


# Village of Warner

## Land Use Bylaw

## No. 538-12

September 2013

Consolidated to Bylaw No. 655-26, May 2026



Prepared by



OLDMAN RIVER REGIONAL SERVICES COMMISSION

# VILLAGE OF WARNER
# IN THE PROVINCE OF ALBERTA

## BYLAW NO. 538-12

BEING a bylaw of the Village of Warner in the Province of Alberta, to adopt a Land Use Bylaw pursuant to section 639 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended and provide for its consideration at a public hearing;

AND WHEREAS, the Council of the Village of Warner wishes to adopt a new Land Use Bylaw for the purposes of:

- updating and establishing standards and procedures regarding the use and development of land within the municipality;
- incorporating new development standards for uses within the Village;
- amending the existing Land Use District Map to reflect land use redesignations and new districts; and
- complying with the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

AND WHEREAS the purpose of proposed Bylaw No. 538-12 is to foster orderly growth and development within the Village;

AND WHEREAS, a public hearing was conducted in accordance with Section 692 of the Act;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council duly assembled does hereby enact the following:

1. Bylaw No. 464-98, being the former Land Use Bylaw, and any amendments thereto, is hereby rescinded.
2. Bylaw No. 538-12 shall come into effect upon third and final reading thereof.
3. Bylaw No. 538-12 is hereby adopted.

READ a **first** time this 21st day of August 2013.

***Mayor*** – *Jon Hood* ***Administrator*** – *Lisa Carroll*

READ a **second** time this 18th day of September 2013, as amended.

***Mayor*** – *Jon Hood* ***Administrator*** – *Lisa Carroll*

READ a **third** time and finally PASSED this 18th day of September 2013, as amended.

***Mayor*** – *Jon Hood* ***Administrator*** – *Lisa Carroll*

# Village of Warner Land Use Bylaw No. 538-12 – Amendments

| Bylaw No. | Amendment Description | Legal Description | Passed |
|---|---|---|---|
| 555-14 | Amend Part 5, Section 1.2(f)" | | 16-Jul-2014 |
| 560-14 | Lane closure to "Public and Institutional – PI" | Lane adjacent to Lots 1-12 and lane adjacent to and lying north of Lots 13-20, Block 31, Plan 6442Y | 21-Jan-2015 |
| 570-16 | Classify "Auto body and paint shop" as a discretionary use in the Commercial (C) district | | 20-Apr-2016 |
| 599-18 | Various text amendments to classify a retail cannabis store as a discretionary use in the Commercial – C district and include use specific standards, classify a cannabis production facility as a discretionary use in the Industrial – I district and include use specific standards, and include associated definitions and amendments | | 17-Oct-2018 |
| 595-19 | Various text amendments to clarify the role of the approval authorities, update administrative processes and timelines for determining complete applications and issuing notification for development and subdivision, update appeal timelines, update and enhance other administrative requirements for clarity and ease of use, enhance the standards for residential fencing, add general contractor use and lumber yard use as a discretionary use in the commercial land use districts, and correct minor clerical errors | | 17-Apr-2019 |
| 596-19 | "Public and Institutional – PI" to "Commercial – C" | Lots 13-19, Block 8, Plan 4068N | 20-Mar-2019 |
| 604-21 | "Public and Institutional – PI" to "Residential - R" | Lot 33, Block 17, Plan 0813561 | 26-June-2021 |
| 606-21 | "Public and Institutional - PI" to "Commercial - C" | Lots 15-17, Block 15, Plan 4068N | 19-Jan-2022 |
| Update Appendix B – Fee Schedule<br>Rates Bylaw 621-23 | | | |
| 632-24 | "Public and Institutional – PI" to "Residential – R" | Lots 21-32, Block 31, Plan 6442Y | 16-Oct-2024 |
| 634-24 | "Public and Institutional – PI" to "Commercial – C" | Lots 11 and 12, Block 15, Plan 4068N | 18-Dec-2024 |
| 635-24 | Addition of Mixed-use commercial/residential building as a use within the land use bylaw, including use specific standards and definitions.<br><br>Classify the mixed-use commercial/residential building as a discretionary use in the Commercial-C land use district and classify Office use and Financial institution use as discretionary uses in the Public and Institutional - PI land use district. | | 18-Dec-2024 |
| 639-25 | "Commercial – C" to "Residential – R" | Lots 14 to 17 Inclusive, Block 15, Plan 4068N | 21-May-2025 |
| Update Appendix C – Subdivision and Development Authority and<br>Municipal Planning Commission Bylaw 650-25 | | | |
| 655-26 | No Land Use to "Public and Institutional – PI" | Portions of Lot 1, Block 41 and Lot 35PUL, Block 16, Plan 1911323 and Portion of Lot 36, Block 16, Plan 1911323 | 20-May-2026 |
| | No Land Use to "Residential – R"<br>"Public and Institutional – PI" to "Residential -R" | Portions of Lots 32-34, Block 16, Plan 191323<br>Portions of Lots 58-61, Block 15, Plan 1911323 | |

| | | | |
|---|---|---|---|
| | "Public and Institutional – PI" to "Residential Manufactured Home – RMH" | Lots 58-60, Block 15, Plan 1911323 | |

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# PART 1 – Administration

# VILLAGE OF WARNER
# LAND USE BYLAW NO. 538-12

## PART 1 – Administration

### GENERAL

**SECTION 1 TITLE**

1.1 This bylaw may be cited as the "Village of Warner Land Use Bylaw."

**SECTION 2 PURPOSE**

2.1 In compliance with section 640 of the *Municipal Government Act*, this bylaw serves to regulate and control the use and development of land and buildings within the Village of Warner to achieve orderly, efficient, economical and beneficial development.

**SECTION 3 EFFECTIVE DATE**

3.1 This bylaw shall come into effect upon third and final reading thereof.

**SECTION 4 REPEAL OF FORMER BYLAW**

4.1 Village of Warner Land Use Bylaw No. 464-98 and amendments thereto are hereby repealed.

**SECTION 5 SEVERABILITY**

5.1 If any provision of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

**SECTION 6 COMPLIANCE WITH THE LAND USE BYLAW**

6.1 No development, other than those designated in Part 5 (Development Not Requiring a Permit), shall be undertaken within the Village unless a development application has been approved and a development permit has been issued.

6.2 Notwithstanding subsection 6.1, while a development permit may not be required pursuant to Part 5, development shall comply with all regulations of this bylaw.

**SECTION 7 COMPLIANCE WITH OTHER LEGISLATION**

7.1 Compliance with the requirements of this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or

federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

## SECTION 8 RULES OF INTERPRETATION AND DEFINITIONS

8.1 Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The *Interpretation Act, Chapter I-8, RSA 2000, as amended,* shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not.

8.2 The written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict.

8.3 The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

8.4 Refer to Part 9 for definitions.

## SECTION 9 MEASURMENTS AND STANDARDS

9.1 All units of measure contained within this bylaw are metric (SI) standards. Imperial measurements and conversions are provided for information only.

## SECTION 10 FORMS, NOTICES AND FEES

10.1 For the purposes of administering the provisions of this bylaw, Council may authorize by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this bylaw in execution of the purpose for which they are designed, authorized and issued.

10.2 Application forms and notices are included in Appendix A.

10.3 Fees are included in Appendix B.

10.4 Refund of application fees requires approval of the Village Council.

10.5 In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer and shall be consistent with those fees listed in the schedule for similar developments.

10.6 If development is commenced without a valid development permit an additional fee, in the amount prescribed under the fee schedule, shall be payable upon application for the development permit.

**SECTION 11 APPENDICES**

11.1 Appendices A and B attached hereto are for information purposes only and may be amended from time to time independent of this bylaw.

# APPROVING AUTHORITIES

**SECTION 12 DEVELOPMENT AUTHORITY**

12.1 The Development Authority is established in accordance with the Village of Warner Subdivision and Development Authority/Municipal Planning Commission Bylaw. For the purposes of the Land Use Bylaw, the Development Authority is the Development Officer (a Designated Officer) and the Municipal Planning Commission.

12.2 The Development Officer is an authorized person in accordance with section 624 of the *Municipal Government Act*.

12.3 In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Municipal Planning Commission;

(b) Chief Administrative Officer; or

(c) a designate(s) in accordance with the *Municipal Government Act.*

12.4 The Development Authority shall perform such powers and duties as are specified:

(a) in the Village of Warner Subdivision and Development Authority/Municipal Planning Commission Bylaw;

(b) in this bylaw;

(c) in the *Municipal Government Act*;

(d) where applicable, by resolution of Council.

**SECTION 13 SUBDIVISION AUTHORITY**

13.1 The Subdivision Authority is authorized to make decisions on applications for subdivision pursuant to the Village of Warner Subdivision and Development Authority/Municipal Planning Commission Bylaw, and shall perform such powers and duties as are specified:

(a) in the Village of Warner Subdivision and Development Authority/Municipal Planning Commission Bylaw;

(b) in this bylaw;

(c) in the *Municipal Government Act*;

(d) where applicable, by resolution of Council.

13.2 The Subdivision Authority may delegate, through any of the methods described in subsection 13.1, to an individual, municipal staff, or a regional service commission, any of its functions and duties in the processing of subdivision applications. In respect of this:

(a) the delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application.

(b) The Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of this bylaw, including the task of sending all required notifications to applicants as stipulated.

## SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

14.1 The office of Development Officer is hereby established and such office shall be filled by one or more persons as appointed by resolution of Council. The Development Officer is a Designated Officer for the purposes of this bylaw.

14.2 The Development Officer:

(a) shall receive and process all applications for development permits and determine whether a development permit application is complete in accordance with Part 1, Section 28;

(b) shall maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;

(c) shall establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;

(d) shall consider and decide on applications for a development permit for:

(i) permitted uses that comply with this Land Use Bylaw;

(ii) permitted uses on existing registered lots that do not meet the minimum lot width, length and/or area requirements;

(iii) landscaping;

(iv) fences, walls or other types of enclosures; and

(v) demolition;

(e) shall refer to the Municipal Planning Commission all development permit applications for which decision making authority has not been assigned to the Development Officer;

(f) may refer any development application to the Municipal Planning Commission for a decision and may refer any other planning or development matter to the Municipal Planning Commission for its review, comment or advice;

(g) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Part 1, Section 34;

(h) shall receive, review, and refer any applications to amend this bylaw to Council;

(i) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;

(j) may receive and consider and decide on requests for time extensions for development permits which the Development Officer has approved and shall refer to the Municipal Planning Commission those requests for time extensions for development permits which the Municipal Planning Commission has approved;

(k) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary; and

(l) shall perform any other powers and duties as are specified in this bylaw, the, Village of Warner Subdivision and Development Authority/Municipal Planning Commission Bylaw, the *Municipal Government Act* or by resolution of Council.

## SECTION 15 MUNICIPAL PLANNING COMMISSION

15.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the *Municipal Government Act*, the Village of Warner Subdivision and Development Authority/Municipal Planning Commission Bylaw, this bylaw, or by resolution of Council.

15.2 The Municipal Planning Commission shall be responsible for:

(a) considering and deciding upon development permit applications referred to it by the Development Officer;

(b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;

(c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;

(d) considering and deciding upon applications for subdivision approval;

(e) processing condominium certificates; and

(f) any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *Municipal Government Act* or by resolution of Council.

## SECTION 16 COUNCIL

16.1 Council shall be responsible for considering and deciding upon requests for time extensions on subdivision approvals in accordance with section 657 of the *Municipal Government Act*.

16.2 Council shall be responsible for considering all proposed amendments to this bylaw.

**SECTION 17 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)**

17.1 The SDAB is established by separate bylaw pursuant to the *Municipal Government Act*, and may exercise such powers and duties as are specified in this bylaw, the *Municipal Government Act* and the Subdivision and Development Appeal Board Bylaw.

