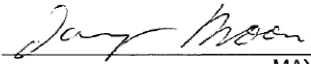
"THE VILLAGE OF LINDEN LAND USE BYLAW";

**AND WHEREAS:** a Public Hearing was held on NOVEMBER 26, 2012, as required by Section 230 of the Municipal Government Act;

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

1. This Bylaw may be cited as "The Village of Linden Land Use Bylaw".
2. Bylaw No. 05-98 being the "Village of Linden Land Use Bylaw" currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw No. **2012-04**.
3. Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, "The Village of Linden Land Use Bylaw."
4. Council adopts as "The Village of Linden Land Use Bylaw" this text and the accompanying Schedules.
5. This Bylaw takes effect on the date of the third and final reading.

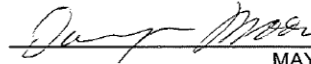
READ A FIRST TIME this 22<sup>ND</sup> day of OCTOBER, 2012.


  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME this 10<sup>TH</sup>, day of DECEMBER, 2012.

READ A THIRD TIME AND FINALLY PASSED this 10<sup>TH</sup> day of DECEMBER, 2012.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

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**PART I*****Purpose & Definitions*****1. Purpose**

The purpose of this Bylaw is to facilitate orderly economic and physical development by means of regulation and control of the development and use of land and buildings within the Village of Linden municipal boundaries.

**2. Definitions**

In this Bylaw:

**“Act”** means the Municipal Government Act R.S.A. 2000 Ch. M.26-1 as amended.

**“Accessory Building or Structure”** means:

- (a) A 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 (i.e. detached garage, shed, workshop in a residential land use district);
- (b) all accessory buildings shall adhere to the requirements of **Section 34.**

**“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 the principal use or building.

**“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;

**“Auto Body and Paint Shop”** means an establishment or part of an establishment for the servicing and repair of motor vehicle bodies;

**“Automotive Repair & Service Shop”** means an establishment for the servicing and repair of motor vehicles, 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 shops;

**“Bed & Breakfast Establishment”** means a lodging facility within an owner occupied dwelling having no more than four (4) guest rooms, providing common washroom and dining facilities but no cooking facilities in guest rooms;

**“Bench”** means an intermediary plateau or area which occurs between the toe of a slope (valley bottom lands) and an escarpment or valley wall top (or rim). Bench-lands typically have a slope of between 1 and 15 percent and a valley edge may have more than one bench at different elevations;

**“Boarding or Lodging House”** means a detached dwelling converted for gain or profit containing rooms for two or more persons where meals may or may not be served, not including the occupant and his or her immediate family, but does not include a hotel, motel, restaurant, café, coffee shop, drive-in refreshment stand or other similar use.

**“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 use:

- (a) where spaces are provided for temporary accommodation of recreational vehicles or tents;
- (b) that may include a building for the administration of the use;
- (c) that may include laundry facilities for the occupants of the use; and;
- (d) that may include a dwelling unit for a manager.

**“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 Cafe”** means a development where the primary purpose of the facility is the sale of Cannabis to the public, for consumption within the premises and which is authorized by provincial and federal legislation.

**“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.

**“Car Wash”** means a use where motor vehicles are washed and may contain one or more wash bays where each wash bay is capable of washing one motor vehicle at a time and must provide at least two (2) vehicle stacking spaces for each wash bay entrance door.

**“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 one side which abuts the side yard and one end unenclosed;

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

**“Communication Tower”** means a structure designed to support antennas for telecommunications and broadcasting and may include television, cellular phone, or wireless internet or radio signals. Communication Towers are regulated by Industry Canada however municipal consultation is required and considerations respected.

**“Confined Feeding Operation”** means an activity on land that is fenced or enclosed or within buildings where livestock is confined for the purpose of

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growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the Agricultural Operations Practices Act (AOPA) through the Natural Resources Conservation Board (NRCB).

**“Contractor’s Shop”** means a use:

- (a) where people with specific skills in the building or construction trades enter into contracts to do work off of the premises;
- (b) where all of the functions associated with the use are entirely within a building;
- (c) where products relevant to the trade may be made or partially assembled for installation off-site;
- (d) where an area, contained within the building, may be used for product display and sales associated with the use;
- (e) that may have an area to keep supplies related to the trade;
- (f) that may have the administrative functions associated with the use; and
- (g) where the outdoor storage of equipment, tractors, skid-steer, dump trucks, mechanized lift buckets, cranes, or other equipment is considered as a separate use defined as **storage yard**.

**“Corner Site”** means a site at the intersection of two or more streets;

**“Council”** means the Council of the Village of Linden;

**“Day Care Centre”** means a use that provides care, development and supervision for 7 or more children under 13 years of age for less than 24 consecutive hours in each day that the facility is operating. Day Care Centre’s are required to conform with the policies and requirements of Alberta Children’s Services;

**“Day Home”** means a use:

- (a) that provides care, development and supervision for 6 or less children under 12 years of age, some or all of whom are children of person’s other than the person operating the facility;
- (b) that is located within the private residence of the person operating the facility in which care is provided;
- (c) that operates for less than 24 consecutive hours in each day that the facility is operating;
- (d) that is required to conform with the policies and requirements of Alberta Children’s Services and may work independently as a private babysitting facility or as an approved provider with a family day home agency;

**“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 use of 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 a Development Officer by Council, or
- (b) the Municipal Planning Commission appointed by Bylaw-

**“Development Commencement”** means the moment construction is started on site (i.e. 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 the land use bylaw;

**“Discretionary Use”** means a use of land or a building which is considered on its individual merits and circumstances by the Development Authority and for which development permits may be issued at the discretion of the Development Authority in accordance with the land use bylaw;

**“Drive through”** means a use where services are provided to patrons while in a motor vehicle and will always be combined with another commercial use.

**“Dwelling”** means any building or structure used exclusively for human habitation and which is supported on a permanent foundation as required by the Alberta Building Code and includes the following types:

- (a) **“Apartment”** means a residential building designed and built to contain three or more dwelling units with shared services, facilities and outside entrances.
- (b) **“Attached Housing”** means a building designed and built to contain two or more dwelling units separated from each other by a fire wall with each unit having separate entrances from grade level. (For the purposes of this Bylaw, garden, linked, row, townhouses, four-plex, five-plex, and six-plex units which meet these criteria are considered to be attached houses.)
- (c) **“Detached”** means a conventional built-on-site residential building, not including manufactured or modular homes, that contains one dwelling unit.
- (d) **“Duplex”** means a single residential building containing two dwelling units divided horizontally, each of which is completely separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, and may contain a common stairwell to access both dwellings.
- (e) **“Garden Suite”** means a *temporary* moveable dwelling which is the second dwelling unit on the lot and accessory to a *single detached dwelling*. Garden suites may be occupied by elderly relatives of the owner of the principal residence, or other relatives needing care, and the unit is removed when it is no longer required.

- (f) **"Manufactured Home"** means a built off-site transportable, single or multiple section single detached 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 and the Alberta Building Code and shall meet the requirements of **Section 49**.
- (g) **"Modular Home"** 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 shall be constructed to the CSA A-277 Standard and are not to be considered as manufactured homes under this Bylaw and will be congruent in appearance to existing surrounding buildings and shall meet the requirements of **Section 50**.
- (h) **"Ready-to-move (RTM)"** means a newly constructed single detached dwelling that is constructed in an off-site location in accordance with the Alberta Building Code and moved to the site to be set on a permanent foundation to be similar in function and appearance to a conventional built-on-site single-detached dwelling. This definition does not include modular or manufactured homes.
- (i) **"Moved On"** means a structure used at a previous location that has now been relocated to a new parcel for use as a dwelling.
- (j) **"Secondary Suite"** means an accessory dwelling unit that is located as part of the same building as a single detached dwelling that is owner occupied and which any other applicable requirements or regulations of this Bylaw and shall only be approved as one of the following:
  - (a) Secondary Suite – Attached Above Grade: where the secondary suite is located above the first storey of a single detached dwelling;
  - (b) Secondary Suite – Attached At Grade: Where the Secondary Suite is located at grade and is attached to the side or rear of a single detached dwelling;
  - (c) Secondary Suite – Attached Below Grade: where the Secondary Suite is located below the first storey of a single detached dwelling;
  - (d) Secondary Suite – Accessory building: where the Secondary Suite is a separate building or as a part of an accessory building and located on the same parcel as a single detached dwelling.
- (k) **"Semi-detached"** means development consisting of two dwellings,

each accommodating one household, situated side by side and sharing a vertical common wall. Each dwelling shall have separate, individual and direct access to grade, with no interior access connections, and no common means of access with other dwellings.

**“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;

**“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 a feedlot, intensive livestock operation of any kind, or a confined feeding operation as determined by the Development Authority;

**“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.

**“Grade Level”** means the elevation of the finished ground surface. Where grade level is varied on the site the average elevation of finished ground surface calculated at the corners of the development shall determine grade level.

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

**“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;

**“Front Yard”** means a yard extending across the full width or a parcel from the front line of the parcel to the front wall of the principal building situated on the parcel. In situations with an irregular front lot line, the closest point shall meet the minimum front yard requirements;

**“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;

**“Group Home”** means a use:

- (a) where social, physical or mental care is provided to four (4) or less persons who live full time in the facility; and
- (b) that has at least one staff person at the facility at all times;

**“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.

**“Heavy Industrial”** means an industrial use where the process of which generates fumes, gases, smoke, vapours, vibrations, noise or glare, or similar nuisances that may cause adverse effects on users of adjacent land.

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**“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. 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/Motel”** means a development providing temporary sleeping accommodation in rooms or suites and which may incorporate eating, drinking, entertainment, convention, sports, recreation, personal service, office and retail facilities that are related to the principal use.

**“Lane”** means a public thoroughfare which provides a secondary means of access to a site or sites;

**“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;

**“Licensed Beverage Establishment”** means an establishment licensed by the Province of Alberta, 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.

**“Light Industrial”** means an industrial use that does not include uses which may be obnoxious by reason or emission of odors, dust, noise, smoke or vibrations.

**“Liquor Store”** means a use where alcoholic beverages are sold for consumption off the retail outlet premises, which has been licensed by the Alberta Gaming and Liquor Commission;

**“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 the area of land contained within the boundaries of the Village of Linden’s corporate limits, as delineated on the Land Use Map, being Part VIII of this Bylaw;

**“Municipal Planning Commission”** means a Municipal Planning Commission which may be established by Council pursuant to the Municipal Government Act;

**“Non-conforming Building”** means a building that is 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;

**“Permitted Use”** means a use of land or a building that is compatible with other uses in the Land Use District and for which a development permit shall be issued provided it otherwise conforms to the regulations and all other standards of this Bylaw;

**“Personal Service Establishment”** means a development used for the provision of personal services to an individual which are related to the care and appearance of the body. Or the cleaning and repair of personal effects including barbershops, hairdresser, beauty salons, tanning salons, tailors, dressmakers, shoe repair shops and other similar uses.

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

**“Protrusion of Escarpment”** is that portion of a toe of slope which projects into bottom lands at a length of at least 30 m (100 ft.) and has a characteristic pointed shape depending on its length and width;

**“Public or Quasi-public Building Facilities and Installations”** includes 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 church, 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;

**“Rear Yard”** means a yard extending across the full width of a parcel from the rear wall of the principal building situated on the parcel to the rear property boundary of the parcel;

**“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, or geothermal energy but not including wind energy towers;

- (b) may be connected or disconnected from the electrical grid in accordance with the requirements of the power line company;
- (c) may provide residual power to the grid but is not intended to produce power primarily for resale;
- (d) a Renewable Energy System shall be in accordance with **Section** \_\_\_\_

**“Restaurant”** means a use

- (a) where food is prepared and sold for consumption on the premises and may include the sale of prepared food for consumption off the premises; and
- (b) that may be licensed for the sale of liquor by the Alberta Gaming and Liquor Commission;

**“Residential Care Facility”** means a use:

- (a) where social, physical or mental care is provided to five or more persons who live full time in the facility; and
- (b) that has at least one staff person at the facility at all times;

- (47) **“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 a store. This definition does not include Cannabis Retail Sales;

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**“Self Storage Facility”** means a use:

- (a) where goods are stored in a building;
- (b) where the building is made up of separate compartments and each compartment has separate access;
- (c) that may be available to the general public for the storage of personal items;
- (d) that may include the administrative functions associated with the use; and
- (e) that may incorporate security or custodial quarters for the facility.

**“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;

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

**“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 property boundary of the parcel and the side foundation of the principal building;

**“Sign”** means a device or structure for providing direction or providing information or calling attention to such things as a development, business, product, service, location, object, event or person, but does not include traffic control devices. 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, boardings 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.
- (g) **“Sandwich Board”** means a portable sign placed on the ground surface only within the frontage area of the business which is advertised;
- (h) **“Portable Sign”** means a *temporary* sign mounted on a stand or similar support and which together with the support can be relocated to another location on or off a site and may include copy that can be changed manually through the use of attachable characters. Such signs are typically operated by a business which leases these signs to other businesses;
- (i) **“Bench Sign”** means any sign which is placed or erected on an immobile seat;
- (j) **“Community Information Sign”** means any sign intended to display information related to community organizations, events or not-for-profit groups.
- (k) **“Illuminated Sign”** means any sign that uses internal or exposed illumination including, but not limited to, electric lamps, neon tubing, light emitting diodes and liquid crystal displays. Illuminated Signs shall not employ the use of strobe lighting. All illuminated signs shall be considered as a *discretionary use*;
- (l) **“Banner Sign”** means a sign that is constructed of non-rigid material capable of being displayed without the use of a flag pole.
- (m) **Wall Sign** means a sign that:
  - (i) indicates, by name or symbol, the occupant, business or site upon which the *sign* is displayed; and
  - (ii) Is painted directly onto an exterior wall of a building;

**“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 of not more than 300 kW, 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 primarily for resale. A SWES shall be in accordance with **Section 54**.