## DEVELOPMENT IN GENERAL

**SECTION 18 LAND USE DISTRICTS**

18.1 The Village of Warner is divided into those land use districts shown in Part 2 on the Land Use Districts Map.

18.2 The one or more uses of land or buildings that are:

(a) permitted uses in each district, with or without conditions; or

(b) discretionary uses in each district, with or without conditions;

are described in Part 3, Use Table 3.1.

18.3 A land use that is not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Part 1, Section 30 (Similar Use).

18.4 A land use not listed as a permitted or discretionary use or not deemed a similar use in a district is a prohibited use and shall be refused.

**SECTION 19 SUITABILITY OF SITES**

19.1 Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Subdivision Authority or Development Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Authority is made aware of or if in their opinion, the site of the proposed building or use:

(a) does not have safe legal and physical access to a maintained road in accordance with the Land Use Bylaw, other municipal requirements or those of Alberta Transportation if within 300 m (984 ft) of a provincial highway or 800 m (2,625 ft) from the centre point of an intersection of a controlled highway and a public road;

(b) has a high water table or soil conditions which make the site unsuitable for foundations or is within a floodplain or subject to flooding;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) does not comply with the requirements of the Regional Plan, Subdivision and Development Regulation or any other applicable Statutory Plans or approved conceptual design scheme;

(f) is situated over an active or abandoned coal mine or oil or gas well or pipeline;

(g) does not meet the minimum setback requirements from an abandoned oil and gas well;

(h) is unsafe due to contamination by previous land uses;

(i) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

(j) does not have adequate water and sewer provisions;

(k) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of the Village of Warner Land Use Bylaw;

(l) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

19.2 Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from issuing a development permit or approving a subdivision if the Development Officer or Municipal Planning Commission, as applicable, is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

## SECTION 20 NUMBER OF DWELLING UNITS ON A PARCEL

20.1 No more than one dwelling unit shall be constructed or located or caused to be constructed or located on a parcel except as provided for in the land use district for which the application is made (e.g. duplex dwellings, multi-unit dwellings, manufactured home park, secondary suite, as permitted in the applicable land use district).

## SECTION 21 NON-CONFORMING BUILDINGS AND USES

21.1 A non-conforming building or use may only be continued in accordance with the conditions detailed in section 643 of the *Municipal Government Act.*

## SECTION 22 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

22.1 Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Part 4 may be permitted at the discretion of the Development Authority.

22.2 The Development Officer is authorized to permit development on existing registered non-conforming sized lots for permitted uses.

## SECTION 23 NON-CONFORMING VARIANCES

23.1 The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5)(c) of the *Municipal Government Act*.

## SECTION 24 DEVELOPMENT AGREEMENTS

24.1 The Development Officer or Municipal Planning Commission may require, with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the *Municipal Government Act*, to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development;

(c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development, whether or not the public utility is, or will be, located on the land that is subject of the development;

(d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

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

24.2 The Subdivision Authority may require, with respect to a subdivision that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the *Municipal Government Act*.

24.3 An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the *Municipal Government Act*.

24.4 The municipality may register a caveat under the *Land Titles Act* with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.

24.5 If the municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

24.6 As a condition of subdivision approval, all development agreements may be registered concurrently by caveat onto individual lots being created.

24.7 The applicant may be required to pay to the Village all legal and engineering costs, fees, expenses and disbursements incurred by the Village through its solicitors and engineers for all services rendered in connection with the preparation, fulfillment, execution and enforcement of the development agreement.

## DEVELOPMENT PERMIT RULES AND PROCEDURES

### SECTION 25 DEVELOPMENT PERMIT – WHEN REQUIRED

25.1 Except as otherwise provided in Part 5 (Development Not Requiring a Permit), all development shall be required to obtain a development permit prior to commencement of development.

25.2 In addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

### SECTION 26 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

26.1 This section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.

26.2 This section does not negate the requirement of obtaining a business license where required.

26.3 Development that does not require a municipal development permit is listed in Part 5.

26.4 Signs not requiring a municipal development permit are listed in Part 7, Section 4.

26.5 If there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Planning Commission for a determination.

### SECTION 27 DEVELOPMENT PERMIT APPLICATION

27.1 An application for a development permit shall be made to the Development Officer by submitting:

(a) a completed development permit application, signed by the registered owner or authorized by the owner pursuant to subsection 27.2;

(b) the prescribed fee, in accordance with the Village's fee schedule;

(c) a description of the existing and proposed use of the land, building(s) and structures and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature;

(d) a site plan acceptable to the Development Officer indicating:

(i) the location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;

(ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;

(iii) where applicable, the location of existing and proposed culverts and crossings;

(iv) the presence or absence of any abandoned oil and gas well(s); and if abandoned oil and gas well(s) are present, a professionally prepared plot plan that shows the actual well location(s) in relation to existing and proposed building site(s) and the minimum setback requirement;

(v) any additional information as may be stipulated in the standards of development;

(e) any such other information as may be required by the Development Officer or Municipal Planning Commission to evaluate an application including but not limited to: conceptual design schemes, landscaping plans, building plans, drainage plans, servicing and infrastructure plans, soils analysis, geotechnical reports and other reports regarding site suitability, Real Property Report, or a surveyors sketch.

27.2 An application for a development permit must be made by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner. The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

**SECTION 28 DETERMINATION OF COMPLETE DEVELOPMENT APPLICATION**

28.1 The Development Officer shall, within 20 days after receipt of an application for a development permit submitted under Part 1, Section 27, determine whether the application is complete.

28.2 An application is complete, if in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application and is of an acceptable quality.

28.3 The time period referred to in subsection 28.1 may be extended by an agreement in writing between the applicant and the Development Officer.

28.4 If the Development Officer does not make a determination referred to in subsection 28.1 within the time required under subsection 28.1 or 28.3, the application is deemed to be complete.

28.5 If the Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

28.6 If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Part 1, Section 27. A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Development Officer in order for the application to be considered complete.

28.7 If the Development Officer determines that the documents and information submitted under subsection 28.6 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

28.8 If the required documents and information under subsection 28.6 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection 28.6, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused, the reason(s) for refusal, and the required information on filing an appeal.

28.9 Despite issuance of a Notice of Completeness under subsection 28.5 or 28.7, the Development Officer or Municipal Planning Commission, as applicable, in the course of reviewing the application may request additional information or documentation from the applicant that the Development Officer or Municipal Planning Commission considers necessary to review the application.

## SECTION 29 PERMITTED USE APPLICATIONS

29.1 Upon receipt of a complete application for a development permit for a permitted use that conforms with this bylaw, the Development Officer:

(a) shall approve a development permit with or without conditions; or

(b) may refer the application to the Municipal Planning Commission for a decision.

29.2 The Development Officer or the Municipal Planning Commission may place any or all of the following conditions on a development permit for a permitted use:

(a) requirement for the applicant to enter into a development agreement pursuant to Part 1, Section 24;

(b) payment of any applicable off-site levy or redevelopment levy;

(c) geotechnical investigation to ensure that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, mass wasting and erosion;

(d) alteration of a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the Subdivision and Development Regulation can be met;

(e) any measures to ensure compliance with the requirements of this Land Use Bylaw or any statutory plan adopted by the Village of Warner;

(f) easements and/or encroachment agreements;

(g) provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;

(h) repairs or reinstatement of original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise altered by development or building operations upon the site, to the satisfaction of the Development Officer or the Municipal Planning Commission;

(i) to give security to ensure the terms of the permit approval under this section are carried out;

(j) time periods stipulating completion of development;

(k) requirement for a lot and/or construction stakeout conducted by an approved surveyor or agent;

(l) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals;

(m) requirement for the preparation of an Environmental Impact Assessment;

(n) obtain any other approval, permit, authorization, consent or license that may be required to develop and/or service the affected land;

(o) filing of pertinent professional reports and plans prior to commencement of construction;

(p) phasing of development; and

(q) time periods specifying the time during which a development permit is valid.

## SECTION 30 DISCRETIONARY USE APPLICATIONS

30.1 Upon receipt of a complete application for a development permit for a discretionary use the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Part 1, Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

30.2 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including the County of Warner, government departments and referral agencies as applicable, compatibility and suitability of the proposed use, and any other matters, the Municipal Planning Commission may:

(a) approve a development permit with or without conditions; or

(b) refuse to approve the development permit, stating reasons.

30.3 The Municipal Planning Commission may place any of the conditions stipulated in Part 1, Section 29.2 (Permitted Use Applications) on a development permit for a discretionary use, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of the development with other existing and approved uses in the area.

## SECTION 31 SIMILAR USE

31.1 Upon receipt of a complete application for a development permit for a use that is not specifically listed in any land use district, but which may be similar in character and purpose to other uses listed in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use or refer the matter to the Municipal Planning Commission for a determination pursuant to subsection 31.5.

31.2 Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision.

31.3 Where a use has been classified similar to a permitted use and the application requests a variance of any provision of this bylaw, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Part 1, Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

31.4 Where a use has been classified similar to a discretionary use, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Part 1, Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

31.5 Upon referral of an application to the Municipal Planning Commission by the Development Officer under subsections 31.1 and 31.2, the Municipal Planning Commission:

(a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;

(b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;

(c) if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

## SECTION 32 TEMPORARY USE

32.1 Where in the opinion of the Development Authority, a proposed use is of a temporary nature, it may approve a temporary development permit valid for a period of up to one year for a use, provided the use is listed as a permitted use, discretionary use or deemed similar to a permitted or discretionary use in the applicable land use district.

32.2 Temporary use applications shall be subject to the following conditions:

(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

(b) the Development Officer or Municipal Planning Commission may require the applicant to submit an irrevocable letter of credit, performance bond or other acceptable form of security guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary.

32.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Part 1, Sections 29 to 31. Notification of adjacent landowners and other persons likely to be affected, including the County of Warner, government departments and referral agencies shall be in accordance with Part 1, Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

## SECTION 33 APPLICATIONS REQUESTING VARIANCE OF BYLAW PROVISIONS

33.1 Upon receipt of a complete application for a development permit that does not comply with this bylaw but in respect of which the Municipal Planning Commission is requested to exercise discretion under Part 1, subsection 33.2, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected, in accordance with Part 1, Section 34 (Notification of Adjacent Landowners and Persons Likely Affected).

33.2 The Municipal Planning Commission is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw, if in the opinion of the Municipal Planning Commission, 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 properties;

(c) and the proposed development conforms with the use prescribed for that land or building within Part 3 (Use Regulation).

## SECTION 34 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

34.1 Where notification of adjacent landowners and other persons likely to be affected is required under Part 1, Sections 30 to 33, the Development Officer shall:

(a) mail (postal service or electronic) written notice of the application at least seven (7) days before the meeting of the Municipal Planning Commission to:

(i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;

(ii) the County of Warner if in the opinion of the Development Officer or the Municipal Planning Commission, the proposed development could have an impact upon land uses in the County or is adjacent to the County boundary, or is required in accordance with an adopted Intermunicipal Development Plan; and

(iii) any other persons, government departments or referral agency that is deemed to be affected; or

(b) hand deliver written notice of the application at least five (5) days before the meeting of the Municipal Planning Commission to the persons and agencies specified in subsection 34.1(a); or

(c) publish a notice of the application in a newspaper circulating in the municipality or the Village newsletter at least seven (7) days before the meeting of the Municipal Planning Commission; or

(d) post a notice of the application in a conspicuous place on the property at least five (5) days before the meeting of the Municipal Planning Commission; or

any combination of the above.

34.2 In all cases, notification shall:

(a) describe the nature and location of the proposed use or development;

(b) state the place, date, and time where the Municipal Planning Commission will meet to consider the application, and state how and when written or oral submissions on the application will be received and considered;

(c) specify the location at which the application can be inspected.

## SECTION 35 NOTICE OF DECISION

35.1 A decision of the Development Officer or Municipal Planning Commission on application for a development permit must be issued:

(a) in writing to the applicant in accordance with subsection 35.2; and

(b) a copy of the decision posted in a prominent place in the village office for at least 21 days or posted in a newspaper circulated within the municipality or published on the official municipal website; and/or

(c) a copy of the decision sent by mail (postal service or electronic mail) to those originally notified of the development permit and any other person, government

department or agency that may, in the opinion of the Development Officer, likely be affected.

35.2 The Development Officer will give or send by mail (postal service or electronic mail) a copy of the decision, which specifies the date on which the written decision was given, to the applicant on the same day the written decision is given.

35.3 For the purpose of subsection 35.2, the "date on which the written decision was given":

(a) the date the Development Officer signed the notice of decision or development permit; or,

(b) the date the decision is posted in the newspaper, published on the official municipal website, or posted in a prominent place in the village office;

whichever occurs later.

**SECTION 36 COMMENCEMENT OF DEVELOPMENT**

36.1 Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the written decision was given under Part 1, Section 35.2.

36.2 If an appeal is made, no development is authorized pending the outcome of the appeal.

36.3 Any development occurring prior to the dates determined under subsections 36.1 and 36.2 is at the risk of the applicant.

**SECTION 37 DEVELOPMENT PERMIT VALIDITY**

37.1 Unless a development permit is suspended or cancelled, the development must be commenced and carried out with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

37.2 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with subsection 37.3, except for a permit for a temporary use which shall not be extended.

37.3 Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of one year by:

(a) the Development Officer or the Municipal Planning Commission if the permit was issued by the Development Officer;

(b) the Municipal Planning Commission if the permit was issued by the Municipal Planning Commission or approved on appeal by the Subdivision and Development Appeal Board.

37.4 The number of extensions to the validity of a development permit is limited to one approval.

37.5 When any use has been discontinued for a period of 6 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the *Municipal Government Act*.

**SECTION 38 TRANSFERABILITY OF DEVELOPMENT PERMIT**

38.1 A home occupation permit is non-transferable.

38.2 Any other valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy.

**SECTION 39 FAILURE TO MAKE A DECISION – DEEMED REFUSAL**

39.1 In accordance with section 684 of the *Municipal Government Act*, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer or the Municipal Planning Commission, as the case may be, is not made within 40 days of receipt of the completed application unless the applicant has entered into a written agreement with the Development Officer or the Municipal Planning Commission to extend the 40-day decision period.

**SECTION 40 REAPPLICATION FOR A DEVELOPMENT PERMIT**

40.1 If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission or, on appeal the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least 6 months after the date of refusal.

40.2 If an application was refused solely because it did not comply with the standards of this bylaw or was refused as an incomplete application under Part 1, Section 28.8, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in subsection 40.1 has lapsed, provided the application has been modified to comply with this bylaw.

**SECTION 41 SUSPENSION OR CANCELLATION OF A PERMIT**

41.1 If after a development permit has been issued, the Development Officer or the Municipal Planning Commission determines that:

(a) the application contained a misrepresentation;

(b) facts were not disclosed which should have been at the time of consideration of the application for the development permit;

(c) the development permit was issued in error; or

(d) the applicant withdrew the application by way of written notice;

the Development Officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

41.2 Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

41.3 A person whose development permit is suspended or cancelled under this section may appeal within 14 days of the date the notice of cancellation or suspension is received to the Subdivision and Development Appeal Board.

41.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:

(a) reinstate the development permit; or

(b) cancel the development permit if the Development Officer or the Municipal Planning Commission would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or

(c) reinstate the development permit and may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

## SECTION 42 DEVELOPMENT APPEALS

42.1 Any person applying for a development permit or any other person affected by an order, decision or development permit made or issued by the Development Officer or the Municipal Planning Commission may appeal such an order or decision to the Subdivision and Development Appeal Board in accordance with the procedures described in the *Municipal Government Act*.

42.2 An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal with reasons to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees within:

(a) 21 days after the date on which the written decision was given in accordance with Part 1, Section 35; or

(b) 21 days after expiry of the 40-day period under Part 1, Section 39 or the extension period granted if no decision was made on the application.

# ENFORCEMENT

## SECTION 43 NOTICE OF VIOLATION

43.1 Where the Development Officer or Municipal Planning Commission finds that a development or use of land or buildings is not in accordance with the *Municipal Government Act* the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw, the Development Officer or Municipal Planning Commission may issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention.

43.2 Such notice shall state the following:

(a) nature of the violation;

(b) corrective measures required to comply; and

(c) time period within which such corrective measures must be performed.

## SECTION 44 STOP ORDERS

44.1 As set forth in the *Municipal Government Act*, the Development Authority (Development Officer or Municipal Planning Commission) is authorized to issue an Order under section 645 of the *Municipal Government Act,* if a development, land use or use of a building is not in accordance with the *Municipal Government Act*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw.

44.2 A person who receives notice pursuant to subsection 44.1 may appeal the order to the Subdivision and Development Appeal Board in accordance with the *Municipal Government Act*.

44.3 An appeal of a stop order to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fee within 21 days after the date of which a stop order is made under section 645 of the *Municipal Government Act*.

## SECTION 45 ENFORCEMENT OF STOP ORDERS

45.1 Pursuant to section 646 of the *Municipal Government Act*, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the designated officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

45.2 The Village may register a caveat under the *Land Titles Act* in respect of an order referred to in Part 1, subsection 44.1 against the certificate of title for the land that is the subject of an order.

45.3 If a caveat is registered under subsection 45.2, the Village must discharge the caveat when the order has been complied with.

45.4 If compliance with a stop order is not voluntarily effected, the Village may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to section 554 of the *Municipal Government Act*. In accordance with section 553 of the *Municipal Government Act*, the expenses and costs of carrying out an order under section 646 of the *Municipal Government Act* may be added to the tax roll of the parcel of land.

**SECTION 46 PENALTIES AND RIGHT OF ENTRY**

46.1 Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *Municipal Government Act* and is liable to a fine of not more than $10,000 or to imprisonment for not more than one year or to both fine and imprisonment.

46.2 In accordance with section 542 of the *Municipal Government Act*, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this bylaw or *Municipal Government Act* authorizes anything to be inspected, remedied or enforced or done by a municipality:

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

46.3 If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the *Municipal Government Act*, the municipality under the authority of section 543 of the *Municipal Government Act* may obtain a court order.

# AMENDMENTS

**SECTION 47 AMENDMENTS TO THE LAND USE BYLAW**

47.1 Any person or the Village may initiate amendments to the Village of Warner Land Use Bylaw by submitting an application to the Development Officer.

47.2 All applications for amendment shall be submitted using the applicable form in Appendix A, and be accompanied by the applicable fee and any additional information, as deemed necessary by the Development Officer to process the application.

47.3 The Development Officer may refuse to accept an application if, in his/her opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

47.4 Council or the Development Officer may refer the application to the Municipal Planning Commission for their recommendation.

47.5 The Development Officer shall forward an application to Council for consideration when satisfied that sufficient information has been provided with the application.

47.6 Public hearing and notification requirements shall be in accordance with section 692 of the *Municipal Government Act*.

47.7 Where an application for an amendment to the Village of Warner Land Use Bylaw has been refused by Council, another application that is the same or similar in nature shall not be accepted until at least 6 months after the date of refusal.

47.8 Where an application has been significantly changed, Village Council may, at their discretion, accept an application prior to the end of the 6 month period specified in subsection 47.7.

## SECTION 48 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

48.1 A request for redesignation from one land use district to another shall be accompanied by:

(a) a completed application form and the applicable fee;

(b) a copy of the Certificate of Title for the lands, dated not more than one (1) year prior to the date on which the application was made;

(c) a narrative describing the:

(i) proposed designation and future uses(s);

(ii) consistency with the applicable statutory plans;

(iii) compatibility of the proposal with surrounding uses and land use designations (zoning);

(iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, floodplain, steep slopes, oil and gas wells, etc.);

(v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;

(vi) any potential impacts on public roads; and

(vii) any other information deemed necessary by the Development Officer, Municipal Planning Commission, or Council to properly evaluate the proposal;

(d) conceptual lot design, if applicable;

(e) a geotechnical report addressing the following but not limited to:

(i) slope stability,

(ii) groundwater,

(iii) sewage,

(iv) water table, and

(v) flood plain analysis,

if deemed necessary by the Development Officer, the Municipal Planning Commission, or Council;

(f) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer, Municipal Planning Commission, or Council; and

(g) any other information deemed necessary by the Development Officer, Municipal Planning Commission, or Council to properly evaluate the application.

48.2 An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application involving:

(a) industrial development;

(b) large-scale commercial development;

(c) manufactured home park;

(d) multi-lot residential development which has the potential to trigger capacity upgrades or expansion of infrastructure; or

(e) as required by Council.

**SECTION 49 REDESIGNATION CRITERIA**

49.1 When redesignating land from one land use district to another, Council considerations may include the following:

(a) compliance with applicable standards and provisions of the Village of Warner Land Use Bylaw;

(b) consistency with any adopted statutory plans;

(c) compatibility with adjacent uses and land use designations (zoning);

(d) development potential/suitability of the site;

(e) availability of facilities and services (sewage disposal, domestic water, gas, electricity, police and fire protection, schools, etc.) to serve the subject property and any potential impacts to levels of service to existing and future developments;

(f) cumulative impact to the Village;

(g) potential impacts on public roads;

(h) setback distances contained in the Subdivision and Development Regulation;

(i) supply of suitably designated land;

(j) public comment and any applicable review agency comments; and

(k) any other matters deemed pertinent by council.

# SUBDIVISION RULES AND PROCEDURES

## SECTION 50 SUBDIVISION APPLICATION

50.1 An applicant applying for subdivision shall provide the required fees, materials and information as requested by the Subdivision Authority or its designate. A complete application for subdivision shall consist of:

(a) an application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;

(b) the applicable fees paid;

(c) a copy of the current Certificate of Title for the land that is the subject of the application;

(d) provincial abandoned gas well information;

(e) a tentative subdivision plan professionally prepared or an accurate and legible sketch drawn to scale that shows the location, dimensions and boundaries of the proposed subdivision and all other requirements prescribed in the subdivision application package. For a subdivision application where any buildings or structures are present on the land that is the subject of the subdivision, a sketch prepared by a professional surveyor or a Real Property Report is required; and

(f) any such other information as may be required at the discretion of the Subdivision Authority or its designate in order to accurately evaluate the application and determine compliance with this bylaw and any other municipal bylaws and plans, the *Municipal Government Act*, the Subdivision and Development Regulation, or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, slope stability analysis, drainage and storm water plans, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of an area structure plan or conceptual design scheme.

## SECTION 51 DETERMINATION OF COMPLETE SUBDIVISION APPLICATION

51.1 In accordance with the *Municipal Government Act*, the Subdivision Authority or its designate, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be incomplete what information is required to be submitted within a specified time period, by sending notification in the following manner:

(a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;

(b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority or its designate;

(c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding information and documents are that must be submitted by a date specified in the notice for the application to be deemed complete.

51.2 Notwithstanding subsection 51.1, the applicant and Subdivision Authority or its designate may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *Municipal Government Act* to extend the 20-day time period to determine whether the subdivision application and support information submitted is complete.

51.3 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection 51.1(c) or a later date agreed on in writing between the applicant and the Subdivision Authority or its designate, the application is deemed to be refused. The Subdivision Authority or its designate will notify the applicant in writing that the application has been refused and state the reason for the refusal and include the required information on filing an appeal and to which appeal board the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the *Municipal Government Act*. The notification may be sent by regular mail to the applicant, or sent by electronic means, or both.