**“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 (sea can), trailer or other structure. A Storage Structure shall be considered in accordance with **Section 37**.

**“Storage Yard”** means a use:

- (a) where goods, motor vehicles or equipment used in road construction, building construction, oilfield services and similar industries are stored when they are not being used are stored outdoors;
- (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 established by Council pursuant to the Municipal Government Act and Bylaw;

**“Supportive Living”** means a building to provide residents with a safe, barrier-free environment in a home-like setting that maximizes their independence and privacy and includes scheduled and unscheduled personal care such as bathing and dressing, along with housing, meals, housekeeping, linen/ laundry service, recreation programs, and 24-hour emergency response services. Unscheduled personal care is provided by health care aides. Professional services like nursing and rehabilitation services are provided on a scheduled basis through home care;

**“Temporary Development”** refers to a proposed development, where the intent is to operate the use or structure for a specified period of time, not to exceed one (1) year from the effective date of the permit issued in relation to the temporary development 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 will state a date on which the development will cease;



**“Toe of a Slope”** means the point where at the bottom of a slope the grade begins to rise at a rate steeper than 20 percent;

**“Utilities”** means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) facilities for the storage, transmission, treatment, distribution or supply of water;
- (c) facilities for the collection, treatment, movement, or disposal of sanitary sewage;
- (d) storm sewer drainage facilities;
- (e) systems for electrical distribution and lighting;
- (f) systems for telephone & Cable television distribution

**"Walk-Up Window"** means a service window through which a customer may purchase merchandise without that customer entering the licensed premises and without being in a motor vehicle. Walk-Up windows must be approved in conjunction with another commercial use.

**“Warehousing”** means a use:

- (a) where goods are stored and packaged inside a building;
- (b) where goods are transported to and shipped from the use;
- (c) where the building has loading docks and overhead doors;
- (d) that does not accommodate the manufacture of any goods;
- (e) that does not accommodate any display or sales area; and
- (f) that may have administrative functions associated with the use.

**“Worship Facility”** means any facility used for the primary purpose of spiritual worship. Examples may include, but are not limited to, churches, temples, mosques, and synagogues.

**“Yard”** means a part of a parcel upon or over which no principal building is erected;

**All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act R.S.A. 2000 Ch. M.26-1 as amended.**

## PART II

### ***Administrative Agencies***

#### **3. Development Officer**

- (a) The office of the Development Officer is hereby established, by resolution, to act on behalf of Council in those matters delegated by this Bylaw and in such matters as Council may instruct from time to time.
- (b) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, including the decisions thereon and the reasons therefore.

#### **4. Municipal Planning Commission**

The Municipal Planning Commission established by Bylaw shall perform such duties as are specified in Part III of this Bylaw.

#### **5. Subdivision and Development Appeal Board**

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

**PART III*****Development Permits*****6. Control of Development**

- (1) No development other than that designated in Section 7 shall be undertaken within the Municipality unless an application for it has been approved and a development permit has been issued.

**7. Development Permit Not Required**

It shall not be necessary to obtain a Development Permit prior to commencement of the following developments provided the development complies with the applicable provisions and requirements of this Bylaw.

- (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;
  - (c) is performed in accordance with government regulations and the appropriate safety codes permits are obtained prior to development.
- (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 notice of this Bylaw provided the building:
  - (a) is completed within 12 months of the notice; and
  - (b) complies with any development permit issued 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 one metre (3.2 ft.) in height in front yards and less than 2 metres (6.56 ft.) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of 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 maintenance or repair of public works, services or 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) Signs – in the C-1, I, HWY-C and CS Land Use Districts when in accordance with the applicable sign requirements in the bylaw;
- (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 on a residential parcel, which does not exceed 9.3 m<sup>2</sup> (100sq. ft.) in floor area and 2.5 m (8.2 ft.) in height.

## **8. 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 showing the legal description and the front, rear and side yards, if any, and any provisions for off-street loading and vehicle parking and access and egress points to the site and the position and location of any existing building, roads, water bodies, trees or other physical features on the land to be developed.
  - (b) floor plans and elevations and sections if required by the Development Officer;
  - (c) a statement of the proposed uses;
  - (d) a statement of ownership of land and interest of the applicant therein;
  - (e) the estimated commencement and completion dates;
  - (f) the estimated cost of the projected or contract price;
  - (g) the development permit fee as set by Council;
  - (h) a surveyor's sketch or real property report if required by the Development Officer;
  - (i) Damage Deposits:
    - (i) A damage deposit of per lot at the discretion of the Development Officer with the amount determined in consideration of the potential for damage to public infrastructure shall be paid upon receipt of a development permit. This requirement may be waived if, in the opinion of the Development Officer, there are no improvements abutting the property that could sustain damage during construction.
    - (ii) The damage deposit shall be used by the Municipality to repair or replace damaged curb stops, valve boxes, manhole cover, catch-basins, culverts, pipelines, sidewalks, curbs and

gutters, lanes, roads and any surface or underground improvement on or abutting the land which is covered by the construction or demolition activity.

- (iii) It is the owner's or agent's responsibility to ensure, prior to commencement of construction or demolition, there is no previous damage. If there is existing damage, it shall be reported to the Municipal office before the work commences.
  - (iv) Rough landscaping (spreading of topsoil) must be completed before the damage deposit is refunded.
  - (v) The property owner or agent is responsible to have the necessary improvement cleared and visible for the initial and final inspection by the Municipality.
  - (vi) The property owner or agent shall apply to the Public Works Department for the refund of the damage deposit.
  - (vii) When an application is made, the Public Works Department shall inspect the site for damage.
  - (viii) If no damage has occurred, the deposit shall be refunded in full.
  - (ix) If damage has occurred, the deposit shall be used to cover the cost and any outstanding amount shall be directed to the property owner.
  - (x) Damage deposits cannot be transferred to another property.
    - (j) any other information deemed necessary by the development officer.
- (2) The Development Officer may require additional copies of the application or of plans and specifications as well as such additional information (photographs, inspection reports, engineering analysis, etc.) as the Development Officer may deem necessary.
  - (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.

## **9. Deciding on Development Permit Applications**

- (1) The Development Officer shall:
  - (a) receive, consider and decide on an application for a development permit for those uses listed as a permitted use for the relevant land use district and that comply with the minimum standards for that district;
  - (b) receive, consider and decide on applications for Home Occupations and fencing;

- (c) refer at his/her discretion, any permit application for comments to those authorities (provincial and regional) whose interest or jurisdiction may be affected;
  - (d) refer with recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for Permitted Uses where the development standards of this Bylaw are relaxed or varied/ relaxed greater than 10%;
  - (e) refer with his/her recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for those uses which constitute discretionary uses and which have been assigned to it for consideration and decision;
- (2) The Municipal Planning Commission shall:
- (a) decide on applications for a development permit for those uses listed as discretionary uses for the relevant land use district and shall also render decisions on proposals for the relocation of buildings;
  - (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application;
  - (c) When making a decision on a development permit application for a **discretionary use** the Municipal Planning Commission shall take into account:
    - (i) any plans and policies affecting the parcel;
    - (ii) the purpose statements in the applicable land use district;
    - (iii) the appropriateness of the location and parcel for the proposed development;
    - (iv) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
    - (v) the merits of the proposed development;
    - (vi) the servicing requirements;
    - (vii) access and transportation requirements;
    - (viii) vehicle and pedestrian circulation within the parcel;
    - (ix) sound planning principles.
- (3) An application may be approved where the proposed development does not comply with the required development standards of any district in this Bylaw if in the opinion of the Municipal Planning Commission the proposed development would not:
- (a) unduly interfere with the amenities of the neighborhood;
  - (b) materially interfere with or affect the use, enjoyment or value of the neighbouring properties; and
  - (c) the proposed development conforms with the use prescribed for that land or building in this Bylaw

- (4) In the case where a proposed specific use of land or a building is not provided for in any land use district in the Bylaw, the Municipal Planning Commission may determine such a use is similar in character and purpose to another use of land or building that is included in the list of permitted and discretionary uses prescribed for that land use district.
- (5) The Development Authority may, with respect to any use:
  - (a) require the applicant to make satisfactory arrangements for the supply of utilities including, but not limited to natural gas, cable, water, electric power, sewer service, vehicular and pedestrian access, or any one or more of them including payment of the cost of installation or construction of any such utility or facility by the applicant;
  - (b) require that an applicant enter into an agreement or interim agreement, which shall form part of such development permit, to do any or all of the following:
    - (i) construct, or pay for all the construction of, a public roadway required to give access to the development;
    - (ii) construct, or pay for the construction of:
      - a. a pedestrian walkway system to serve the development;
      - b. pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
    - (iii) install or pay for the installation of, utilities that are necessary to service the development;
    - (iv) pay an off-site levy, redevelopment levy or both, imposed by Bylaw, unless otherwise stated in the Bylaw;
    - (v) specify the location and number of vehicular and pedestrian access points to the development from public roadways;
    - (vi) construct or pay for the construction of off-street or off-site parking facilities or loading or unloading facilities;
    - (vii) repair, reinstate or pay for the repair or reinstatement to original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site;
    - (viii) install or construct or pay for the installation or construction of landscaping, berming and fencing on the development, public roadways and public lands adjacent to the development; and

- (ix) re-establish or restore all survey monuments including Alberta Survey Control monuments which may be damaged or destroyed or otherwise harmed by development or building operations upon the site;
  - (c) require that the applicant provide security to ensure the applicant complies with this Bylaw, a development permit, an agreement under this clause or a statutory plan enacted by the Village which security may include, but is not limited to an irrevocable letter or charge against the title to the site; and
  - (d) require the applicant to obtain or maintain insurance coverage naming the Village as an additional insured under terms and with carriers as required by the Development Authority including but not limited to comprehensive general liability coverage and automotive accident coverage.
- (6) The Development Authority may require that an agreement entered into under subsection (6) be registered by caveat against title to the land at the Land Titles Office.
- (7) The agreement under subsection (6) may include provisions contemplated by the Act in respect of oversize improvements.
- (8) In addition to subsection (6) the Development Officer may, with respect to a Permitted Use, impose such conditions as are required to ensure compliance with this Bylaw or the Act.
- (9) Compliance with the provisions of this Bylaw shall not in any way relieve a person from the responsibility of complying with the provisions of any other Bylaw of the Village of Linden, any federal or provincial legislation or any encumbrance, instrument, covenant, or agreement affecting the development or subdivision.
- (10) In addition to subsection (6) the Development Authority, with respect to a Discretionary Use, may impose such conditions deemed appropriate, having regard to the regulations of this Bylaw and the provisions of any statutory plan including, but not limited to the following conditions:
- (a) limiting hours of operation;
  - (b) limiting number of patrons;
  - (c) establishing landscaping requirements;
  - (d) requiring noise attenuation;
  - (e) requiring special provisions be made for parking;
  - (f) regarding the location, character and appearance of a building;
  - (g) regarding the grading of a site or such other procedures as is necessary to protect the site from other developments or to protect other developments from the site;
  - (h) establishing the period of time during which a development may continue;
  - (i) ensuring the development is compatible with surrounding development;



- (11) If a development permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for six (6) months after the refusal.
- (12) If a decision is not made on a development permit application within 40 days after its receipt by the Development Officer, the applicant may deem it to be refused at the end of the 40 day period. This clause shall not apply if an applicant for a development permit enters into an agreement with the Development Officer to extend the 40 day period.
- (13) The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one (1) year.

#### **10. Development Permits & Notices**

- (1) The development permit granted pursuant to this Bylaw does not come into effect until 21 days after the date an order, decision or development permit is communicated as described in Section 10(3) of this Bylaw. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Notwithstanding subsection (1), a development permit granted pursuant to this Bylaw, for a permitted use, where the provisions of this Bylaw have not been relaxed or varied, comes into effect on the date that the decision is made.
- (3) Where an appeal is made pursuant to Section 11 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (4) When a permit has been granted, the Development Officer shall:
  - (a) in the case of a permit issued for a permitted use where the provisions of this Bylaw have not been varied or relaxed, the development officer is not required to notify adjacent or affected landowners,In all other circumstances;
  - (b) immediately post a notice of the decision conspicuously on the property for which the application has been made and/or;
  - (c) a notice in writing shall be immediately mailed to all registered owners of land who in the opinion of the Development Officer may be affected and/or;
  - (d) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property which the application has been made and the use approved.
- (5) If the Development authorized by a permit is not commenced within the 12 months from the date of its issue or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
- (6) A decision by the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.