51.4 A determination made by the Subdivision Authority or its designate that an application is complete for processing does not preclude the ability for the Subdivision Authority or its designate to request other information or studies or documentation to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as a condition of subdivision approval.

## SECTION 52 SUBDIVISION CRITERIA

52.1 All applications for subdivision approval shall be evaluated by the Village in accordance with the following criteria:

(a) compliance with statutory plans, bylaws, and regulations;

(b) adequacy of road access;

(c) provision of municipal services and utilities, including storm water drainage;

(d) compatibility with adjacent land uses;

(e) accessibility to emergency services;

(f) site suitability in terms of minimum dimensional standards for lots and all other criterion in this bylaw as specified in the applicable land use district in Part 4.

(g) any other matters the Village may consider necessary.

52.2 For the purpose of infill development, an application which proposes to subdivide an accessory structure onto a separate lot may be considered by the Subdivision Authority where:

(a) the proposed lots meet the provisions of Part 4 (Dimensional Standards and Setbacks);

(b) the existing and proposed buildings meet the provisions of Part 4 (Dimensional Standards and Setbacks) based on the lot proposed layout;

(c) the access of each lot is provided from a public roadway not a lane or laneway;

(d) all lots are serviceable to the satisfaction of the municipality.

## SECTION 53 LOT DESIGN

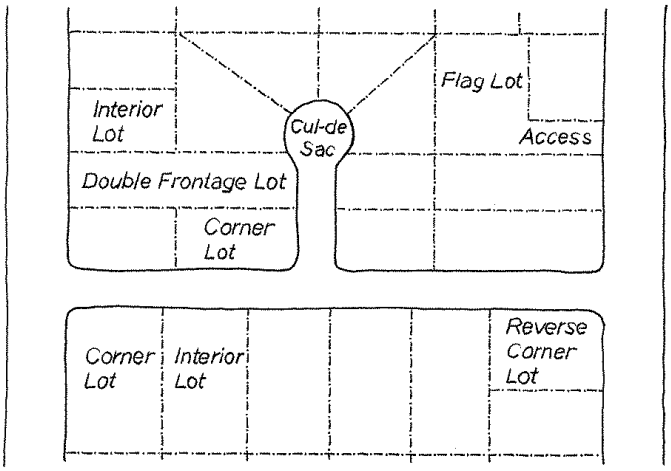
53.1 Minimum dimensional standards for lots and all other criteria in this bylaw shall be as specified in the applicable land use district in Part 4. General development standards and use specific standards are as specified in Parts 3 and 6.

53.2 Subdivision of land designated Transitional Agricultural – TA shall not be permitted except in accordance with an adopted Area Structure Plan or an approved Conceptual Design Scheme.

53.3 Any lot created shall have frontage on a public street; frontage on a lane or laneway alone shall not be permitted.

53.4 Double frontage lots shall be avoided, except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In such cases, access will be allowed only on the lower classification street.

53.5 At the time of subdivision, all corner lots and interior laneway corner lots shall dedicate clear vision triangles as right-of-way.



# PART 2 – Land Use Districts

# PART 2 – Land Use Districts

## SECTION 1 DIVISION OF MUNICIPALITY

1.1 The Village is divided into those districts specified in Part 2, subsection 1.2 and delineated on the attached map titled "Land Use Districts Map".

1.2 Each district shown on the map referred to in Part 2, subsection 1.1 shall be known by the following identifying names and symbols:

| | |
|---|---|
| RESIDENTIAL | – R |
| RESIDENTIAL MANUFACTURED HOME | – RMH |
| COMMERCIAL | – C |
| INDUSTRIAL | – I |
| PUBLIC AND INSTITUTIONAL | – PI |
| TRANSITIONAL AGRICULTURAL | – TA |

## SECTION 2 INTENT OF LAND USE DISTRICTS

### 2.1 RESIDENTIAL – R

This district is intended to provide for a high quality residential environment with an appropriate range of housing types.

### 2.2 RESIDENTIAL MANUFACTURED HOME – RMH

This district is intended to provide for development of manufactured homes on individual titled lots as well as in a comprehensively planned manufacture home community setting.

### 2.3 COMMERCIAL – C

This district is intended to provide for a variety of retail, service, and office uses, which cater to the daily needs of the residents of the Village and the larger service area.

### 2.4 INDUSTRIAL – I

This district is intended to provide for a range of primarily light industrial and warehousing uses and other industrial uses that may require large lots, special siting and/or servicing.

### 2.5 PUBLIC AND INSTITUTIONAL – PI

This district is intended to provide for the development of government, educational, medical, social and other public and institutional uses.

## 2.6 TRANSITIONAL AGRICULTURAL – TA

This district is intended to provide for limited development of land on the periphery of existing developments which maintain larger lot sizes and maximize flexibility for use and development when the land is required for urban development.

# PART 3 – Use Regulation

# PART 3 – Use Regulation

## SECTION 1 USE CATEGORIES AND SPECIFIC USES

1.1 Uses allowed within each land use district are identified in Table 3.1. The land use districts are referenced by their two letter abbreviations.

1.2 All of the specific uses listed in the second column of Table 3.1 are defined in Part 9 (Definitions). The use specific standard in the fourth column of Table 3.1 identifies standards applicable to the use in addition to the general standards of development.

1.3 A "P" indicates that the use is classified as a permitted use within the respective land use district. A permitted use is allowed by right within the respective land use district only after review and approval by the Development Officer in accordance with Part 1, Section 29 (Permitted Uses). Permitted uses are subject to all applicable standards of the Land Use Bylaw.

1.4 A "D" indicates that the use is classified as a discretionary use within the respective land use district. A discretionary use is allowed only after review and approval by the Municipal Planning Commission, in accordance with Part 1, Section 30 (Discretionary Uses). Discretionary uses are subject to all applicable standards of the Land Use Bylaw.

1.5 A blank cell (one without a "P" or "D") indicates that the use is not allowed (i.e., prohibited) within the respective land use district.

1.6 A use that is not specifically listed in the Use Type column of Table 3.1, but which may be similar in character and purpose to other uses listed in the land use district in which such use is proposed, may be classified by the Development Authority as either similar to a permitted use or similar to a discretionary use in accordance with Part 1, Section 31 (Similar Use).

1.7 The provisions of Part 4 (Dimensional Standards and Setbacks) apply to all uses in this section.

1.8 The provisions of Part 6 (General Standards of Development) apply to the uses in this section.

1.9 Refer to Part 5 for development not requiring a development permit.

## SECTION 2 USE TABLE

**Table 3.1: Use Table**

| Use | Use Type | Land Use Districts | | | | | | Use Specific Standards |
|---|---|---|---|---|---|---|---|---|
| **General** | | **R** | **RMH** | **C** | **I** | **PI** | **TA[1]** | |
| | Accessory building/structure: | | | | | | | Part 3, Sections 4,9,12 |
| | ≤ 55.74 $m^2$ (600 $ft^2$) | P | P | P | P | P | P | |
| | > 55.74 $m^2$ (600 $ft^2$) | D | D | D | D | D | D | |
| | Accessory Use | D | D | D | D | D | D | Part 3, Section 4 |
| | Alternative energy, individual | D | D | D | D | D | D | Part 3, Section 5 |
| | Moved-in building | | | D | D | D | D | Part 3, Section 15 |
| | Shipping container, permanent | D | D | D | D | D | D | Part 3, Section 10 |
| | Shipping container, temporary | P | P | P | P | P | P | Part 3, Section 10 |
| | Signs | D | D | D | D | D | D | Part 7 |
| | Telecommunication antenna | Part 8 | | | | | | |
| **Residential** | | **R** | **RMH** | **C** | **I** | **PI** | **TA[1]** | |
| | Single-detached dwelling: | | | | | | | |
| | Site built | P | | | | | D | |
| | Prefabricated | D | P | | | | D | Part 3, Section 16 |
| | Moved-in | D | | | | | D | Part 3, Section 15 |
| | Semi-detached dwelling, Duplex | D | | | | | | |
| | Multi-unit dwelling | D | | | | | | |
| | Assisted living | D | D | | | P | | |
| | Manufactured home community | | D | | | | | Part 3, Section 17 |
| | Residential accessory to an approved commercial use | | | D | | | | |
| | Secondary suite | D | | | | | D | Part 3, Section 13 |
| | Senior citizen housing | D | | | | P | | |
| | Show home | D | D | | | | | Part 3, Section 11 |
| | Surveillance suite | | | D | D | | | Part 3, Section 14 |
| | Home occupation: | | | | | | | Part 3, Section 7 |
| | A | P | P | P | | | P | |
| | B | D | D | D | | | D | |

[1] ***Discretionary use applications in the TA district may only be considered in conjunction with an approved Conceptual Design Scheme or an adopted Area Structure Plan.***

*The provisions of Part 4 (Dimensional Standards and Setbacks) and Part 6 (General Standards of Development) also apply to all uses in this section.*

**Table 3.1: Use Table (continued)**

| Use | Use Type | Land Use Districts | | | | | | Use Specific Standards |
|---|---|---|---|---|---|---|---|---|
| **Commercial** | | **R** | **RMH** | **C** | **I** | **PI** | **TA[1]** | |
| Automotive related | Auto sales and service | | | D | | | | |
| | Car wash | | | D | D | | | |
| | Auto body and paint shop | | | D | D | | | |
| | Parking facility | | | D | D | D | | |
| Construction | Contractor, general | | | D | P | | | |
| | Contractor, limited | | | D | P | | | |
| | Lumber yard | | | D | P | | | |
| Lodging | Hotel/motel | | | D | | | | |
| | Boarding or lodging house | D | | D | | | | |
| Offices | Office | | | P | D | D | | |
| | Business support service | | | P | D | | | |
| | Financial institution | | | P | | D | | |
| Recreation & entertainment | Public or private recreation | | | D | | D | D | |
| | Amusement facility | | | D | | D | | |
| | Entertainment establishment | | | D | D | | | |
| Retail sales & service | Convenience store | | | P | | | | |
| | Medical/health facility | | | D | | P | | |
| | Personal services | | | P | | | | |
| | Restaurant | | | P | D | | | |
| | Retail | | | P | | | | |
| | Farmer's market | | | D | D | D | D | |
| | Funeral home | | | D | D | D | | |
| | Liquor establishment | | | D | | D | | |
| | Liquor store | | | D | | | | |
| | Service station or gas bar | | | D | D | | | Part 3, Section 6 |
| | Garden centre or greenhouse | | | D | D | | D | |
| | Equipment sales, rental and service | | | D | P | | | |
| | Retail cannabis store | | | D | | | | Part 3, Section 18 |
| Other | Mixed-use commercial/residential building | | | D | | | | Part 3, Section 20 |

[1] ***Discretionary use applications in the TA district may only be considered in conjunction with an approved Conceptual Design Scheme or an adopted Area Structure Plan.***

*The provisions of Part 4 (Dimensional Standards and Setbacks) and Part 6 (General Standards of Development) also apply to all uses in this section.*

**Table 3.1: Use Table (continued)**

| **Industrial** | | **R** | **RMH** | **C** | **I** | **PI** | **TA[1]** | |
|---|---|---|---|---|---|---|---|---|
| Manufacturing | Light fabrication shops | | | D | P | | | |
| | Light industrial | | | | P | | | |
| | Manufacturing and fabrication | | | | D | | | |
| Truck transport | Transportation / delivery service | | | D | P | | | |
| | Truck dispatch / depot | | | | D | | | |
| | Truck stop | | | | D | | | |
| | Truck wash | | | | D | | | |
| Warehousing | Bulk fuel station | | | | D | | | Part 3, Section 6 |
| | Mini storage | | | D | P | | | |
| | General warehousing, wholesale and storage | | | D | P | | | |
| | Outdoor storage | | | D | P | | | Part 3, Section 8 |
| Other | Animal care service, small | | | P | P | | D | |
| | Animal care service, large | | | | D | | D | |
| | Auctioneering facility | | | | D | | | |
| | Excavation | D | D | D | D | D | D | |
| | Grain elevator | | | | P | | | |
| | Kennel | | | | D | | | |
| | Seed cleaning plant | | | | D | | | |
| | Railway and railway related uses | | | | D | | | |
| | Cannabis production facility | | | | D | | | Part 3, Section 19 |
| **Other** | | **R** | **RMH** | **C** | **I** | **PI** | **TA[1]** | |
| Agriculture | Extensive agriculture, pasture | | | | | | P | |
| Child care | Day home | D | D | | | | D | |
| | Child care facility | D | | D | | P | | |
| Community | Club or fraternal organization | | | D | D | P | | |
| | Community association building | | | D | | P | | |
| | Dormitory | | | D | | D | | |
| | Government services | | | P | | P | | |
| | Group care facility | | | D | | D | | |

[1] ***Discretionary use applications in the TA district may only be considered in conjunction with an approved Conceptual Design Scheme or an adopted Area Structure Plan.***

*The provisions of Part 4 (Dimensional Standards and Setbacks) and Part 6 (General Standards of Development) also apply to all uses in this section.*

**Table 3.1: Use Table (continued)**

| Use | Use Type | Land Use Districts | | | | | | Use Specific Standards |
|---|---|---|---|---|---|---|---|---|
| **Other** | **(continued)** | **R** | **RMH** | **C** | **I** | **PI** | **TA[1]** | |
| Community (continued) | Hospital | | | | | P | | |
| | Institutional | | | D | | D | | |
| | Religious assembly | | | D | | P | | |
| | Schools / education facilities | | | D | | P | | |
| | Tourist information | | | P | P | P | | |
| Parks and open space | Cemetery and interment services | | | | | D | | |
| | Golf course | | | | | D | D | |
| | Campground | | | | | D | D | |
| | Parks and playgrounds | D | D | D | | P | D | |
| Utility | Public or private utility | D | D | D | D | D | D | |
| | Waste management transfer site | | | | | D | | |
| | Wastewater treatment plant | | | | | D | | |
| | Water treatment plant | | | | | D | | |

[1] ***Discretionary use applications in the TA district may only be considered in conjunction with an approved Conceptual Design Scheme or an adopted Area Structure Plan.***

*The provisions of Part 4 (Dimensional Standards and Setbacks) and Part 6 (General Standards of Development) also apply to all uses in this section.*

## SECTION 3 USE SPECIFIC STANDARDS

3.1 The standards in Part 3, Sections 3-18 establish additional requirements for specific uses, buildings and structures. The General Standards of Development in Part 6, the requirements of the applicable land use district in Part 4, and all other applicable sections of the Land Use Bylaw also apply unless otherwise stated.

## SECTION 4 ACCESSORY BUILDINGS, STRUCTURES AND USES

4.1 No accessory building, structure or use shall be allowed on a lot without an approved principal structure or use.

4.2 Accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property.

4.3 Quonsets, quonset-style buildings or semicircular metal structures shall not be permitted as accessory buildings in the Residential – R and Residential Manufactured Home – R land use districts. This restriction does not include temporary car shelters.

## SECTION 5 ALTERNATIVE ENERGY SOURCES

5.1 The Development Authority may only issue development approvals for alternative energy sources such as, but not limited to, solar panels, heat exchange systems, and small wind energy systems provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded.

### SOLAR COLLECTOR

5.2 A solar collector attached to a wall or roof of a building shall be subject to the applicable land use district and the following additional standards:

(a) A solar collector mounted on a roof:

(i) may project a maximum of 1.3 m (4 ft) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(ii) must not extend beyond the outermost edge of the roof.

(b) A solar collector mounted to a wall:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) must be located a minimum of 2.4 m (8 ft) above grade;

(iii) may project a maximum of 1.5 m (5 ft) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iv) may project a maximum of 0.6 m (2 ft) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

5.3 A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be subject to the applicable land use district and the following additional standards:

(a) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways; and

(ii) must not exceed 1.8 m (6 ft) in height above existing grade.

### SMALL WIND ENERGY SYSTEMS

#### Information Requirements

5.4 An application for a development permit for a proposed small wind energy conversion system (SWECS) must be completed and submitted to the Development Officer accompanied by:

(a) a site plan acceptable to the Development Officer indicating the exact location of the SWECS on the parcel and all buildings and structures, registered easements or right-of-way, and any overhead utilities, dimensioned to the property lines and drawn to a satisfactory scale;

(b) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and surface drainage patterns;

(c) photographs and/or plans of the proposed SWECS indicating:
    (i) rated output in kilowatts;
    (ii) safety features and noise characteristics;
    (iii) turbine height;
    (iv) blade diameter and rotor clearance;
    (v) nature and function of over speed controls which are provided; and
    (vi) estimated lifespan.

(d) specifications on the foundation and anchor design, including the location and anchoring of any guy wires;

(e) engineered plans, prepared by a professional engineer, for SWECS that are mounted or attached to any building demonstrating that the building can support the SWECS; and

(f) any security measures proposed to ensure public safety and security.

**Referrals**

5.5 Prior to making a decision on a development permit application for a SWECS, the Development Authority may require that the application be referred to the following agencies and departments:

(a) Transport Canada;

(b) NAVCanada;

(c) Alberta Transportation; and

(d) any other federal or provincial agencies or departments deemed necessary.

**General Standards for SWECS**

Any SWECS shall be subject to the following general standards:

5.6 The SWECS shall be setback from all property lines a distance equal to the height of the system.

5.7 The blade clearance of any SWECS shall not be less than 4.6 m (15 ft) above grade.

5.8 Any climbing apparatus associated with the SWECS shall be a minimum of 4.6 m (15 ft) above grade.

5.9 Any guy wires associated with a SWECS shall be accommodated entirely within the parcel and must be clearly visible from grade to a height of 1.8 m (6 ft).

5.10 The sound produced by the SWECS under normal operating conditions, as measured at the property line shall not exceed 60 dBA or 6 dBA over the background noise, whichever is greater.

5.11 The SWECS shall not display advertising or other marketing.

5.12 The SWECS shall not be artificially illuminated except as required by a federal or provincial agency or department.

5.13 The manufacturer's identification, technical, warning, and emergency contact information must be affixed no lower than 0.9 m (3 ft) from the base of the tower and not higher than 1.5 m (5 ft) from the base of the tower.

5.14 The Development Authority may regulate the maximum number of SWECS permitted on a lot.

5.15 The Development Authority may require as a condition of approval that any SWECS be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of the SWECS to the satisfaction of the Development Authority.

5.16 The Development Authority may require as a condition of approval that any SWECS be surrounded by a security fence with a lockable gate not less than 1.8 m (6 ft) in height.

5.17 Prior to the installation of a SWECS the applicant and/or landowner shall obtain:

(a) all relevant federal and provincial permits and permissions;

(b) an electrical permit, and if applicable, a building permit;

(c) wire service provider approval for SWECS with a rated output of less than 10 kW that are proposed to be connected to the grid; and

(d) Alberta Utilities Commission approval for SWECS with a rate output greater than 10 kW that are proposed to be connected to the grid.

5.18 All components of the SWECS, including any electrical components, shall comply with the Canadian National Standards and shall bear the appropriate certification marks.

5.19 The SWECS system must be installed by a certified electrical contractor prior to operation.

5.20 Where the SWECS has been inactive for more than six consecutive months the applicant or landowner is required to decommission and remove the system at their expense. If the SWECS is not decommissioned and removed after six months of inactivity, the Village may undertake enforcement action.

**Decommissioning**

5.21 Prior to removal of the SWECS the applicant or landowner shall submit documentation to the Development Officer demonstrating that the system has been disconnected from any electrical utilities.

5.22 All refuse associated with the decommissioning and dismantling of the SWECS shall be removed from the property and disposed of appropriately.

5.23 Upon removal of the SWECS the property shall be restored to its pre-construction condition to the satisfaction of the Development Officer.

**Review of Permits**

5.24 Village Council shall review the impacts of issuance of permits for Small Wind Energy Systems after the issuance of 25 development permits for this specific use within the municipality.

## SECTION 6 BULK FUEL STATIONS AND SERVICE STATIONS

6.1 Notwithstanding the District Regulations, a use pursuant to this section shall not be located on sites which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, topography and access and egress from the site.

6.2 In addition to the setback requirements of the applicable land use district, bulk fuel ammonia storage facilities are subject to the Guidelines for the Location of Stationary Bulk Ammonia Storage Facilities prepared by AB Environment.

## SECTION 7 HOME OCCUPATIONS

**Home Occupation A**

7.1 A small-scale, home occupation contained within the principal dwelling involving:

(a) phone and office use only;

(b) no outdoor storage and/or display of goods;

(c) no customer/client visits to the residence; and

(d) no non-resident employees.

**Home Occupation B**

7.2 All other home occupations shall be classified as a Home Occupation B and may involve:

(a) the use of a principal structure, garage and/or accessory structure;

(b) limited outdoor storage provided that it is screened from view and/or display of goods within the residence, garage or accessory structure;

(c) limited volume of on-premises sales;

(d) limited customer/client visits;

(e) a maximum of one non-resident employee (i.e., someone who does not live at the home in which the business is operated).

**Additional Home Occupation Standards**

7.3 A home occupation shall be incidental and subordinate to the principal residential use of the dwelling and shall not change the external appearance or character of the dwelling. There shall be no business activities associated with the home occupation conducted on the lot outside the dwelling or accessory structure.

7.4 Allowances for home occupations are intended to foster small-scale business. Home occupations will be required to relocate to a suitable commercial or industrial district when they become incompatible with a residential area or become unsuitable as a home occupation.

7.5 A Home Occupation B shall not be permitted, if in the opinion of the Development Authority, the use would be more appropriately located within a commercial or industrial district or is a noxious or hazardous use.

7.6 The business operator shall be a full-time resident of the dwelling.

7.7 Unless otherwise approved by the Municipal Planning Commission, not more than one home occupation is permitted on a lot.

7.8 The use must not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.

7.9 No offensive noise, vibration, electrical interference, smoke, dust, odors, heat or glare shall be produced by the use.

7.10 No use shall cause an increase in the demand placed on any one or more utilities (water, sewer, garbage, etc.) such that the combined total consumption for a dwelling and its home occupation exceed the normal demand for residences in the area.

7.11 Home occupations shall not include any use that would, in the opinion of the Development Authority, materially interfere with or affect the use or enjoyment of neighbouring properties or activities that use or store hazardous materials.

7.12 Signage advertising a Home Occupation A is limited to one sign located in the structure window up to a maximum of 0.19 $m^2$ (2 $ft^2$) in size and must be approved by the Development Authority. Signage for a Home Occupation B shall be as approved by the Development Authority.

7.13 The Development Authority may regulate the hours of operation, the number of customer visits, outdoor storage and screening and landscaping requirements for outdoor storage.

7.14 Any changes to an approved home occupation require a new development permit and the approval of the Development Authority.

7.15 The development permit for the use shall be valid only for the period of time the property is occupied by the applicant for such approved use and is not transferable to another location or another person.

7.16 The issuance of a development permit in no way exempts the applicant from obtaining a business license from the Village and any other Provincial approvals that may be required.

7.17 A Home Occupation B development permit may be issued as a temporary development permit that may be renewed annually or on a timeline specified in the approval by the Municipal Planning Commission.