- (7) If after the issuance of a development permit it becomes known to the Development Authority that:
- (a) the application for a development permit contains a misrepresentation;
  - (b) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the development permit; or
  - (c) the development permit was issued in error;

The development permit may be suspended or cancelled by notice in writing, issued by the Development Authority to the applicant at the address given in the development permit application.

- (8) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

**PART IV*****Appeals*****11. Development 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 unless the applicant for a development permit has entered into an agreement to extend the 40 day time period in which case a deemed refusal is the time when the extension expires;
  - (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.
- (5) Notwithstanding subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use listed in a Land Use District, unless the provisions of this Bylaw were relaxed, varied, or misinterpreted.

**12. Public Hearing for Development Appeals**

- (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 Authority from whose order, decision or development permit the appeal is made;
  - (c) those registered owners of land in the municipality who were notified under Section 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 the Act, including:
  - (a) the application for the development permit, the decision and the notice of appeal; 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 Authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the Development Authority;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on behalf of that person; 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 a person acting on behalf of that person.

### **13. Decision for Development Appeals**

- (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) In determining an appeal, the Subdivision and Development Appeal Board
  - (a) must comply with the land use policies and statutory plans and subject to clause (d), this Land Use Bylaw;
  - (b) must have regard to but is not bound by the subdivision and development regulations;
  - (c) may confirm, revoke or vary the order, decision, or development or any condition attached to any of them or make or substitute an order, decision or permit of its own;
  - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with this Land Use Bylaw if, in its opinion,
    - (i) the proposed development would not
      - (A) unduly interfere with the amenities of the neighbourhood,

- or
  - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
  - and
  - (C) the proposed development conforms with the use prescribed for that land or building in this Land Use Bylaw.
- (3) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:
- (a) to a judge of the Court of Appeal; and
  - (b) within 30 days after the issue of the order, decision, permit, or approval sought to be appealed; and
  - (c) notice of the application must be given to:
    - (i) the Municipal Government Board or the Subdivision and Development Appeal Board, whichever heard the appeal at the Municipal level, and
    - (ii) any other persons that the judge directs.

#### **14. Subdivision Appeal Procedure**

- (1) The decision of a subdivision authority on an application for subdivision approval may be appealed by
- (a) the applicant for the approval;
  - (b) a Government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
  - (c) the Council of the Village of Linden if the Council, a designated officer of the Village or the Municipal Planning Commission is not the subdivision authority, or
  - (d) by a school authority with respect to
    - (i) the allocation of municipal reserve and school reserve or money in place of the reserve,
    - (ii) the location of school reserve allocated to it, or
    - (iii) the amount of school reserve or money in place of reserve.
- (2) An appeal may be commenced by filing a notice of appeal within 14 days of receipt of the written decision of the subdivision authority
- (a) with the Municipal Government Board if the land that is the subject of the application is within an area as defined by Section 678(2)(a) of the Act, or
  - (b) in all other cases, with the Subdivision and Development Appeal Board.
- (3) For the purpose of Subsection 2, the date of receipt of the decision is deemed to be five (5) days from the date the decision was mailed.

- (4) The Subdivision and Development Appeal Board hearing and decision shall be in accordance with Division 10 of the Act.

**PART V*****Enforcement & Administration*****14. Orders of Compliance/ Stop Order**

- (1) Where the Development Officer finds a development or use of land or buildings is not in accordance with:
  - (a) Part 17 of the Act or the regulations under that part of the Act; or
  - (b) a Development Permit or Subdivision Approval; or
  - (c) this Land Use Bylaw; or
  - (d) an order, decision or permit of the Subdivision and Development Appeal Board or Municipal Government Board;

the Development Officer may, 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:

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
  - (b) demolish, remove or replace the development; or
  - (c) take such other measures specified in the notice so that the development or use of the land or building is in accordance with Part 17 of the Municipal Government Act, the regulations under Part 17 of the Act, a development permit, subdivision approval or this Bylaw, as the case may be, within the time period set out in the notice.
- (2) A person who receives an order referred to in subsection (1) may appeal to the Subdivision and Development Appeal Board in accordance with Part IV of this Bylaw and Section 685 of the Act.

**15. Enforcement**

- (1) If a person fails or refuses to comply with an order directed to them under this Bylaw, Section 685 of the Act, or an order of the Subdivision and Development Appeal Board under the Act within the time specified, the Council or a person appointed by it may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (2) 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.
- (3) 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.

- (4) For the purpose of entering or inspecting land or buildings described in the Act, the Development Officer is hereby declared to be a “Designated Officer”.

#### **16. Amendments to the Land Use Bylaw**

- (1) Any person may apply to have this Bylaw amended.
- (2) The Council may initiate amendments by its own motion.
- (3) All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
  - (a) the fee determined by resolution of 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.
- (4) All amendments of this Bylaw shall be made by the Council by bylaw in conformity with the Act and the regulations.
- (5) Prior to second reading being given to any amending bylaw, it shall be referred to the Director/Senior Planner of Palliser Regional Municipal Services for comment and such comments are to be read at the public hearing.
- (6) If an application for an amendment to this Bylaw is 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 six (6) months from the date of refusal.

#### **17. Existing Land Use Bylaw**

- (1) Bylaw No. 05-98 and amendments thereto are hereby repealed.



**PART VI*****Land Use Districts*****18. Districts**

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

R-1	- Detached Residential District
R-2	- General Residential District
RA	- Residential Acreage District
MH	- Manufactured Home Subdivision District
MHP	- Manufactured Home Park District
CB	- Central Business District
C-1	- General Commercial District
HWY-C	- Highway Commercial District
I	- Industrial District
CS	- Community Service District
UR	- Urban Reserve District

**19. District Boundaries**

- (1) The locations and boundaries of the land use districts are shown on the Land Use District Maps, which form Part VIII 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 center line 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.
- (6) In addition to the provisions for development as contained under each Land Use District, the General Land Use District Regulations listed in Part VII of the Land Use Bylaw shall apply to all developments.

**20. R-1 – Detached Residential District****(1) Purpose**

The purpose and intent of this district is to provide for low density residential development in the form of detached housing.

**(2) Permitted Uses**

- Accessory buildings and uses
- Detached Dwelling
- Permitted sign
- Public Park
- RTM Dwelling

**(3) Discretionary Uses**

- Bed and Breakfast Establishment
- Communication Tower
- Day Home
- Group Home
- Home Occupation
- Modular Home
- Moved On Dwelling
- Public and quasi-public buildings, facilities and installations
- Secondary Suite
- Worship facility

**(4) Minimum Requirements****(a) Site Area:**

- (i) 464 m<sup>2</sup> (4 995 sq. ft.) for a single detached dwelling;
- (ii) With the approval of the Municipal Planning Commission, the site area may be less in the case of lots legally created prior to this Bylaw; and
- (iii) Other uses at the discretion of the Municipal Planning Commission.

**(b) Lot width:**

- (i) 15m (49.2 ft.) for a single detached dwelling; and
- (ii) Other uses at the discretion of the Municipal Planning Commission.

**(c) Front Yard:**

- (i) 5 m (16.4 ft.) for a single detached dwelling.
- (ii) Other uses at the discretion of the Municipal Planning Commission.

**(d) Side Yard:**

- (i) 1.5 m (5 ft.) for a single detached dwelling;
- (ii) 3.2 m (10 ft.) abutting the flanking street on corner lots;
- (iii) One 3.2 m (10 ft.) side yard (excluding corner lots) to provide alternate access to the rear of the buildings in a laneless subdivision;
- (iv) Accessory buildings shall be sited in accordance with Section 33 of this Land Use Bylaw;
- (v) Other uses at the discretion of the Municipal Planning Commission.

(e) Rear Yard:

- (i) 7.6 m (25 ft.); and
- (ii) Accessory buildings shall be sited in accordance with Section 33 of this Land Use Bylaw;

(f) Gross Floor Area:

- (i) 84 m<sup>2</sup> (904 sq. ft.) for single detached dwellings.

**(5) Maximum Limits**

(a) Height

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- (i) 10.6 m (35 ft.) for a single detached dwelling;
- (ii) 5 m (16.4 ft.) for accessory buildings; and
- (iii) Other uses at the discretion of the Municipal Planning Commission.

(b) Site Coverage

- (i) 40% of the site area for detached dwellings;
- (ii) 20% of the site area for accessory buildings;
- (iii) 60% of the site area for detached dwellings which include an attached garage
- (iii) Other uses at the discretion of the Municipal Planning Commission.

**21. R-2 – General Residential 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
- Detached Dwelling
- Duplex
- Modular Home
- Permitted sign
- Public Park
- RTM Dwelling
- Semi-detached Dwelling

**(3) Discretionary Uses**

- Apartment building
- Assisted Living
- Attached housing
- Bed & Breakfast Establishment
- Boarding or Lodging House
- Communication Tower
- Day Care Centre
- Day Home
- Garden Suite
- Group Home
- Home Occupation
- Public and quasi-public buildings, facilities and installations
- Residential Care Facility
- Secondary Suite
- Seniors Lodge
- Worship Facility

**(4) Minimum Requirements****(a) Site Area:**

- (i) 325 m<sup>2</sup> (3,500 sq. ft.) for each corner unit and 278.7 m<sup>2</sup> (3,000 sq. ft.) for each interior unit for two-unit dwelling; and
- (ii) 650 m<sup>2</sup> (7,000 sq. ft.) for apartment buildings;
- (iii) 232 m<sup>2</sup> (2,500 sq. ft.) for end units and 185 m<sup>2</sup> (2,000 sq. ft.) for interior units for attached housing; and
- (iv) Apartment building requirements at the discretion of the Municipal Planning Commission and shall be considered with regard to the site layout, building design, height, density and neighborhood characteristics; and
- (v) Other uses at the discretion of the Municipal Planning Commission.

**(b) Lot Width:**

- (i) 15 m (50 ft.) for a two-unit dwelling;
- (ii) 7.6 m (25 ft.) for each dwelling unit in a two-unit dwelling;

- (iii) Apartment building requirements at the discretion of the Municipal Planning Commission and shall be considered with regard to the site layout, building design, height, density and neighborhood characteristics;
- (iv) 7.6 m (25 ft.) for end units and 6m (20 ft.) for interior units for attached housing; and
- (v) Other uses at the discretion of the Municipal Planning Commission.

(c) Front Yard:

- (i) 5 m (16.4 ft.) for one and two unit dwellings; and
- (ii) Apartment building requirements at the discretion of the Municipal Planning Commission and shall be considered with regard to the site layout, building design, height, density and neighborhood characteristics;
- (iii) Other uses at the discretion of the Municipal Planning Commission.

(d) Side Yard:

- (i) 1.5 m (5 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.

(e) Rear Yard:

- (i) 7.6 m (25 ft.); and
- (ii) 1 m (3.2 ft.) for accessory buildings.

(f) Gross Floor Area:

- (i) 56.m<sup>2</sup> (600 sq. ft.) for each dwelling unit in a two-unit dwelling and attached housing; and
- (ii) 38 m<sup>2</sup> (238 sq. ft.) for apartment units.

## **(5) Maximum Limits**

(a) Height:

- (i) 13.7 m (45 ft.) for principal buildings; and
- (ii) 5 m (16.4 ft.) for accessory buildings.

(b) Site Coverage:

- (i) 40% for apartment buildings;
- (ii) 30% for a two-unit dwelling and attached housing;
- (iii) 20% for accessory buildings; and
- (iv) Other uses at the discretion of the Municipal Planning Commission.

## **(6) Multiple Unit Dwelling Special Requirements**

(a) All multiple unit dwellings shall be considered with attention to the following:

- (i) appropriate access/ egress and parking design;
- (ii) minimum yard requirements considered in accordance with the overall site design, building height, mass, density, and any other site planning considerations to reduce land use conflicts and nuisance effects with adjacent properties and to retain neighbourhood consistency;

- (iii) consideration for quality building and site aesthetics, design, function, landscaping, materials and site design;
- (iv) a site with multiple buildings shall be comprehensively planned utilizing site and building design to integrate and interface with the surrounding neighbourhood context.

**(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.
- (b) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares, including lanes.

**22. RA - Residential Acreage District****(1) Purpose**

The purpose and intent of this district is to provide for low density residential development in a semi-rural setting within the Village.

**(2) Permitted Uses**

- Accessory buildings and uses
- Detached Dwelling
- Public Park
- Permitted sign
- RTM Dwelling

**(3) Discretionary Uses**

- Bed and Breakfast Establishment
- Communication Tower
- Day Home
- Garden Suite
- Greenhouse accessory to a principal residential land use
- Group Home
- Home Occupation
- Manufactured Home
- Modular Home
- Moved On Dwelling
- Public and quasi-public buildings, facilities and installations
- Renewable Energy System
- Secondary Suite
- Small Wind Energy System

**(4) Minimum Requirements****(a) Site Area:**

- (i) 0.2 hectares (0.5 acres) for residential uses;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

**(b) Lot width:**

- (i) 38m (125 ft.) for the principal building; and
- (ii) Other uses at the discretion of the Municipal Planning Commission.