7.18 A Home Occupation B shall not be approved where a secondary suite has been developed, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighborhood.

## SECTION 8 OUTDOOR STORAGE AND DISPLAY

8.1 Temporary outdoor display of goods, materials, and equipment for advertising and sale purposes may be permitted in the front yard provided the display is not located within any required landscape area or buffer.

8.2 The Development Authority may impose conditions related to screening, buffering or landscaping of any outdoor display areas.

8.3 Outdoor storage areas shall not be permitted within the front, secondary front or side setback.

8.4 Outdoor storage areas adjacent to a residential lot shall be effectively screened by an opaque fence of at least 1.8 m (6 ft) in height or other suitable screening to the satisfaction of the Development Authority.

## SECTION 9 SATELLITE DISHES AND RADIO OR TELEVISION ANTENNA

9.1 In all residential land use districts and the Transitional Agricultural – TA district:

(a) satellite dishes greater than 0.9 m (3 ft) in diameter or radio or television antenna shall be classified as an accessory structure and shall be placed in the rear or side yard;

(b) satellite dishes greater than 0.9 m (3 ft) in diameter shall not be mounted or attached to the roof of any dwelling or accessory building and shall not be illuminated or contain advertising other than the manufacturer's trademark or logo.

9.2 In the Commercial – C, Industrial – I and Public and Institutional – PI districts, the Development Authority may approve the installation of a satellite dish on a lot, the roof of any building or portion thereof as an accessory structure if, in its opinion, such an installation does not:

(a) constitute a public safety hazard;

(b) compromise the structural integrity of the building; or

(c) constitute an unreasonable visual obstruction.

9.3 Radio and television antennas, which are not regulated by Industry Canada, are classified as an accessory structure. See Part 8 for those regulated by Industry Canada.

## SECTION 10 SHIPPING CONTAINERS

10.1 A shipping container may be placed temporarily on a construction site for the period of construction, in any land use district, subject to the following provisions:

(a) temporary shipping containers are subject to the standards in subsection 10.3;

(b) the shipping container is needed in connection with construction of a development for which a development permit has been issued;

(c) the construction site is active (i.e., construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is prohibited;

(d) setbacks for a temporary shipping container shall be as required by the Development Authority;

(e) the Development Authority has the authority to determine the maximum number of and amount of time a shipping container is permitted on a lot; and

(f) the shipping container shall be removed immediately upon completion of construction or sooner as may be required by the Development Authority.

10.2 Permanent shipping containers may be considered as a discretionary use in any land use district subject to Part 3, subsections 10.3 - 10.12 and the following provisions:

(a) the maximum site coverage and setback requirements for accessory buildings and structures in the applicable land use district;

(b) in the residential land use districts and the Transitional Agricultural land use district, the shipping container shall not display advertising, company logos, names or other marketing. In non-residential districts, the shipping container shall not display advertising, company logos, names or other marketing without an approved sign permit.

**General Standards for Shipping Containers**

10.3 An application for a development permit for a proposed shipping container must be completed and submitted to the Development Officer accompanied by the applicable application fee and a minimum of two recent colour photographs of each container (one end view and one side view).

10.4 There shall be a legal principal use on the property where the shipping container is proposed.

10.5 Shipping containers are permitted to be used for storage only and shall not be used as a building or a construction material.

10.6 The Development Authority may regulate the maximum number of shipping containers permitted on a lot.

10.7 The Development Authority may regulate the maximum height, width and length of shipping containers.

10.8 The Development Authority may require as a condition of approval that a shipping container be screened from view, landscaped, sided and roofed to make it aesthetically pleasing.

10.9 The Development Authority may require as a condition of approval that any shipping container be sandblasted and/or painted a neutral or complementary colour to match the existing building(s) on the property.

10.10 The Development Authority may require as a condition of approval that the exterior of the shipping container be kept clean and regularly painted in a neutral or complementary colour to match the existing building(s) on the property.

10.11 The Development Authority may regulate the time period for which a development permit for a shipping container(s) is valid through the issuance of a temporary permit.

10.12 Removal of the shipping container(s) at the expiration of the permit shall be at the expense of the applicant and/or landowner. The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing the removal of the container and/or compliance with the conditions of the permit.

## SECTION 11 SHOW HOMES

11.1 The construction of or use of a new, unoccupied dwelling unit for the purpose of a show home for the sale or marketing of other dwelling units by a builder or developer within a subdivision or development may be approved as a temporary use in the residential land use districts.

11.2 A dwelling occupied as a residence shall not be used as a show home, sales office or as a facility to demonstrate a builder's construction quality or methods.

11.3 The show home shall not be open to the public for viewing until the road accessing the show home is developed to municipal standards.

11.4 There shall be a sign posted at the show home identifying it as such.

11.5 The advertised hours that the show home is open to the public shall not be earlier than 9:00 a.m. or later than 9:00 p.m.

11.6 Conditions of the permit do not limit the private showing by appointment of the show home at any time.

## SECTION 12 SWIMMING POOLS, RESIDENTIAL

12.1 Residential swimming pools shall be classified as an accessory structure.

12.2 Any residential swimming pool with a design depth greater than 0.6 m (2 ft) shall be constructed and fenced in accordance with Safety Codes requirements.

12.3 Temporary above ground swimming pools and above ground hot tubs do not require a development permit, but are subject to Safety Codes and may require a building permit.

12.4 Construction of an in-ground swimming pool and swimming pools that are attached to a deck require a development permit and are subject to the following additional standards:

(a) placement of a swimming pool shall be limited to the side and rear yard only;

(b) swimming pools are subject to the setback requirements for accessory structures in the applicable land use district; and

(c) swimming pools are subject to the maximum site coverage requirements for accessory structures in the applicable land use district.

## SECTION 13 SECONDARY SUITE STANDARDS

13.1 A secondary suite shall only be permitted on a lot with a developed single-detached dwelling.

13.2 A secondary suite may be located within a single-detached dwelling or an accessory structure. If proposed within an accessory structure, the single-detached dwelling must be established on the lot prior to approval of a secondary suite.

13.3 A secondary suite shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure. A secondary suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.

13.4 Either the principal dwelling or the secondary suite must be owner occupied.

13.5 The maximum floor area of the secondary suite shall be as follows:

(a) in the case of a secondary suite located within a single-detached dwelling, the floor area of the secondary suite shall not exceed 50% of the floor area of the single-detached dwelling;

(b) in the case of a secondary suite located within an accessory structure, the floor area of the secondary suite shall not exceed 74.3 $m^2$ (800 $ft^2$), whichever is the lesser.

13.6 The minimum floor area for a secondary suite shall be not less than 30.2 $m^2$ (325 $ft^2$).

13.7 A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.

13.8 No more than one secondary suite shall be permitted on any lot.

13.9 A secondary suite shall not be developed on a lot containing a Home Occupation B, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighborhood.

13.10 The secondary suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

13.11 Variances or waivers of setbacks shall not be granted to develop a secondary suite.

13.12 The secondary suite shall have full utility services through service connections from the principal dwelling unit.

13.13 Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire code as a condition of approval.

## SECTION 14 SURVEILLANCE SUITES

14.1 A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Municipal Planning Commission, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.

14.2 Where a surveillance suite is attached to the building on a site by a roof, an open or enclosed structure, floor or a foundation, it is to be considered a part of the principal building.

14.3 The maximum floor area of any surveillance suite shall be 55.8 $m^2$ (600 $ft^2$).

14.4 Where a surveillance suite is a manufactured home unit, the following shall apply:

(a) the unit shall have a CSA certification or equivalent, proof of which shall accompany the development permit application;

(b) the unit shall be secured and skirted to the satisfaction of the Development Authority.

## SECTION 15 MOVED-IN DWELLINGS AND MOVED-IN BUILDINGS

15.1 An application for the placement of a moved-in dwelling/building shall include the following additional information:

(a) a report by a certified safety codes officer documenting the quality of the building and compliance with the requirements of the Alberta Building Code;

(b) recent colour photographs of all exterior sides of the proposed moved-in dwelling;

(c) information regarding the age of the building, foundation height, roofing and exterior finish material, and any proposed upgrades to the exterior of the moved-in building;

(d) any proposed additions including porches, steps, decks, garage or other similar features;

(e) any additional information required by the Development Authority to determine the suitability of the proposed moved-in building.

15.2 The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of deposit.

15.3 The quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area.

15.4 The requirements of the building shall be established by the Development Authority at the time of approval of the application and shall form a part of the conditions of the development permit.

15.5 A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Development Authority at the time of the approval of the application.

15.6 The Development Authority may require a bond or irrevocable letter of credit of a minimum of 50% of the estimated value of the structure, or $5,000, whichever is greater to ensure the conditions of the development permit are met.

## SECTION 16 PREFABRICATED DWELLINGS

16.1 Eligible prefabricated dwellings are:

(a) new factory built dwellings, panelized dwellings and ready-to-move dwellings that meet CSA standards and Alberta Building Code (CSA A-277) that have not been previously occupied;

(b) used factory built dwellings in a good state of repair to the satisfaction of the Development Authority that are CSA certified, bear the Alberta Building Label (CSA A-277 or Z-240 building labels) or the original home certification.

16.2 An application for a development permit for a new prefabricated dwelling under Part 3, subsection 16.1(a) shall include the following additional information:

(a) professional building plans illustrating the exterior design, floor plan, and elevations;

(b) if available, colour photographs of all exterior sides of the proposed dwelling;

(c) any proposed additions, including porches, steps, decks, garages, or other similar features;

(d) the proposed foundation or footing type;

(e) any additional information required by the Development Authority to determine the suitability of the proposed dwelling.

16.3 An application for a development permit for a used prefabricated dwelling under Part 3, subsection 16.1(b) shall include the following additional information:

(a) recent colour photographs of all exterior sides of the dwelling including any additions;

(b) a recent inspection report by a Safety Codes Officer completed within 30 days of the application date to determine the suitability of the dwelling;

(c) drawing of the floor plan, or if available, professional building plans illustrating the exterior design, floor plan, and elevations;

(d) any proposed additions, including porches, steps, decks, garages or other similar features;

(e) the proposed foundation or footing type;

(f) any additional information required by the Development Authority to determine the suitability of the proposed dwelling.

16.4 The design, character and appearance, including the roof lines and materials and exterior finish of the dwelling shall be consistent with the purpose of the district in which the dwelling is proposed and compatible with the surrounding buildings.

16.5 To ensure compatibility of housing types, the Development Authority may regulate:

(a) roof lines;

(b) exterior finish - type and colour;

(c) foundation type and maximum elevation;

(d) dwelling orientation;

(e) any other matters deemed necessary to ensure compatibility with surrounding development.

16.6 The quality of the completed dwelling shall be at least equal to the quality of the other buildings in the area.

16.7 All prefabricated dwelling placed on a pile, pier or other open foundation type shall be skirted in compatible materials and enclosed to the satisfaction of the Development Authority.

16.8 Any wheels, hitches or running gear shall be removed immediately upon placement of the dwelling.

16.9 All additions shall be of a design and finish which complement the dwelling.

16.10 The Development Authority may require a bond or irrevocable letter of credit of a minimum $5000 to a maximum value of up to 50 percent of the assessed value of the dwelling to ensure the conditions of the development permit for the dwelling are met.

## SECTION 17 MANUFACTURED HOME COMMUNITY

Prior to the issuance of a Development Permit for a comprehensively planned manufactured home community, the Development Authority shall receive and adopt by resolution a Comprehensive Plan for the community. A Comprehensive Plan shall be in accordance with, but not necessarily limited to, the following:

**Parcel Size**

17.1 The parcel subject to the development of a comprehensively planned manufactured home community shall be no greater than 4 ha (10 acres) in size.