**(c) Front Yard:**

- (i) As required by Alberta Transportation from the right-of-way of all Provincial highways;
- (ii) 7.5m (25 ft.) from the right-of-way of all municipal roads;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

**(d) Side Yard:**

- (i) 7.5 m (25 ft.)

**(e) Rear Yard:**

- (i) 15 m (50 ft.) for dwellings;
- (ii) All other uses at the discretion of the Development Authority.



## (f) Gross Floor Area:

- (i) 93 m<sup>2</sup> (1,000 sq. ft.) for dwellings;
- (ii) All other uses at the discretion of the Development Authority.

**(5) Maximum Limits**

## (a) Height

- (i) 10.6 m (35 ft.) for residential uses;
- (ii) Other uses at the discretion of the Municipal Planning Commission.

## (b) Site Coverage

- (i) 20% of the site area for all dwellings;
- (ii) 20% of the site area for accessory buildings;
- (iii) 40% of the site area for single detached dwellings which include an attached garage
- (iv) Other uses at the discretion of the Municipal Planning Commission.

## (c) Site Area

- (i) Parcels shall not exceed 5 acres (2.02 ha.) unless otherwise approved by the Municipal Planning Commission.

**(6) Special Requirements**

- (a) All manufactured Homes shall comply with ***Part VII General Land Use Regulations Section 49.***
- (b) Industrial/ commercial equipment or a motor vehicle associated with a home occupation having a gross vehicle weight rating of 7300 kilograms (16,000 lbs) or more may, at the discretion of the Development Authority, be stored or parked on a Residential Acreage site;
- (c) All water and sewage connections shall comply with all Village of Linden policies and bylaws, and Provincial and federal codes;
- (d) Access to the parcel must be to the satisfaction of the Development Authority;
- (e) Access routes and school bus routes must not be adversely affected by the development to the satisfaction of the Development Authority.

**23. MH - Manufactured Home Subdivision District****(1) Purpose**

The purpose and intent of this district is to permit the placement of manufactured homes suitable for residential purposes are accommodated on an individual site basis, with access to all community services and facilities.

**(2) Permitted Uses**

- Accessory Buildings and uses
- Manufactured Home
- Permitted Sign

**(3) Discretionary Uses**

- Bed & Breakfast Establishment
- Communication Tower
- Day Home
- Group Home
- Home Occupation
- Renewable Energy System

**(4) Minimum Requirements****(a) Area of Site:**

- (i) 360 m<sup>2</sup> (3,875 sq. ft.) for a manufactured home parcel in manufactured home subdivisions;
- (ii) with approval of the Municipal Planning Commission, the site area may be less in the case of lots legally created prior to this Bylaw; and
- (iii) Other uses at the discretion of the Municipal Planning Commission.

**(b) Width of Site:**

- (i) 12 m (40 ft.) for manufactured home lots; and
- (ii) Other uses at the discretion of the Municipal Planning Commission.

**(c) Front Yard:**

- (i) 4 m (13 ft.).

**(d) Side Yard:**

- (i) 1.5 m (5 ft.) for manufactured homes;
- (ii) Accessory buildings shall be sited in accordance with **Section 33** of this Land Use Bylaw;
- (iii) Other uses at the discretion of the Municipal Planning Commission.

(e) Rear Yard:

- (i) 3 m (10 ft.) or at the discretion of the Development Officer with consideration for the minimum fire code requirements;
- (ii) 1 m (3 ft.) for accessory buildings.

(f) Gross Floor Area:

- (i) 74m<sup>2</sup> (800 sq. ft.) for manufactured homes

**(5) Development Requirements**

- (a) All manufactured homes shall meet the requirements of ***Part VII Section 49*** of this Bylaw.

**24. MHP - Manufactured Home Park District****(1) Purpose**

The purpose and intent of this district is to permit the placement of manufactured homes in rental parks.

**(2) Permitted Uses**

- Manufactured Home Park
- Manufactured Home
- Public Park
- Manufactured Home Park Office
- Common Laundry Facilities
- Accessory Buildings and Uses

**(3) Discretionary Uses**

- Home Occupation
- Manufactured Home Park Facilities
- Day Home
- Public and Quasi-Public Buildings and Facilities
- Neighbourhood Convenience Store
- Sign
- Recreational Facilities
- Common Outdoor Storage Facility
- Common Social Facility
- Communication Tower

**(4) Development Permit Application Requirements**

- (a) Prior to granting approval for a new manufactured home park or the expansion of an existing manufactured home park, the developer shall provide comprehensive information with regards to the following:

- (i) The installation, operation, and maintenance of:
- storm sewers, surface drainage, and sanitary sewers
  - water
  - electricity and gas
  - roadways, sidewalks, walkways, curbs
  - snow clearance
  - garbage collection
  - fire protection
  - parks, playgrounds, and buffers
  - street lighting

- (ii) Architectural controls.

- (iii) Landscaping and screening.

- (iv) Such other matters as may be deemed necessary by the Development Authority.

(b) **Concept Plan**

A concept Plan for the manufactured home park is to be filed with the Municipal Office. The concept plan shall show;

- access, internal road system, walkways, open space areas common storage areas and the lot pattern, including dimensions.

For the purpose of this district, it is recognized that lots in manufactured home parks are not legal lots for the purpose of subdivision or transfer of title. Rather, lots are intended to indicate the location of front yards etc., of manufactured homes, and are as set out in the concept plan.

- (c) A development permit shall be obtained before each manufactured home is placed in a manufactured home park.

#### **(5) Manufactured Home Park Requirements**

##### **(a) Park Size**

- (i) Minimum Site Area: 0.8 ha (2 acres).
- (ii) Maximum Site Area: 12 ha (30 acres).

##### **(b) Density:**

- (i) Shall not exceed 20 units per hectare.

##### **(c) Maximum Park Coverage:**

- (i) 40% for manufactured homes and additions.
- (ii) 15% for accessory buildings.
- (iii) Other uses at the discretion of the Municipal Planning Commission.

##### **(d) Park 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 ft.) and be surfaced to the satisfaction of the Development Authority.
- (iii) Each manufactured home shall abut a park roadway and have an access to the park roadway at least 4.3 m (14 ft.)

##### **(e) Parking**

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

##### **(e) Appearance**

- (i) A 6 m (20 ft.) buffer shall be provided around the boundary of the park. This buffer shall be landscaped and fenced.
- (iii) A minimum of 10% of the total area of a manufactured home park shall be set aside for an amenity area and/or recreational use.
- (iv) All areas of a manufactured home park not developed or occupied by community roads, walkways, driveways, buildings or other facilities shall be landscaped to the satisfaction of the Development Authority.
- (v) Each manufactured home, attached structure, and accessory building shall be located entirely within the boundaries of its plot.
- (vi) A manufactured home park shall include outdoor lighting that meets all Municipal and Provincial Standards.

- (f) Utilities
  - (i) All utility lines shall be placed underground in a manufactured home park.
  - (ii) Each manufactured home shall be connected to and serviced by the municipal sanitary sewer, water supply and electric power systems and serviced with natural gas.
- (g) Permitted Signs
  - (i) One park identification sign at each entrance to the park. Maximum sign area is 2.9 m<sup>2</sup> (32 sq.ft.) and maximum height of sign is 1.8 m (6 ft.).
  - (ii) Directional signs within the park.
- (h) Storage
  - (i) A screened storage compound shall be provided for trucks, campers, travel trailers, boats etc., at a location and in a manner satisfactory to the Development Authority.
- (i) 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) Manufactured Home Requirements**

- (a) Manufactured homes, including their attached structures and accessory buildings, shall be located:
  - (i) at least 4.5 m (15 ft.) from adjacent manufactured homes;
  - (ii) at least 6 m (20 ft.) from the property line of the manufactured home park;
  - (iii) at least 3 m (10 ft.) from the park roadway; and
  - (iv) at least 4.5 m (15 ft.) from any community facility or building.
- (b) Minimum Gross Floor Area:
  - (i) 65 m<sup>2</sup> (700 sq.ft.) for manufactured homes.
  - (ii) Other uses at the discretion of the Development Authority.
- (c) Maximum Height:
  - (i) 6 m (20 ft.) for manufactured homes.
  - (ii) 4.5 m (15 ft.) for accessory buildings.
  - (iii) Other uses at the discretion of the Development Authority.
- (d) All Manufactured Homes placed in a manufactured home park shall meet the requirements of **Part VII Section 49** of this Bylaw.

**25. CB - Central Business District****(1) Purpose**

The purpose and intent of this district is to provide for centralized commercial and retail development that services the Village of Linden and surrounding rural area.

**(2) Permitted Uses**

- Art Studio
- Bakery
- Clinic
- Convenience Store
- Financial Institution
- Laundromat
- Library
- Motel/ Hotel
- Permitted sign
- Personal Service Establishment
- Post Office
- Professional Financial and Administrative Offices
- Public Park
- Restaurant
- Retail Store

**(3) Discretionary Uses**

- Accessory buildings and uses
- Communication Tower
- Theatre
- Parking Lot
- Funeral home
- Shopping Centre
- Liquor Store
- Print shop
- Service Station
- Public and quasi-public buildings and facilities and installations
- Automobile sales
- Automotive Repair and service shop
- One or more dwelling units in a C-B building accessory to a commercial use
- Drinking Establishment
- Private clubs and lodges
- Day Care Centre
- Car Wash
- Bottle/ Recycling Depot
- Attached housing/ Apartments subject to R-2 Regulations
- Renewable Energy System
- Seniors Lodge
- Assisted Living
- Storage Structure – accessory to a principal commercial use/ building
- Tourist Information Centre
- Museum
- Drive Through
- Walk-Up Window

**(4) Minimum Requirements**

- (a) Front Yard:
  - (i) Based on the front yard provided by neighbouring buildings and is to be determined for each application by the Development Authority.
- (b) Side Yards:
  - (i) 1.5 m (5 ft.) adjacent to residential districts;
  - (ii) Nil
- (c) Rear Yard:
  - (i) 6 m (20 ft.) or as required by the Development Authority.

**(5) Maximum Limits**

- (a) Site Coverage:
  - (i) 80%
- (b) Height:
  - (i) 13.7 m (45 ft.) unless otherwise approved by the Development Authority.

**(6) Parking**

Notwithstanding the parking requirements in Part VII 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 Business 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, or
- (iii) where a reasonable amount of public parking is available in the vicinity of the development an agreement may be established between the municipality and the developer as payment in lieu of the number of off-street parking spaces not provided. The payment shall be based on the amount of money Council considers reasonable in return for the equivalent parking space to be provided by the municipality.

**(7) Landscaping and Screening**

- (a) Sites abutting a residential district shall be screened from view to the satisfaction of the Development Authority;
- (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.



**26. C-1 - Arterial 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
- Permitted sign

**(3) Discretionary Uses**

- Auto Sales & Service
- Campground
- Communication Tower
- Farm & industrial machinery sales & service
- Fabric Covered Building
- Service station
- Professional, financial and administrative office
- Restaurant
- Retail store
- Auctioneering establishments
- Hotel/ Motel
- Veterinarian
- Building material sales & storage
- Tire sales service and repair
- Contractor's Shop - cabinet maker, carpenter, decorator, electrician, gas fitter, metal worker, painter, plumber, printer, pipe-fitter, tinsmith, welder, etc.
- Public and quasi-public buildings and facilities and installations
- Day Care Centre
- Car wash
- Auto Body shop
- Light Industrial
- Liquor Store
- Renewable Energy System
- Shopping Centre
- Small Wind Energy System
- Storage Structure – accessory to a commercial building/ use
- Tourist Information Centre
- Museum
- Drive Through
- Walk-Up Window

**(4) Minimum Requirements**

- (a) Site Area:
  - (i) 557 m<sup>2</sup> (6,000 sq. ft.) or as otherwise required by the Development Authority.

- (b) Lot Width:
  - (i) 15 m (50 ft.) or as otherwise required by the Development Authority.
- (c) Front Yard:
  - (i) Based on front yard provided by neighbouring buildings and is to be determined for each application by the Development Authority;
  - (ii) In accordance with Alberta Transportation requirements adjacent to a highway without a service road; and
  - (iii) 6 m (20 ft.) adjacent to a highway with a service road.
- (d) Side Yard:
  - (i) 6 m (20 ft.) ~~4.5 m (5 ft.)~~ adjacent to residential districts;
  - (ii) No side yard is required for attached style buildings where a fire-wall is provided, but if a side yard is provided, it must be a minimum of 3 m (10 ft.) ~~4.2 m (4 ft.)~~; and
- (e) Rear Yard:
  - (i) 6 m (20 ft.) or as required by the Development Authority.

**(5) Maximum Limits**

- (a) Height:
  - (i) 13.7 m (45 ft.) unless otherwise approved by the Municipal Planning Commission.
- (b) Coverage:
  - (i) 80%

**(6) 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 Officer / Municipal Planning Commission;
- (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.