**General and Overall Appearance**

17.2 The manufactured home community plan shall incorporate detailed aesthetic considerations such as:

(a) substantial landscaping design of the entire park in general, and of individual sites in particular;

(b) treatment of communal areas, both indoor and outdoor;

(c) imaginative handling of street furniture such as lamp standards, litter bins, benches, street signs, and accessories of this nature; and

(d) the community design and subsequent placement of dwellings on lots shall integrate well with adjoining residential development so as not to be obtrusive.

**Open Space Requirements**

17.3 A minimum of 10 percent of the manufactured home community area shall be developed for park use for the enjoyment of the residents.

**Servicing Requirements**

17.4 An engineer shall be engaged at the expense of the developer to consult with the Village and utility companies to arrive at a design for all interior servicing, including roads, drainage, grading, sewer, water, natural gas, telephone, electrical and fire protection.

17.5 All on-site servicing shall be built to the standards and requirements of the Village of Warner and any applicable utility companies.

17.6 Utility easements as may be required shall be provided within the site, and reasonable access to these easements shall be granted to the Village Public Works Department and utility companies for the installation and maintenance of services as required.

**Internal Roads**

17.7 Internal roads shall be provided in the manufactured home community to allow access to individual manufactured home lots as well as to other facilities where access is required.

17.8 Internal roads shall be privately owned and maintained and form part of the common area.

17.9 The internal road system shall be designed to be compatible with existing municipal roads and public utility systems.

17.10 The internal road system shall provide convenient circulation by the use of local roads and properly located collector roads within the manufactured home park. Dead-end roads shall be discouraged; however, where design alternatives are not available, a minimum 16.8 m (55 ft) radius shall be provided for turn-around purposes.

17.11 If the public roadway through which access to the manufactured home community is obtained is paved, then the roads in the manufactured home community shall be paved.

17.12 A minimum right-of-way width of 12.2 m (40 ft) is required for all roads within the development.

**Manufactured Home Additions**

17.13 Any addition to a manufactured home shall be of a design and finish which will complement the manufactured home unit and the neighbouring units in the vicinity, as determined by the Development Authority.

17.14 Additions shall be located to the rear or side of the manufactured home unit only. Where any lot has more than one front yard line, the front yard requirements shall apply to one yard only and additions may be permitted in the other front yard.

17.15 Additions shall not exceed 30 percent of the floor area of a manufactured home unit.

**Storage Compound**

17.16 The developer of the comprehensively planned manufactured home community shall provide, within the park, an area to accommodate storage.

17.17 The size of this storage area shall be a percentage of the total site area as determined by the Development Authority and shall be satisfactorily screened by fences, trees, landscaped features, or combinations thereof, and be maintained in good repair.

**Siting Criteria**

17.18 The following distances must be observed in locating a structure within a designated manufactured home community:

(a) a minimum of 1.5 m (5 ft) must separate the manufactured home from the lot lines (front, rear, and one side yard) except as provided for in a Comprehensive Plan;

(b) a minimum of 5.5 m (18 ft) side yard open space must separate individual manufactured homes (driveways, carports and open porches are allowable in this space);

(c) the distance between a manufactured home stand and an abutting common area such as a paved street or walkway or public parking area shall be 3.7 m (12 ft);

(d) all open porches, carports and accessory buildings shall be set back minimum 4.6 m (15 ft) from the front lot line;

(e) accessory buildings may be located 1.5 m (5 ft) from the manufactured home side lot line, provided structures on the adjoining parcel are 3.0 m (10 ft) away;

(f) covered decks and porches (walls, roof, etc.) shall be considered part of the principal building and must meet the stipulated setbacks for the manufactured home;

(g) any accessory building shall cover not more than 15 percent of the surface area of the manufactured unit lot, or 55.7 $m^2$ (600 $ft^2$), whichever is less;

(h) the manufactured home units shall cover not more than 40 percent of the total surface area of the lot.

**Drawings to be Submitted by Applicants**

17.19 The following drawings must be submitted:

(a) a scaled site plan shall be submitted showing the manufactured home park and its immediate surroundings;

(b) the site plan shall indicate, among other things, the mix of single-wide and double-wide manufactured home lots, the lot size dimensions, street and pavement widths, parking stalls, location of service buildings, storage compound, playground and walkway system;

(c) a utility plan shall be based on the site plan and shall indicate the location of all utilities necessary for the provision of the following services to the area to be developed:

- water supply (including any proposed irrigation)
- sanitary sewer
- storm sewer
- power
- natural gas
- telephone
- cablevision
- street lighting

The sizing and specifications of all utilities to be determined in consultation with the Village's Public Works Department and the respective utility companies or agencies;

(d) a layout plan shall indicate typical arrangement of manufactured homes as well as parking areas and landscaping of the lot;

(e) a detailed landscaping plan shall illustrate the types of tree planting and ground cover for internal buffer strips, open space and playground areas, irrigation layout, all manufactured home lots, and entrances to the park.

## SECTION 18 RETAIL CANNABIS STORE

18.1 A retail cannabis store shall not be approved if any portion of an exterior wall of the store is located within 100 m (328 ft) of:

(a) the boundary of a parcel of land on which a provincial health care facility is located, including any associated grounds;

(b) the boundary of a parcel of land containing a school (public or private), including any associated grounds;

(c) the boundary of a parcel of land that is designated as school reserve (SR) or municipal and school reserve (MSR) under the *Municipal Government Act*;

(d) the boundary of the parcel of land on which the Village of Warner Library is located;

(e) the boundary of the parcel of land on which the Lions Park and Campground is located.

18.2 A retail cannabis store shall not be approved if any portion of an exterior wall of the store is located within 150 m (492 ft) of another retail cannabis store (measured to the exterior wall).

18.3 All parking and loading area requirements shall be provided in accordance with Section 14 Off-Street Parking and Loading Requirements, Part 6 General Standards of Development. The "Retail" category in Table 6.2 – Non-Residential Minimum Required Off-Street Parking, Section 14.8, Part 6, shall be used to calculate off-street parking space requirements for a retail cannabis store.

18.4 All retail cannabis stores shall be subject to the condition that the applicant is responsible for obtaining all applicable approvals from the Alberta Gaming and Liquor Commission with a copy of such approvals submitted to the Village prior to operation of a retail cannabis store.

18.5 The applicant proposing a retail cannabis store shall submit the following additional information with the development permit application:

(a) documentation demonstrating how the cannabis retail store complies with the Conditions Governing Cannabis Store Premises under the *Alberta Gaming, Liquor and Cannabis Regulation;* and

(b) proposed exterior business signage and information demonstrating compliance with the Alberta Gaming and Liquor Commission store names.

## SECTION 19 CANNABIS PRODUCTION FACILITY

19.1 The owner or applicant must provide as a condition of development a copy of the current licence for all activities associated with the cannabis production facility as issued by Health Canada.

19.2 The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial and other municipal legislation.

19.3 A cannabis production facility shall not be approved within 100 m (328 ft) of:

(a) a residential district, measured from building containing the use to the nearest property line of a parcel designated residential;

(b) the boundary of a parcel of land containing a school (public or private), including any associated school grounds; or

(c) the boundary of a parcel of land that is designated as school reserve (SR) or municipal and school reserve (MSR) under the *Municipal Government Act*;

unless the Development Authority is satisfied that adequate measures and high operational standards will be undertaken and maintained to minimize nuisance, hazard or noxious effect on vicinity land uses.

19.4 The development must be undertaken in a manner such that all of the processes and functions are fully enclosed within a building, including waste materials.

19.5 The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of the ventilation system.

19.6 All parking and loading area requirements shall be provided in accordance with Section 14 Off-Street Parking and Loading Requirements, Part 6 General Standards of Development. The "All other uses" category in Table 6.2 – Non-Residential Minimum Required Off-Street Parking, Section 14.8, Part 6, shall be used to calculate off-street parking space requirements for a cannabis production facility.

19.7 A public utility and waste management plan shall be submitted with the development permit application that describes:

(a) estimated volume of monthly water usage;

(b) incineration of waste products and airborne emissions, including smell;

(c) the quantity and characteristics of liquid and waste material discharged by the facility; and

(d) the method and location of collection and disposal of liquid and waste material.

## SECTION 20 MIXED-USE COMMERCIAL/RESIDENTIAL BUILDING

20.1 The mixed-use commercial/residential building use allows for a combination of one or more of the uses listed in the Commercial - C land use district within a building, including allowance for a residential dwelling unit(s) within a portion of the building independent of the commercial use of the building. Each use within a mixed-use commercial/residential building shall be considered as a separate use and issued under a separate development permit(s).

20.2 The maximum number of residential dwelling units allowed within a mixed-use commercial/residential building shall be at the discretion of the Municipal Planning Commission.

20.3 A residential dwelling unit within a mixed-use commercial/residential building shall have at-grade access that is separate from the access for the commercial premises, either from a common indoor landing or directly from the exterior of the structure.

20.4 A residential dwelling unit within a mixed-use commercial/residential building shall have a minimum floor area of not less than 30.2 m² (325 sq ft).

20.5 A residential dwelling unit within a mixed-use commercial/residential building shall have sanitary facilities separate from those of the commercial use of the premises.

20.6 Residential dwelling units on the main floor (at-grade) of a mixed-use commercial/residential building shall not exceed 50% of gross floor area of the main floor.

20.7 Off-street parking and loading requirements for a mixed-use commercial/residential building shall be provided in Section 14 Off-Street Parking and Loading Requirements, Part 6 General Standards of Development based on the applicable residential and non-residential use category.

# PART 4 – Dimensional Standards and Setbacks

# PART 4 – Dimensional Standards and Setbacks

## SECTION 1 DIMENSIONAL STANDARDS AND MINUMUM SETBACKS

1.1 Tables 4.1, 4.2 and 4.3 list the dimensional standards and setback requirements that apply within each of the land use districts.

## SECTION 2 MINIMUM LOT SIZE

### Minimum Dimensions Table

2.1 Table 4.1 lists the dimensional requirements that apply to uses within each of the land use districts.

**Table 4.1: Minimum Lot Size**

| Land Use District | Use | Minimum Lot Size | | | | | |
|---|---|---|---|---|---|---|---|
| | | Width | | Length | | Area | |
| **R** | | **m** | **ft** | **m** | **ft** | **$m^2$** | **$ft^2$** |
| | Dwelling, single-detached[(a)] | 15.0 | 49 | 30.0 | 98 | 450.0 | 4,844 |
| | Dwelling, duplex | 24.0 | 79 | 30.0 | 98 | 720.0 | 7,750 |
| | Dwelling, semi-detached (each unit) | 12.0 | 39 | 30.0 | 98 | 360.0 | 3,875 |
| | Dwelling, multi-unit | 30.0 | 98 | 30.0 | 98 | 900.0 | 9,688 |
| | Accessory building/structure and Home occupation A | Same as principal use | | | | | |
| | All other uses | As required by the Development Authority | | | | | |
| **RMH** | | **m** | **ft** | **m** | **ft** | **$m^2$** | **$ft^2$** |
| | Dwelling, single-detached prefabricated | 15.0 | 49 | 30.0 | 98 | 450.0 | 4,844 |
| | Accessory building/structure and Home occupation A | Same as principal use | | | | | |
| | All other uses | As required by the Development Authority | | | | | |
| **C** | | **m** | **ft** | **m** | **ft** | **$m^2$** | **$ft^2$** |
| | All uses | 7.6 | 25 | 30.0 | 98 | 228.0 | 2,454 |
| **I** | | **m** | **ft** | **m** | **ft** | **$m^2$** | **$ft^2$** |
| | All uses | 30.0 | 98 | 30.0 | 98 | 900.0 | 9,688 |
| **PI** | | **m** | **ft** | **m** | **ft** | **$m^2$** | **$ft^2$** |
| | All uses | 20.0 | 66 | 30.0 | 98 | 600.0 | 6,459 |
| **TA** | | **m** | **ft** | **m** | **ft** | **$m^2$** | **$ft^2$** |
| | Permitted uses | 2 ha (5 acres) | | | | | |
| | Discretionary uses | In accordance with an adopted Area Structure Plan or approved Conceptual Design Scheme | | | | | |