**28. 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 sign
- Professional, financial and administrative office

**(3) Discretionary Uses**

- Auto Body Shop
- Cannabis Café
- Cannabis Retail Sales
- Car Wash
- Contractor Shop
- Fabric Covered Building
- Light Industrial
- Warehousing, including retail and wholesale outlets
- Trucking and freight terminal
- Bulk fuel depots and sales
- Equipment and machinery sales and rental establishments
- Automotive, truck and recreation vehicle service and repair establishments
- Recycling, storage, salvage, and wrecking yards
- Sand, gravel and building material storage
- Heavy Industrial
- Veterinarian
- Bulk Fertilizer Distribution and storage
- Flour and Feed Mills
- Renewable Energy System
- Communication Tower
- Small Wind Energy System
- Storage Structure
- Storage Yard

**(4) Minimum Requirements**

- (a) Area of Site:
  - (i) 557 m<sup>2</sup> (6,000 sq. ft.)
- (b) Width of Site:
  - (i) 18 m (60 ft.)
- (c) Front Yard:
  - (i) 6 m (20 ft.)
- (d) Side Yard:

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- (i) 3 m (10 ft.)
- (ii) 6 m (20 ft.) where abutting a residential district; and

(e) Rear Yard:

- (i) 6 m (20 ft.), however, the Municipal Planning Commission may modify the rear yard requirement in consideration of parking, loading and unloading facilities and surrounding land uses.

**(5) Maximum Limits**

(a) Height:

- (i) 10.6 m (35 ft.) unless otherwise approved by the Municipal Planning Commission.

**(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 or are located in high visibility areas along major roadways.

**29. CS - Community Service District****(1) Purpose**

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

**(2) Permitted Uses**

- Community Hall
- Park
- Swimming Pool
- Library
- School
- Playground
- Public and quasi-public buildings, installations and facilities
- Sports field
- Tennis court
- Accessory buildings & uses
- Permitted sign

**(3) Discretionary Uses**

- Cemetery
- Communication Tower
- Arena
- Curling rink
- Fabric Covered Building
- Golf course
- Hospital
- Clinic
- Campground
- Exhibition grounds
- Museum
- Municipal Airport
- Renewable Energy System
- Small Wind Energy System

**(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.

**30. 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 growth.

**(2) Permitted Uses**

- Detached dwelling - on existing parcels only
- Extensive Agriculture
- Park
- Market Garden
- Horticultural nursery
- Greenhouse
- Accessory buildings and uses
- Permitted sign

**(3) Discretionary Uses**

- Communication Tower
- Home Occupation
- Public and quasi-public buildings, installations and facilities
- Gravel, sand and building material excavation and storage

**(4) Development 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 Authority 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 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) Subdivision Regulations**

- (a) Part VIII Land Use District Map of this Bylaw shall be amended to conform to the Municipal Development Plan **Figure 11 Future Land Use Map** prior to the subdivision and development of a parcel in the UR – Urban Reserve Land Use District.
- (b) The Municipal Planning Commission may require an area structure plan or concept plan prior to recommending approval of a subdivision.
- (c) The Council may require an area structure plan or concept plan prior to considering an amendment to the Land Use District Map.

**PART VII*****General Land Use Regulations*****31. 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.

**32. 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 Authority 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.

**33. Fencing & Hedges**

- (1) In a residential district, a fence or hedge located within a rear or side yard of a lot, shall not exceed 2 m (6.5 feet) in height;
- (2) In a residential district, a fence or hedge located within the front yard of a lot, shall not exceed 1 m (3.2 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 in accordance with the appropriate public safety standards.
- (5) Industrial and Commercial Developments shall be fenced to the satisfaction of the Development Authority.

### 34. Accessory Building & Uses

- (1) A structure which is attached to the principal building by a roof, a floor or a foundation is not an accessory building, it is to be considered part of the principal building;
- (2) An accessory building shall not be used as a dwelling;
- (3) An accessory building or use shall be located at least 1 m (3.2 feet) from any principal building;
- (4) The total combined floor area of an accessory building shall not exceed 20% of the site area except in the "RA" – Residential Acreage District;
- (5) **Minimum Side Yard:**
  - (i) Minimum Side yard requirements shall be 1 m (3.2 ft.) except on corner lots;
  - (ii) On **corner lots**, 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) The minimum **Rear Yard** of an accessory building shall be 1 m (3.2 ft.);
- (7) No accessory building or use shall be located in the front yard or the required side yard abutting a street in a residential district;
- (8) **Section 34** does not apply in the "RA" – Residential Acreage District.

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**35. 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 <sup>2</sup> (5,000 sq. ft.)	1
	464.5 m <sup>2</sup> (5,000 sq. ft.) to 2322.5 m <sup>2</sup> (25,000 sq. ft.)	2
	Each additional 2322.5 m <sup>2</sup> (25,000 sq. ft.) or fraction thereof	1 additional
(b) Office Building, hospitals, public school or similar use	Up to 2782 m <sup>2</sup> (30,000 sq. ft.)	1
	Each additional 2787 m <sup>2</sup> (30,000 sq. ft.) or fraction thereof	1 additional

- (5) The above standards may be modified at the discretion of the Development Authority.

**36. Parking**

- (1) The number of off-street parking spaces for any development shall be according to the following schedule:

One or Two Unit Dwellings	Two (2) parking spaces per dwelling unit.
Apartments and Attached Housing	Two (2) parking spaces per dwelling unit, plus (1) parking space per five (5) dwelling units for guest parking.
Bed and Breakfast Establishment	Two (2) parking spaces per dwelling unit plus one (1) space for each room available for rent.
Daytime Child Care Service	One (1) parking space per staff member.
Group Care Facility	One (1) parking space per staff member and one (1) visitor parking space.
Worship Facility	One (1) parking space per 15 seats.
Professional, financial & administrative office	Three (3) parking spaces per 93 m <sup>2</sup> (1,000 sq.ft.) of gross floor area of the building.
Retail, repair, and service shops	Two (2) parking spaces per 93 m <sup>2</sup> (1,000 sq. ft.) of gross floor area of the building.
Liquor & Convenience Stores	Two (2) parking spaces per 93 m <sup>2</sup> (1,000 sq. ft.) of gross floor area of the building.
Restaurant	One (1) parking space per four (4) seats.
Hotels and Motels	One (1) parking space per guest suite.
Hospital	One (1) parking space per 93 m <sup>2</sup> (1,000 sq. ft.) of gross floor area of the building.
Libraries and Clinics	Four (4) parking spaces per 93 m <sup>2</sup> (1,000 sq. ft.) of gross floor area of the building.
Elementary & Junior High Schools	One (1) parking space per classroom.
Senior High Schools	Four (4) parking spaces per classroom.
Public Places of Assembly	Two (2) parking spaces per five (5) seating spaces.
Other Uses	At the discretion of the Development Authority.

- (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 m<sup>2</sup> (160 sq. ft.) in area and not be less than 2.4 m (8 ft.) wide or 6.1 m (20 ft.) deep;
- (4) Parking areas shall not be located in the required front yard for apartment buildings;
- (5) When a building is enlarged, altered, or a change in the use occurs, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw;
- (6) Any parking space or loading space shall be developed and surfaced to the satisfaction of the Development Authority;

- (7) The development of new parking lots, or the expansion of existing parking lots, requires a development permit unless included in a development permit for an associated development.

### **37. Storage Structures**

- (1) A storage structure shall meet the setback requirements for an accessory building in the appropriate district;
- (2) A storage structure shall be for cold storage only and shall not be connected to utilities;
- (3) 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;
- (4) A storage structure shall not be permitted in residential areas or on parcels where the primary land use is residential;
- (5) A storage structure shall not be used as a sign;
- (6) A storage structure may be approved on a temporary basis during construction within any land use district.

### **38. 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 satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings. Where structures are attached such as row housing or duplexes, the exterior finish of buildings should complement adjoining structures.

### **39. 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 this section;
- (5) A home occupation shall not include any use or operation which will cause or create a nuisance by way of dust, noise, electrical interference, smell, smoke, traffic generation or other potential nuisances that may be a detriment to the residential area;
- (6) A Home Occupation shall not be permitted if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or industrial Land Use District taking into effect the overall compatibility with the residential character of the area;

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- (7) There shall be no outdoor storage of materials, commodities or finished products associated with a home occupation;
- (8) Signage related to a home occupation is restricted to one non-illuminated sign per site, attached to the building with a maximum size of 0.18 sq. m. (2.0 sq. ft.). The appearance of the sign shall be of professional quality to the satisfaction of the Development Authority;
- (9) No accessory building shall be constructed with a home occupation as the primary intended use;
- (10) A Home Occupation shall not occupy more than 20% of the gross floor area of dwelling or accessory building;
- (11) A Home Occupation shall not displace the regular use of a garage for the intended purpose of providing for parking of motor vehicles, or eliminate the provision of the required Bylaw parking requirement;
- (12) A Home Occupation shall not change the external appearance of a residential nature of the site or buildings on the site;
- (13) Storage of hazardous or dangerous materials that would increase the risk of fire as determined by a qualified fire official shall not be permitted on site;
- (14) No vehicle related to a Home Occupation that, in the opinion of the Development Authority, detracts from the residential character of the area shall be permitted to park in the vicinity of the Home Occupation. This may be due to, but not limited to, vehicle size, gross vehicle weight, noise, or odour.
- (15) A home Occupation shall not operate at a time of day or night that is likely to disturb other residents or properties in the area.

#### **40. 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;

#### **41. Drainage**

- (1) At the discretion of the Development Authority, the applicant shall be required to grade a parcel, whether existing or proposed, 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.

## 42. Signs

- (1) No signs or advertising structures of a commercial, direction or informative 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 excepting those outlined in **Section 7** of this Bylaw.
- (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 sign shall be erected so as to obstruct free and clear vision of vehicular traffic, or be located, or display a light intensity or colour where it may interfere with, or be confused with any authorized traffic sign, signal or device and in so doing create a traffic hazard.
- (5) All signs shall be attached to a foundation capable of supporting the sign.
- (6) The exterior finish and construction of all signs shall be of professional quality and appearance. Consideration should be made for orientation, climate, and environmental factors that may affect the sign appearance, condition or degradation over time.
- (7) All advertisements shall be kept in a safe, clean and tidy condition and may, by resolution of Council, be required to be renovated or removed;
- (8) All signs shall comply with the requirements set out for the land use district in which the sign is located.
- (9) Signs advertising businesses no longer in operation shall be removed.
- (10) No person shall place a motor vehicle or a trailer on a site where the purpose for placing the motor vehicle or trailer on the side is to display a sign.
- (11) For any sign which will overhang a sidewalk or other Village property, the owner of the sign shall:
  - (i) indemnify to hold harmless the Municipality for any claim related to the construction and maintenance of the sign;
  - (ii) furnish a public liability insurance policy of such an amount satisfactory to the Development Authority naming the Municipality as co-insured..

- (12) All development permits issued for signs shall be revocable at any time by the Development Authority if in the opinion of the development authority, the use has become detrimental to the amenities of the neighborhood.
- (13) **Projecting signs** may be permitted provided that:
- (i) a minimum height clearance of 2.7 m (9 ft.) be provided from any sidewalk below;
  - (ii) the signs shall not project above the roof by more than 1 m (3.2 ft.);
  - (iii) the sign does not project within 0.6 m (2 ft.) of the curb;
  - (iv) the sign does not project more than 2 m (6.4 ft.) from the face of the building; and
  - (v) the sign does not exceed 9.3 m<sup>2</sup> (100 sq. ft.) in sign area.
- (14) **Free-standing signs** may be permitted provided that:
- (i) the sign does not exceed 15 m (50 ft.) in overall height;
  - (ii) the maximum total sign area allowable is 18.6 m<sup>2</sup> (200 sq. ft.); and
  - (iii) the sign shall be a minimum of 1.5 (5 ft.) from any property line.
- (15) **Roof signs** shall not exceed 9.3 m<sup>2</sup> (100 sq. ft.) in sign area and no portion of the sign shall extend beyond the periphery of the roof on which it is located.
- (16) **Fascia signs** may be permitted provided that:
- (i) the total sign area does not exceed a ratio of 20% of the face building to which the sign is attached unless otherwise approved by the Municipal Planning Commission; and
  - (ii) it shall not project above the roof or marquee by more than 1 m (3.2 ft.).
- (17) **Awnings** shall be treated as projecting signs. However, at the discretion of the Development Authority, the minimum height clearance from the sidewalk may be relaxed.
- (18) **Bench Signs**
- One (1) Bench sign may be permitted per site at the discretion of the Municipal Planning Commission, provided that;
- (i) The bench sign is located in an approved location in accordance with this section so that it is of benefit to the general public as an amenity, not solely for the purpose of signage;
  - (ii) Exterior finish and appearance is in general conformance with surrounding land uses;
  - (iii) All bench signs shall be designed and constructed with a similar theme and appearance throughout the site and maintained to a standard as required by the Development Authority;
  - (iv) Orientation of bench signs along a public street shall be parallel to the street for the safety and security of pedestrians and community appearance;
  - (v) The setbacks are consistent for all bench signs along the same street with a minimum setback of 3.0 m (10 ft.) from a curb or 1.5 m (5 ft.) from a property line, whichever is the greater distance. In the downtown area where no front yards are required these setbacks do not apply and location shall be considered with regard to the sidewalk width and minimum required pedestrian areas at the discretion of the Development Authority;
  - (vi) Bench sign locations shall be easily accessible by pedestrians with ground cover, landscaping, elevation and location to be detailed in the application;

- (vii) Bench signs shall be located adjacent to a building, a public sidewalk or pedestrian trail and in an area where pedestrian foot traffic is common or anticipated;
  - (viii) There is an appropriate separation distance from any other Bench sign and all bench signs are located with consistent spacing requirements along the same street.
- (19) **Portable Signs**
- One (1) portable sign may be permitted per site provided that:
- (i) the sign is a minimum linear distance of 9 m (30 ft.) from an intersection of public road rights-of-way and does not affect site lines or other safety considerations from entrance/ egress to any site;
  - (ii) the sign shall not be placed upon a site so as to conflict with parking, loading or walkway areas as required by this Bylaw or as approved under a development permit unless otherwise approved by the Municipal Planning Commission;
  - (iii) the furthest limit of the sign is a minimum of 3.0 m (10 ft.) from the curb / sidewalk or 1.5 m (5 ft.) from the property line, whichever is the greater distance unless otherwise approved by the Municipal Planning Commission and the sign shall be located on private property;
  - (iv) the sign area does not exceed 6.6 m<sup>2</sup> (72 sq. ft.);
  - (v) the sign height does not exceed 3.0 m (10 ft.) above grade of the adjacent curb;
  - (vi) the sign does not have any flashing lights or arrows;
  - (vii) the site does not contain residential land uses;
  - (viii) a Portable Sign must be stabilized and anchored in a way that ensures they will not be unintentionally moved, blown over or dislocated. All methods and materials used to stabilize and anchor a portable Sign must:
    - (a) be easily removable;
    - (b) not cause tripping hazards; and
    - (c) be inconspicuous.
  - (ix) There is a minimum 30 metre (100 ft.) separation from any other Portable sign and all portable signs are located with consistent spacing requirements along the same street.
  - (x) Portable signs may be erected or displayed for any business for a maximum of **60 consecutive days** in accordance with the requirements of this section. The expiration of the sign permit shall be considered with regard to the event or thing that is being advertised. Portable signs are intended to advertise or promote events of a temporary nature and are not intended to be permanently located on any site. A business frontage shall remain free of portable signs for a minimum of **60 consecutive days** before a further permit approval for such business may be issued.
  - (xi) Where there are multiple businesses located on the same property (i.e. Strip mall developments, etc.), the site shall be considered the frontage of each business and a portable sign may be allowable for each business in accordance with the requirements of this section.
  - (xii) Portable Sign Enforcement process

- a. Where a portable sign contravenes the regulations of this Bylaw or the terms of the permit issued, the owner, or person responsible for the placement of the sign shall remove the sign or relocate or repair the sign such that it complies with this Bylaw within one day of receiving written or verbal notification from the Town.
- b. Any person who fails to comply with a notice given by the Development Officer shall permit the Town to immediately remove the portable sign.
- c. Failure to comply with a notice of contravention may result in the Development Authority refusing to issue a sign permit on the same site for a period of three (3) months.

(20) **Sandwich Board (A-Board) Signs**

A-Board signs may be permitted provided that:

- (i) In a commercial district, one (1) A-board sign may be located immediately outside of a business premises provided that:
  - (a) the A-board sign does not disrupt pedestrian traffic on the sidewalk;
  - (b) the area of the A-board sign does not exceed 2.4 m<sup>2</sup> (8 sq. ft.) in size with the height twice the width with a variance of 20% (maximum two (2) sides); and
  - (c) the A-board sign is removed on a nightly basis;
- (ii) A-board signs proposed to be located on public property or right-of-ways contrary to the regulations above shall not be permitted unless otherwise approved by the municipality.
- (iii) A-board signs shall not have a flashing device, animator or flashing beacon attached to, or operating in connection with it; and
- (iv) the A-board sign is located so that it will not cause conflict with any parking, loading or walkway facilities or be considered a traffic hazard.

(21) **Community Information Signs**

Community Information signs may be permitted in appropriate locations provided that:

- (i) limited locations are permitted to allow for maximum exposure to Town residents and visitors;
- (ii) sign content to be limited to community organizations, events, not-for-profit groups with a maximum of 20% of the sign copy area allowed to be dedicated to a for-profit sponsoring agency for a **permanent** community information sign;
- (iii) Community information signs that are to be for a permanent use shall be developed as a permanent sign with professional standards such as a **freestanding sign** with higher level of aesthetics for community appearance and shall not include **portable signs** unless otherwise permitted in this bylaw;
- (iv) The content and media displayed on any community information sign shall be determined by the Development Authority.

(22) **Billboards**

Billboards may be permitted in Commercial, Highway Commercial, Industrial, and Urban Reserve land use districts provided that:

- (i) minimum dimensions shall be 3 m (10 ft.) by 6.1 m (20 ft.), unless otherwise approved by the Municipal Planning Commission;
- (ii) Shape: Width shall be twice the height with a permitted variance of 25%;



- (iii) All signs shall be located 20 feet (6.0 m) from the highway right-of-way to the nearest part of the sign or as required by Alberta Transportation;
- (iv) No part of a sign shall be located any farther than 60 feet (18.25 m) from the highway right-of-way to the farthest part of the sign;
- (v) Minimum vertical clearance beneath a billboard: 10 feet (3.0 m) unless on the side of a building where the distance shall be at the discretion of the Municipal Planning Commission;
- (vi) Minimum radial distance between signs on the same side of the highway where the posted speed is 80km/hr or greater shall be 500 feet (152m);
- (vii) Maximum area of the billboard shall not exceed  $65\text{m}^2$ ;
- (viii) Maximum height of the billboard shall not exceed 8.0m above the average finished elevation of the site upon which is situated or at the discretion of the Development Authority;
- (ix) The billboard does not block natural light from a window of a building behind it;
- (x) The lighting of the billboard does not adversely affect residential sites and/or traffic lights;
- (xi) The location of billboards shall be according to the setback requirement for free-standing signs in the C-B and Industrial Districts but for the C-1 District, the setback requirement for a billboard from a road shall be 6.1 m (20 ft.) from the property line;
- (xii) Double-sided billboards may be permitted by the Municipal Planning Commission if the billboard is of a professional quality and it meets all other requirements of this bylaw;
- (xiii) Notwithstanding all of the factors expressed in this section, the Development Officer may recommend to the Municipal Planning Commission that a permit not be granted for a billboard if it is considered that the construction of a billboard would not be conducive to the amenity of an area;
- (xiv) All development permits for a billboard shall be reviewed by the Municipal Planning Commission;
- (xv) Notwithstanding the provisions in this section, a Billboard sign may be allowed on the side of a building if in the opinion of the Municipal Planning Commission it does not interfere with the character of the surrounding area;
- (xvi) Where a billboard is approved on the side of a building the size shall be such that it does not interfere with the character of the surrounding area and shall be at the discretion of the Municipal Planning Commission.

### **(23) *Illuminated Signs***

Illuminated Signs shall be considered a discretionary use and considered with the regulations of the corresponding sign types in this Bylaw (i.e. freestanding or billboard sign, etc.) in accordance with the following additional regulations:

- (i) An illuminated sign shall not be permitted in a location closer than a 30.0 m distance to any dwelling in a residential district in the facing direction of the illuminated sign and notification shall be sent of an illuminated sign application to residential properties within a 100m radius of the proposed location of the sign placement;
- (ii) An illuminated sign shall not be permitted in a location that may, in the opinion of the Development Authority, obscure or cause confusion with traffic lights

and traffic signs or in any way endanger progress of traffic through the streets or lanes of the Village.

- (iii) No permit shall be issued for and no person shall erect, install or maintain an illuminated sign, unless it conforms with the Alberta Safety Codes Act and regulations thereto;
- (iv) An illuminated sign must have an adjustable brightness level and the level of brightness shall be set as to not negatively affect residential properties to the reasonable satisfaction of the Development Authority;
- (v) Hours of operation and timing of changeable content shall be appropriate for the proposed location and the Development Authority may place conditions on a decision essential to maintain neighbourhood characteristics.

#### **43. 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 or credit in the amount of the estimate for the completion of the siting, renovations and finishing of the relocated building and site;
- (2) All renovations and landscaping to a relocated building are to be completed within one (1) year of the issuance of the Development Permit.
- (3) All applications for relocation of a building or structure shall be accompanied by a recent photograph of the structure. Where possible, the appearance of the structure shall be confirmed by the Development Officer;
- (4) The design, external finish and architectural appearance of any relocated structure shall be similar to complement the existing structures located on the parcels adjacent to the parcel on which it is to be located.

#### **44. Projection Into Yards**

- (1) Front Yards:
  - (i) Eaves, balconies, cantilevers, bay windows, shade projections, chimneys, un-enclosed steps and decks, may project a maximum of 2 m (6.5 ft.) over or onto a required front yard;
- (2) Side Yards:
  - (i) Eaves, shade projections, chimneys, cantilevers may project a distance not exceeding one half of the minimum side yard requirement for the lot;
  - (ii) Un-enclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Unenclosed steps and landings above grade shall be at the discretion of the Municipal Planning Commission;
  - (iii) 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:
  - (i) Eaves, balconies, bay windows, shade projections, chimneys, and cantilevers, may project a maximum of 1.5 m (4.9 ft.) over a required rear yard;
  - (ii) Unenclosed decks and steps may project a maximum of 50% of the required rear yard.

**45. Day Homes, Group Homes**

- (1) The Municipal Planning Commission shall, in deciding whether to approve or refuse a Day Home or Group Home in residential areas, 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 the existing neighbourhood.

**46. Topographic Features**

- (1) Slopes greater than 20% shall not be developed unless otherwise approved by the Development Authority and all slopes greater than 15% may require special engineering and other treatment;
- (2) Minimum Setback Requirements:  
No part of any building shall be within the following minimum setbacks, unless otherwise determined by the Development Authority:
  - (a) Setbacks from toes of slopes
    - (i) 7.6 m (25 ft.) where the slope height is below 9 m (30 ft.),
    - (ii) 22.8 m (75 ft.) where the slope height is between 9m (30 ft.) and 22.8m (75 ft.),
    - (iii) 38m (125 ft.) where the slope height exceeds 22.8m (75 ft.).
  - (b) Setbacks from brinks of slopes:
    - (i) equal to the average depth of the valley; or
    - (ii) a distance which is deemed sufficient by a geotechnical report performed by a professional engineer. A geotechnical report shall determine any necessary development setbacks on each parcel. The property boundary for the proposed parcels shall be determined to be the same as the development setback to ensure all development located on the proposed parcels is in compliance with the determined development setbacks. If the submitted geotechnical engineering reports determine that a development setback is not required from the Brink of Slope, the property boundary may be determined to be the brink of slope and the setbacks shall be determined to be the same as the appropriate land use district yard requirements.

**47. 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:
  - (i) the second or additional dwelling(s) is contained in a building designed for or divided into two or more dwelling units;
  - (ii) the Municipal Planning Commission may issue a permit for a second dwelling on a parcel, if it believes that the proposal would not:

- unduly interfere with the amenities of the neighborhood;
- materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
- the proposed development conforms with the use prescribed for that land or building in this Bylaw.

#### **48. 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.

#### **49. Manufactured Homes**

- (1) All manufactured homes shall be C.S.A. approved;
- (2) A permanent foundation shall be provided on the stand of each manufactured home subdivision lot capable of supporting the maximum anticipated load of the manufactured home at all seasons without settlement or other movement. The foundation shall comply with the Alberta Building Code;
- (3) All manufactured homes shall have a minimum width of 4.3m (14 ft.)
- (4) 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;
- (5) 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.
- (6) Manufactured Homes constructed prior to 1998 may 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 and is similar in character and appearance to new Manufactured Homes.

#### **50. Modular Homes**

- (1) Modular homes are not to be considered as manufactured homes under this Bylaw and shall be similar in appearance to conventional dwellings in the neighbourhood;
- (2) Modular homes shall at minimum, contain the following design features:
  - (a) a minimum roof pitch of 10 cm of vertical rise for every 30 cm of horizontal run (4:12 pitch);
  - (b) have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles, or hand split shakes;
  - (c) have a minimum roof overhang or eaves of 41 cm (16 in.) from the primary surface of each façade;
  - (d) the length of the modular home shall not be greater than 3 times the width;
  - (e) the modular home shall be placed on a permanent foundation or basement; and
  - (f) the modular home shall contain build-outs, glazing, windows and exterior features that are consistent with conventional dwellings.

## **51. Irregular Shaped Lots**

- (1) Irregular shaped lots must meet the minimum lot width at the minimum front yard setback line, unless the Subdivision/ Development Authority determines that the configuration of the parcel and adjacent parcels warrants a lesser lot width;
- (2) The Subdivision/ Development authority shall ensure that the lot frontage width is wide enough to accommodate front driveway and landscaping requirements;
- (3) The minimum front yard requirements shall be measured from the nearest point of the arc or property line on any irregular shaped lot to the nearest point of the foundation. On Corner Lots the front yard requirement shall be measured from the front property line and not the corner cut-off.
- (4) For irregular shaped lots other than those described above, siting of developments shall be at the discretion of the Municipal Planning Commission.

## **52. Landscaping & Screening**

- (1) Garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares including lanes;
- (2) Non-residential developments abutting a residential district shall be screened from view to the satisfaction of the Development Authority;
- (3) Attached housing and apartment complexes shall store garbage and waste material in a single weather and animal proof container, designed and located on the site to the satisfaction of the Development Authority;
- (4) If permitted, outside storage areas of commercial and industrial materials and equipment shall be screened from adjacent sites and public thoroughfares;

- (5) The boulevard (where existing) and a minimum of 10% of the site area must be landscaped in accordance with a landscaping plan approved by the Municipal Planning Commission;
- (6) A minimum of 15% of the site area for attached housing and apartment complexes shall be landscaped or developed in order that it can be utilized as an amenity area;
- (7) Any trees or shrubs that die and that were planted under an approved landscaping plan, must be replaced the next planting season with an appropriate replacement as approved by the Development Authority.

### 53. Bed & Breakfast Establishments

- (1) Off street parking shall be provided with a minimum of one stall per owner plus one stall per guest room;
- (2) One sign not exceeding 0.37 m<sup>2</sup> (4.0 ft.<sup>2</sup>) may be posted on a building to advertise a Bed & Breakfast establishment. Appearance of the sign shall be of a professional quality to the satisfaction of the Development Authority;
- (3) The Municipal Planning Commission may approve the sign referred to in subsection (2) to be freestanding on the parcel;
- (4) All development permits issued for Bed & Breakfast establishments shall be revocable at any time, if in the opinion of the Development Authority, the use is or has become detrimental to the amenities of the neighbourhood;

### 54. 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:

The SWES tower base shall be no closer to a dwelling unit on an **adjacent** property 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.

(4) 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.

(5) Consultation Requirements

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

(6) 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.

## 55. Renewable Energy Systems

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 green house gas emissions and to promote sustainability objectives within the Town. 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 shall meet the minimum requirements for accessory buildings and uses in the applicable land use district including setbacks and height; and

(b) Renewable energy systems shall be considered a discretionary use in all land use districts.

**56. Communication Tower**

- (a) All communications towers require a development permit;
- (b) All communications tower permit applications shall include a site plan drawn to an appropriate scale identifying site boundaries; tower elevations; guy wire anchor locations; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed or replaced; and the uses and structures on the parcel and abutting parcels;
- (c) The height of the tower structure is limited to the maximum height limit of the respective district, but antennas may be situated above that;
- (d) Unless demonstrated impractical, communications towers shall be mounted on existing structures, including buildings or towers, or within transportation and utility corridors;
- (e) A communication tower and antenna shall only be located in a rear yard, or a side yard that does not abut a street;
- (f) On a corner parcel, a communications tower shall be situated so that no part of it is closer to the street than the main building;
- (g) A communications tower base shall be setback from abutting parcels and roadways as required by the Development Authority;
- (h) The appearance of a communications tower, including but not limited to landscaping and fencing, shall be to the satisfaction of the Municipal Planning Commission;
- (i) The Development Authority may require the applicant for a communications tower, as they may have a potential to have an adverse effect on the surrounding community, to undertake community consultation prior to an application being made. The applicant is required to submit a summary of their community consultation with the application outlining neighbours concerns and how these concerns will be addressed or why they cannot be addressed;
- (j) Industry Canada has the authority under the *Radiocommunications Act* to issue authorizations for the location of radio communication installations, and to approve all masts, towers and other antenna-supporting structures. Industry Canada considers the following when making decisions regarding communications installations: input from local land use authorities; compliance with NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety; Health CANADA's guidelines respecting limits of exposure to radio frequency fields; and any requirements outlined under the federal *Environmental Assessment Act*.

**57. Drive Through**

The following regulations shall apply to the development of drive through services that are applied for in connection with another use:

- (1) If outdoor speakers are provided, they shall be:
  - a) a minimum of 20 meters (66 ft.) from the property boundary of a parcel designated as a residential district; or
  - b) separated from a residential district by a building; or
  - c) appropriately screened and/ or designed so that the noise from the speaker does not adversely affect adjacent residential land uses at the discretion of the approving authority.
- (2) Drive through aisles shall be appropriately screened from residential land uses and/or not located within 20 meters (66 ft.) of a residential building at the discretion of the approving authority;



- (3) Drive through aisles may be located in a required setback area if there are no safety or nuisance concerns identified with adjacent land uses or if any concerns are sufficiently remedied;
- (4) A drive through window should not provide direct access to any street or adjacent property; In cases where there are no options and pedestrian connections are required across the stacking lanes, they should be demarcated with continuous paving and appropriate signage for motorists to slow down,
- (5) Must have a minimum 5 vehicle stacking spaces per order board or ordering window for the purpose of queuing vehicles;
- (6) Requires a minimum of 3 vehicle parking stalls.
- (7) Height of pick up windows should be accessible to all vehicle types.
- (8) Waste receptacles should be in close proximity to drive through.

**58. Walk-Up Window**

The following regulations shall apply to the development of a "Walk-Up Window" that are applied for in connection with another use:

- (1) A walk-up window should not be placed in a manner where it impedes with pedestrian or vehicular traffic.
- (2) Pedestrian routes to the walk-up window shall be located away from primary traffic circulation and must be clearly identified.
- (3) Height of pick up walk-up windows should be accessible to all customers.
- (4) Waste receptacles should be in close proximity to walk-up windows.

**59. Forms**

- (1) Forms used in conjunction with this Bylaw shall be approved by the Chief Administrative Officer.

**PART VIII**

***Land Use District Map***

(available separately)

**APPENDIX A**  
**Forms**

(Forms provided for information purposes, but do NOT form part of this bylaw)

FORM A	APPLICATION FOR A DEVELOPMENT PERMIT
FORM B	APPLICATION FOR A DEVELOPMENT PERMIT (HOME OCCUPATION)
FORM C	STOP ORDER / ORDER OF COMPLIANCE
FORM D	LAND USE BYLAW/ STATUTORY PLAN AMENDMENT APPLICATION FORM
FORM E	APPLICATION FOR SUBDIVISION OR DEVELOPMENT APPEAL
FORM F	NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING
FORM G	NOTICE OF DECISION ON APPLICATION FOR A DEVELOPMENT PERMIT
FORM H	NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD
FORM I	TIME EXTENSION AGREEMENT FOR DEVELOPMENT PERMIT
FORM J	APPLICATION FOR A DEMOLITION PERMIT

Application # \_\_\_\_\_

Tax Roll # \_\_\_\_\_

Date Received \_\_\_\_\_

Application Fee \_\_\_\_\_

FORM A

**APPLICATION FOR A DEVELOPMENT PERMIT**

I / We hereby make application for a development permit under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith which form part of this application.

**APPLICANT INFORMATION:**

NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**REGISTERED OWNER OF LAND (if different from applicant):**

NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**LOCATION OF PROPOSED DEVELOPMENT:**

CIVIC ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Plan No. \_\_\_\_\_

All / Part of the \_\_\_\_\_ 1/4 Section \_\_\_\_\_ Twp. \_\_\_\_\_ Range \_\_\_\_\_ West of 4<sup>th</sup> Meridian.

EXISTING USE OF PROPERTY: \_\_\_\_\_ LAND USE DISTRICT: \_\_\_\_\_

**DETAILS OF DEVELOPMENT:**

Proposed Use: \_\_\_\_\_

Property Line Setbacks: Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side: \_\_\_\_\_ Side: \_\_\_\_\_

Height: \_\_\_\_\_ Floor Area: \_\_\_\_\_ Site Coverage: \_\_\_\_\_ %

Off-Street Parking Provided: \_\_\_\_\_

Estimated Commencement: \_\_\_\_\_ Completion: \_\_\_\_\_

Interest Of Applicant If Not Owner Of Property: \_\_\_\_\_

Site Plan Attached: Yes ☐ No ☐

Signature Of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature Of Registered Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE:** **THIS IS NOT A BUILDING PERMIT** (such permit must be obtained separately).

The applicant is not excused from complying with the requirements of any federal, provincial or other municipal legislation, or the conditions of any easement, covenant, building scheme or agreement affecting the building or land.

**IMPORTANT: SEE REVERSE SIDE**

## **IMPORTANT NOTES:**

1. A Development Permit issued pursuant to the Land Use Bylaw for a discretionary use, a relocated building or where a relaxation to the Land Use Bylaw requirements was approved shall not be valid until the lapse of twenty-one (21) days after the notice of decision to grant a permit has been advertised in accordance with the Land use Bylaw requirements.
2. A Development Permit issued pursuant to the Land Use Bylaw is not a Building Permit and work or construction shall neither commence nor proceed until a Building Permit has been issued pursuant to all applicable bylaws and regulations.
3. If the development authorized by a Development permit is not commenced within twelve (12) months from the date of its issue, and completed within twenty-four (24) months of the date of its issue, the permit is deemed to be void unless an extension to this period shall first have been granted by the Development Authority.
4. When an appeal is made pursuant to the Land Use Bylaw a Development Permit which has been granted shall not be valid. The decision of the Subdivision and Development Appeal Board shall replace the previous decision.
5. Every application for a Development Permit shall be made by submitting to the Development Officer the prescribed form completed in duplicate, signed by the owner or his agent, and accompanied by the following:
  - a) if required by the Development Officer, building plans in duplicate, showing:
    - i) floor plans;
    - ii) elevations;
    - iii) exterior finishing materials.
  - b) site plans, in duplicate, showing:
    - i) the legal description and municipal address;
    - ii) dimensions of the site;
    - iii) if required by the Development Officer, utilities, site drainage, finished lot grades, the grades of the street and the location of proposed sewer and water lines of all proposed and existing buildings and structures including retaining walls, trees, landscaping and other features;
    - iv) a surveyor's certificate if required by the Development Officer.
  - c) an application for multiple family, commercial, industrial, recreational and institutional uses shall show:
    - i) loading and parking provisions;
    - ii) access locations to and from the site;
    - iii) garbage and storage areas and the fencing and screening proposed for same;
    - iv) location and approximate dimensions of existing and proposed culverts and crossings.
  - d) such other information as the Development Officer may require or as required in the Land Use Bylaw requirements.
  - e) Development Permit Fee as determined by Council.

## **APPEAL PROCEDURE:**

6. An appeal of a decision of the Development Authority may be made by an affected person by serving written notice of appeal to the Secretary of the Development Appeal Board of the Village of Linden within twenty one (21) days after the notice of decision is given pursuant to the Land Use Bylaw notice requirements (as per Section 1 above).

FOR ADMINISTRATIVE USE ONLY

Application # \_\_\_\_\_

Tax Roll # \_\_\_\_\_

Date Received \_\_\_\_\_

Application Fee \_\_\_\_\_

**FORM B**  
**APPLICATION FOR A DEVELOPMENT PERMIT**  
**(HOME OCCUPATION)**

I / We hereby make application for a development permit under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith which form part of this application.

**APPLICANT INFORMATION:**

NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**REGISTERED OWNER OF LAND (if different from applicant):**

NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**LOCATION OF PROPOSED HOME OCCUPATION:**

CIVIC ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Reg. Plan No. \_\_\_\_\_

All / Part of the \_\_\_\_\_ 1/4 Section \_\_\_\_\_ Twp. \_\_\_\_\_ Range \_\_\_\_\_ West of 4<sup>th</sup> Meridian.

EXISTING USE OF PROPERTY: \_\_\_\_\_ LAND USE DISTRICT: \_\_\_\_\_

**DETAILS OF HOME OCCUPATION:**

Details of Business: \_\_\_\_\_

\_\_\_\_\_

Details Of Equipment And Materials Used In Business: \_\_\_\_\_

\_\_\_\_\_

Details Regarding Storage Of Equipment/ Materials: \_\_\_\_\_

\_\_\_\_\_

Number Of Employees: \_\_\_\_\_ Signage: \_\_\_\_\_

The business is performed: On-site ☐ Off-site ☐

Is the property used for office and administrative work only? Yes ☐ No ☐

What part of the dwelling/ property is to be used for the business? \_\_\_\_\_ sq. ft. \_\_\_\_\_ %

Office ☐ Accessory Building ☐ Rear Yard ☐

Vehicle used in the Business: \_\_\_\_\_

Additional Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature Of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature Of Registered Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**FORM C**  
**STOP ORDER/ ORDER OF COMPLIANCE**

ORDER NO. \_\_\_\_\_

**YOU ARE HEREBY NOTIFIED IN RESPECT OF THE DEVELOPMENT INVOLVING:**

\_\_\_\_\_

**LOCATION OF DEVELOPMENT:**

CIVIC ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Reg. Plan No. \_\_\_\_\_

All / Part of the \_\_\_\_\_ 1/4 Section \_\_\_\_\_ Twp. \_\_\_\_\_ Range \_\_\_\_\_ West of 4<sup>th</sup> Meridian.

**THAT THIS DEVELOPMENT IS NOT IN ACCORDANCE WITH:**

The ***Municipal Government Act***, in respect to

\_\_\_\_\_

The ***Land Use Bylaw***, in respect to

\_\_\_\_\_

***Development Permit No.*** \_\_\_\_\_, in respect to

\_\_\_\_\_

THEREFORE, pursuant to the Land Use Bylaw and the ***Municipal Government Act***, you are hereby ordered to:

- ☐ Stop the Development
- ☐ Demolish/ remove/ replace the development
- ☐ Take the following measures

\_\_\_\_\_

**This order shall be complied with by** \_\_\_\_\_.

Failure or refusal to comply with this Order may result in the Council of the Village of Linden or a person or persons appointed by it, entering upon the land or building and taking such action as is necessary to carry



out the Order. In such circumstances, the Council shall cause the costs incurred to be placed on the tax roll, as an additional tax against the property concerned.

You may appeal this Order to the Subdivision and Development Appeal Board in accordance with the provisions of the Land Use Bylaw. Such an appeal shall be made in writing and shall be delivered personally or mailed so as to reach the secretary of the Subdivision and Development Appeal Board at the Village Office within 21 days following the date of issue of this notice.

DATE OF ISSUE OF ORDER:\_\_\_\_\_

SIGNATURE :\_\_\_\_\_  
(Development Officer)

FOR OFFICE USE ONLY					
Date received:		File Number		Fee Paid:	
Date accepted as complete:		Receipt Number:			

**OWNER AND APPLICANT INFORMATION**

Name of Registered Owner :	
Phone: Home /Cell:	Address:
Work / Fax:	City: Province
Email Address:	Postal Code
Name of Agent Authorized to Act On Behalf of Registered Owner :	
Phone: Home /Cell:	Address:
Work / Fax:	City: Province
Email Address:	Postal Code

**LEGAL LAND DESCRIPTION**

Qtr / LSD	Sec.	Twp.	Rge.	Meridian	Lot:			
				W 4 <sup>th</sup> M	Block:		Plan:	
MUNICIPALITY								

**LAND USE**

Existing Use of Land	<input type="checkbox"/> Agriculture Other:	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Recreational
Proposed Use of Land	<input type="checkbox"/> Agriculture Other:	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Recreational

**TO THE COUNCIL AND PALLISER REGIONAL MUNICIPAL SERVICES, PLEASE ACCEPT THIS APPLICATION TO:**

Amend from \_\_\_\_\_ to \_\_\_\_\_

SIZE OF THE EXISTING PARCEL (S) \_\_\_\_\_

PROPOSAL: \_\_\_\_\_

I / WE SUBMIT THE FOLLOWING IN SUPPORT OF MY/OUR APPLICATION: \_\_\_\_\_

(Attach any additional information.)

I / We certify that the information given on this form and attachments hereto are full and complete and are to the best of my/our knowledge a true statement of the facts concerning this application, and I / we are the registered owner(s).

**REGISTERED OWNER OR PERSON ACTING ON THE REGISTERED OWNER'S BEHALF**

I \_\_\_\_\_ hereby certify that ☐ I am the registered owner, or  
(Print Full Name) ☐ I am the agent authorized to act on behalf of the registered

owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision.

Address \_\_\_\_\_ (Signed) \_\_\_\_\_

Phone No. \_\_\_\_\_ Date \_\_\_\_\_

---

**RIGHT OF ENTRY**

I hereby authorize representatives of Palliser Regional Municipal Services and referral agencies to enter my land for the purpose of conducting a site inspection with respect to my subdivision application.

This right is granted pursuant to Section 653(2) of the Municipal Government Act.

\_\_\_\_\_  
Registered Owner's Signature

***Further information may be provided by the Applicant on the reverse of this form.***

---

**PURPOSE OF THE PROPOSED AMENDMENT (Attach a detailed sketch if related to a specific parcel of land)**

In the space below please provide a detailed summary of the purpose of your amendment application. Then attach a detailed sketch that **must show the location, dimensions, and boundaries of the proposed amendment** in relation to the existing title. The sketch should also **show all buildings, structures and other improvements on the land**, and indicate if they are to remain or to be demolished; the location of any existing sewage disposal systems on the land, the location of any wells, and the location of other features such as shelter belts, railways, creeks or other waterbodies, low land, other significant natural features, and any rights of way.

---

**THE FOLLOWING SHOULD ACCOMPANY THIS APPLICATION**

1. A photocopy of the current title for the property.
2. A non-refundable **application fee** made **payable to Palliser Regional Municipal Services**

---

**THIS SECTION FOR OFFICIAL USE:**

**DECISION:** Circulated (date) \_\_\_\_\_

Public Hearing (date) \_\_\_\_\_

1<sup>st</sup> Reading of Bylaw No. \_\_\_\_\_ (date) \_\_\_\_\_

2<sup>nd</sup> Reading of Bylaw No. \_\_\_\_\_ (date) \_\_\_\_\_

The reasons for this decision are stated in the attached memorandum

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Authorized Officer of Approving Authority)

FOR ADMINISTRATIVE USE ONLY

Application # \_\_\_\_\_

Tax Roll # \_\_\_\_\_

Date Received \_\_\_\_\_

Application Fee \_\_\_\_\_

**FORM E**  
**APPLICATION FOR SUBDIVISION OR DEVELOPMENT APPEAL**

**APPLICANT INFORMATION:**

NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**I/We hereby appeal the decision, order or permit issued by the  
Subdivision/ Development Authority with regard to:**

APPLICATION NO. \_\_\_\_\_

Proposed Subdivision/ Development: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reasons for Appeal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**FORM F**  
**NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING**

DEVELOPMENT PERMIT/ SUBDIVISION APPLICATION NO. \_\_\_\_\_

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD against a decision in respect of Development Permit/ Subdivision Application No. \_\_\_\_\_ which involves a development/ subdivision described as follows:

---

---

---

The decision of the Development Officer/Subdivision Authority was to:

**APPROVE**

☐

**APPROVE (with conditions)**

☐

**REFUSE**

☐

the development permit/subdivision application, with the following conditions/for the following reasons:

A Public Hearing of the Subdivision and Development Appeal Board has been scheduled, at which point the Board will hear arguments both for and against the above noted appeal.

**PLACE OF HEARING:** \_\_\_\_\_

**TIME OF HEARING:** \_\_\_\_\_

**DATE OF HEARING:** \_\_\_\_\_

Any person affected by the proposed development/subdivision has the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons submitting the written briefs to the Secretary of the Subdivision and Development Appeal Board shall do so not later than

\_\_\_\_\_.

**FORM G**  
(For Office Use)

**NOTICE OF DECISION ON APPLICATION FOR A DEVELOPMENT PERMIT**

**APPLICATION NO.:** \_\_\_\_\_

**APPLICANT INFORMATION:**

NAME: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**LOCATION OF PROPOSED DEVELOPMENT:**

CIVIC ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Plan No. \_\_\_\_\_

All / Part of the \_\_\_\_\_ 1/4 Section \_\_\_\_\_ Twp. \_\_\_\_\_ Range \_\_\_\_\_ West of 4<sup>th</sup> Meridian.

The Development as specified in Application No. \_\_\_\_\_ has been:

☐

**APPROVED**

☐

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

**Applicant to obtain Building Permit & Inspections from Palliser Regional Municipal Services**

☐

**Municipal setback to be maintained as follows:**

\_\_\_\_ Feet from the boundary of the municipal road

\_\_\_\_ Feet from the front boundaries

\_\_\_\_ Feet from the side lot boundaries

\_\_\_\_ Feet from the rear boundaries

☐

**Application to obtain Approved Plumbing and/or Sewage Disposal Permit from Palliser Regional Municipal Services**

☐

**Application to obtain Approved Electrical Permit & Inspection from Palliser Regional Municipal Services**

☐

**Application to obtain Approved Gas or Propane hook-up Permit & Inspection from Palliser Regional Municipal Services**

☐

**Other:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

☐

**REFUSED FOR THE FOLLOWING REASON(S):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Date of Decision**

\_\_\_\_\_  
**Development Officer**

**Notice of Decision issued on the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** \_\_\_\_\_.

**NOTE:**

A Development Permit issued pursuant to the Land Use Bylaw for a discretionary use or where a relaxation to the Land Use Bylaw requirements was approved shall not be valid until the lapse of fourteen (14) days after the notice of decision to grant a permit has been advertised in accordance with the Land use Bylaw requirements. If an appeal is lodged pursuant to the Municipal Government Act, a permit does not take effect until the Subdivision and Development Appeal Board has determined the appeal.

**APPEAL PROCEDURE:**

An appeal of a decision of the Development Authority may be made by an affected person by serving written notice of appeal to the Secretary of the Development Appeal Board of the Village of Linden Subdivision and Development Appeal Board within twenty one (21) days after the notice of decision is given pursuant to the Land Use Bylaw notice requirements.

**FORM H**  
**NOTICE OF DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

APPLICATION/SUBDIVISION NO.: \_\_\_\_\_

This is to notify you that an appeal against the

**APPROVAL**

☐

**APPROVAL WITH CONDITIONS**

☐

**REFUSAL**

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of a development permit/subdivision application with regard to the following:

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was considered by the Subdivision and Development Appeal Board on \_\_\_\_\_, and the decision of the Subdivision and Development Appeal Board with regard to the appeal is as follows:

**FINDINGS OF FACT:**

**DECISION:**

**REASONS:**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Secretary of Subdivision  
and Development Appeal Board

**NOTE:** A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons and is 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 the Appellate Division of the Supreme Court of Alberta 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.



**FORM I**  
**TIME EXTENSION AGREEMENT FOR DEVELOPMENT PERMIT**

Memorandum of AGREEMENT made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

**BETWEEN:**

The Village of Linden  
(hereinafter referred to as "the Village")

**OF THE FIRST PART**

-- and --

\_\_\_\_\_  
(hereinafter referred to as "the Developer")

**OF THE SECOND PART**

**WHEREAS**, the Developer wishes to develop those lands shown on the Application for a Development Permit Number \_\_\_\_\_, and dated \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**AND WHEREAS**, the developer wishes to extend the time period for processing the development application beyond the normal 40 day period.

**AND WHEREAS**, the Village has received Form A and agrees to extend the time period for processing the development application as stipulated in the Municipal Government Act.

**NOW THEREFORE THIS AGREEMENT WITNESSES AND THE PARTIES AGREE AS FOLLOWS:**

The time period to process the development permit application is extended up to and including the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**IN WITNESS WHEREOF**, the Developer and the Village have caused to be hereto affixed their respective Corporate Seals or signatures, the day and year first written above.

**Village of Linden**

\_\_\_\_\_  
Development Officer

\_\_\_\_\_  
Applicant for Development Permit

Application # \_\_\_\_\_

Tax Roll # \_\_\_\_\_

Date Received \_\_\_\_\_

Application Fee \_\_\_\_\_

## FORM J APPLICATION FOR DEMOLITION PERMIT

Date of Application: \_\_\_\_\_

**1. REGISTERED LANDOWNER INFORMATION**

Name(s): \_\_\_\_\_ (Please Print)

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: (Res.): \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

**APPLICANT OR PERSON AUTHORIZED TO ACT ON BEHALF OF THE REGISTERED OWNER**

(If different than Registered Owner):

Name: \_\_\_\_\_ (Please Print)

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: (Res.) \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

I hereby certify that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for development approval.

Signature of Registered Owner(s) (Required)

Signature of Person acting on Behalf of Registered Owner(s)

**2. LEGAL LAND DESCRIPTION**

Plan: \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Civic Address of Proposed Demolition: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Land Use District (Zoning): \_\_\_\_\_

Parcel Type (Check one) ☐ Interior Lot ☐ Corner Lot Parcel Area: \_\_\_\_\_**3. GENERAL DETAILS**

a) Description of structure(s) to be demolished \_\_\_\_\_

b) Demolition materials removed to: ☐ Transfer Station ☐ Other (Please specify) \_\_\_\_\_

c) Estimated Cost of Project or Contract Price \_\_\_\_\_

d) Estimated Commencement Date: \_\_\_\_\_ Completion on or before: \_\_\_\_\_

f) Contractor Name &amp; Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

**4. ALBERTA BUILDING CODE GENERAL REQUIREMENTS FOR DEMOLITION:**

1. Article 8.2.2.9: Services shall be shut off and gas and fuel lines shall be capped in a building being demolished.

2. Article 8.2.3.4: Portable fire extinguishers shall be installed and maintained in conformance with the requirements of NFPA

10 'Standard for Portable Fire Extinguishers'. The minimum rating for this site is a 2A: 10-B:C on the truck.

3. Article 8.2.72: Waste material shall be removed as quickly as possible from the site by means of an appropriate container.

4. Article 8.1.2.2: Where a building is undergoing demolition, precautions shall be taken to ensure that no person is exposed to undue risk. If basement is not in -filled excavation must be protected with a six foot chain link enclosure

*I agree to carry out this demolition work in conformance to all Village of Linden Bylaws and the Alberta Building Code. Permission to do this work shall not relieve owners or agents from full responsibility for carrying out the work in strict accordance with the Village of Linden Bylaws, the Alberta Building Code and other conditions of this permit.*

Authorized Signature: \_\_\_\_\_

- Please see reverse -

PLEASE NOTE: It is the responsibility of the APPLICANT/CONTRACTOR to ensure that all meters and services connected have been removed before demolition begins. Failure to do so could result in penalties being levied as per the Village of Linden Land Use Bylaw.

A final inspection must be completed upon completion of the demolition. Please contact Palliser Regional Municipal Services to arrange for an inspection.