*(a) For the purpose of this table, Dwelling, single- detached includes: Site built, Prefabricated, and Moved-in.*

## SECTION 3 MINIMUM SETBACKS

### Minimum Setbacks Table

3.1 Table 4.2 lists the setback requirements that apply to uses within each of the land use districts.

**Table 4.2: Minimum Setbacks**

| Land Use District | Use | Minimum Setbacks | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | Front | | Secondary Front[(c)] | | Side | | Rear | |
| **R** | | m | ft | m | ft | m | ft | m | ft |
| | Dwelling, single-detached [(a)] | 7.6 | 25 | 4.6 | 15 | 1.5 | 5 | 7.0 | 23 |
| | Dwelling, duplex and semi-detached [(b)] | 7.6 | 25 | 4.6 | 15 | 1.5 | 5 | 7.0 | 23 |
| | Dwelling, multi-unit[(b)] | 7.6 | 25 | 6.0 | 20 | 4.0 | 13 | 7.0 | 23 |
| | Accessory building/structure | 7.6 | 25 | 4.6 | 15 | 1.5 | 5 | 1.5 | 5 |
| | All other uses | As required by the Development Authority | | | | | | | |
| **RMH** | | m | ft | m | ft | m | ft | m | ft |
| | Dwelling, single-detached prefabricated | | | | | main entrance | | | |
| | | 7.6 | 25 | 4.6 | 15 | 4.6 | 15 | 3.0 | 10 |
| | | | | | | other side | | | |
| | | | | | | 2.2 | 7 | | |
| | Accessory building/structure | 7.6 | 25 | 4.6 | 15 | 1.5 | 5 | 1.5 | 5 |
| | All other uses | As required by the Development Authority | | | | | | | |
| **C** | | m | ft | m | ft | m | ft | m | ft |
| | All uses | 1.5 | 5 | 1.5 | 5 | 0 | 0 | 3.0 | 10 |
| | Where adjacent to R and RMH | 1.5 | 5 | 1.5 | 5 | 3.0 | 10 | 3.0 | 10 |
| **I** | | m | ft | m | ft | m | ft | m | ft |
| | All uses | 7.6 | 25 | 4.6 | 15 | 3.0 | 10 | 7.6 | 25 |
| | Where adjacent to R and RMH | 7.6 | 25 | 4.6 | 15 | 6.1 | 20 | 7.6 | 25 |
| **PI** | | m | ft | m | ft | m | ft | m | ft |
| | All uses | 7.6 | 25 | 4.6 | 15 | 3.0 | 10 | 7.6 | 25 |
| **TA** | | m | ft | m | ft | m | ft | m | ft |
| | Dwelling, single-detached[(a)] | 7.6 | 25 | 4.6 | 15 | 4.6 | 15 | 7.0 | 23 |
| | Accessory building/structure | 7.6 | 25 | 7.6 | 25 | 1.5 | 5 | 1.5 | 5 |
| | All other uses | As required by the Development Authority | | | | | | | |

*(a) For the purpose of this table, Dwelling, single-detached includes: Site built, Prefabricated, and Moved-in.*
*(b) The common wall may be zero lot line where each unit is on a separate lot.*
*(c) Applies to corner lots. The Development Authority shall determine which frontage will be designated the secondary front depending on the orientation of existing development.*

3.2 The Development Authority may require increased building setbacks (other than those listed in Table 4.2) if such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

3.3 Buildings and structures that are attached to a principal building are subject to the principal setbacks excepting the permitted projections in Part 4, subsection 3.5.

3.4 The following features may, subject to the relevant provisions of Safety Codes, project into the required setbacks under this bylaw:

(a) unenclosed steps or unenclosed fire escapes;

(b) a wheelchair ramp at the discretion of the Development Officer;

(c) fences or walls to the property line in accordance with the applicable land use district and Part 6, Section 4 and Section 6;

(d) driveways, curbs and sidewalks;

(e) off-street parking;

(f) cooling units not to exceed 0.9 m (3 ft);

(g) mailboxes;

(h) landscaping, fish ponds, ornaments, flagpoles less than 4.6 m (15 ft) in height, or other similar landscaping features;

(i) temporary swimming pools in accordance with the applicable land use district; and

(j) signs in accordance with Part 7.

3.5 The portions of and attachments to a principal building which may project over a setback are as follows:

(a) eaves, fireplaces, belt courses, bay windows, cornices, sills or other similar architectural features may project over a side setback as permitted under the relevant provisions of Safety Codes and over a front or rear setback a distance not to exceed 1.2 m (4 ft);

(b) an uncovered balcony, cantilever, or other similar feature may project over a side or rear setback a distance not to exceed one-half of the width of the smallest setback required for the site;

(c) a chimney which is not more than 1.2 m (4 ft) wide and projects not more than 0.3 m (1 ft) into a rear or side setback.

## SECTION 4 BUILDING HEIGHT, FLOOR AREA, AND SITE COVERAGE

4.1 Table 4.3 lists the standards for floor area, site coverage and building height that apply to uses within each of the land use districts.

**Table 4.3: Floor Area, Site Coverage and Building Height**

| Land Use District | Specific Use | Minimum Floor Area[(b)] | | Maximum Site Coverage[(c)] | Maximum Building Height[(e)] | |
|---|---|---|---|---|---|---|
| **R** | | **$m^2$** | **$ft^2$** | **%** | **m** | **ft** |
| | Dwelling, single-detached[(a)] | 74.3 | 800 | 35 | 10.1 | 33 |
| | Dwelling, duplex and semi-detached (each unit) | 65.0 | 700 | 35 | 10.1 | 33 |
| | Dwelling, multi-unit | 65.0 | 700 | 35 | 10.1 | 33 |
| | Accessory building/structure | n/a | | 15 | 4.6 | 15 |
| | All other uses | As required by the Development Authority | | | | |
| **RMH** | | | | | | |
| | Dwelling, single-detached prefabricated | 65.0 | 700 | 35 | 10.1 | 33 |
| | Accessory building/structure | n/a | | 15 | 4.6 | 15 |
| | All other uses | As required by the Development Authority | | | | |
| **C** | | | | | | |
| | All uses | n/a | | 80[(d)] | 10.7 | 35 |
| **I** | | | | | | |
| | All uses | n/a | | 60[(d)] | n/a | |
| **PI** | | | | | | |
| | All uses | n/a | | 50[(d)] | 10.7 | 35 |
| **TA** | | | | | | |
| | Dwelling, single-detached[(a)] | 74.3 | 800 | As required by the Development Authority | 10.1 | 33 |
| | Accessory building/structure | n/a | | | 4.6 | 15 |
| | All other uses | As required by the Development Authority | | | | |

*(a) For the purpose of this table, Dwelling, single-detached includes: Site built, Prefabricated, and Moved-in.*

*(b) Minimum floor area means the sum of the gross horizontal area of the several floors and passageways of a building not including basements, attached garages and open porches.*

*(c) Maximum site coverage means the percentage of the lot area which is covered by all buildings and structures on a lot.*

*(d) Combined site coverage of principal and accessory buildings and structures.*

*(e) Maximum building height means the maximum vertical distance between grade and the highest point of a building excluding a roof stairway, entrance elevator housing, ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or parapet wall, flagpole or similar device not structurally essential to the building.*

# PART 5 – Development Not Requiring A Permit

# PART 5 – Development Not Requiring A Permit

**SECTION 1 DEVELOPMENT NOT REQUIRING A PERMIT**

1.1 The following development shall not require a development permit:

(a) any use or development exempted under section 618(1) of the *Municipal Government Act*;

(b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *Municipal Government Act*;

(c) telecommunication antenna systems that are regulated by Industry Canada subject to Part 8 (Telecommunication Antenna Siting Protocol);

(d) the completion of a building which was lawfully under construction at the date this bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;

(e) the completion of a building that did not require a development permit under the previous Land Use Bylaw and which was lawfully under construction provided the building is completed within 12 months from the date this bylaw came into effect.

1.2 The following developments shall not require a development permit, but must **otherwise comply with all other provisions of this bylaw**:

(a) the maintenance or repair of any building provided that the work does not include structural alterations or additions;

(b) interior renovations to a building which do not:

(i) create another dwelling unit;

(ii) increase parking requirements; or

(iii) result in the change of use of a building.

(c) the temporary placement or construction of works, plants or machinery (not including shipping containers) needed to construct a development for which a development permit has been issued for the period of those operations;

(d) the maintenance or repair of public works, services and utilities on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities;

(e) the first accessory building or structure placed on a lot which is 9.3 $m^2$ (100 $ft^2$) or less in area;

(f) in all districts the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure that does not exceed 0.9 m (3 ft) in height in any front yard and secondary front yard and 1.8 m (6 ft) in height in any rear or side yard;

(g) in the Industrial land use district, the erection, maintenance or alteration of a fence, gate, wall hedge, or other means of enclosure that does not exceed 2.4 m (8 ft) in height in any rear or side yard;

(h) landscaping that was not required as part of the original development permit;

(i) any sign listed in Part 7, Section 4;

(j) any satellite dish less than 0.9 m (3 ft) in diameter not located in the front yard;

(k) temporary outdoor swimming pools and above ground hot tubs;

(l) the installation of cement or other hard surface material that is not to be covered or partially covered by a roof or other shelter to a maximum of 25% coverage of the yard in which it is to be located;

(m) excavation, grading, stripping, or stockpile provided it is part of a development for which a development permit has been issued or is addressed in a signed Development Agreement with the Village of Warner; and

(n) the construction of uncovered decks or patios less than 0.6 m (2 ft) above grade.

**If there is a doubt to whether a development is of a kind listed above, the matter shall be decided by the Municipal Planning Commission.**

# PART 6 – General Standards of Development

# PART 6 – General Standards of Development

Except where specified otherwise in this Part, the following standards apply to all uses in all districts.

## SECTION 1 STATUTORY PLANS

1.1 Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this bylaw for a particular district or districts, the policies, rules or procedures indicated in the statutory plan shall take precedence.

## SECTION 2 DESIGN, FINISH AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

2.1 The design, character and appearance of buildings, structures and signs shall be consistent with the intent of the land use district in which the building, structure or sign is located and compatible with other buildings in the vicinity.

2.2 The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district and maintain compatibility with surrounding or adjacent development and existing buildings on the same lot.

2.3 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.

2.4 Subject to the requirements of the Safety Codes, the Development Authority may require that buildings be physically accessible to disabled persons.

2.5 If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

## SECTION 3 VARIED BUILDING SETBACKS – RESIDENTIAL DISTRICTS

3.1 The Municipal Planning Commission may waive the building setback requirement in a well-established residential area if, in their opinion, the setback blends in with the prevailing yard pattern.

3.2 The Municipal Planning Commission may require varied building setbacks in new residential areas if, in their opinion, the variation in setbacks will enhance the development of that area.

3.3 The Municipal Planning Commission may require increased building setbacks if, in their opinion, such setbacks would be necessary.

## SECTION 4 CORNER VISIBILITY

### Street Corner Visibility

4.1 On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections, between 0.9 m (3 ft) and 3.0 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 7.62 m (25 ft) from the point of intersection (see Figures 6.1 and 6.2 where Dimension A = 7.62 m; 25 ft).

**Figure 6.1**

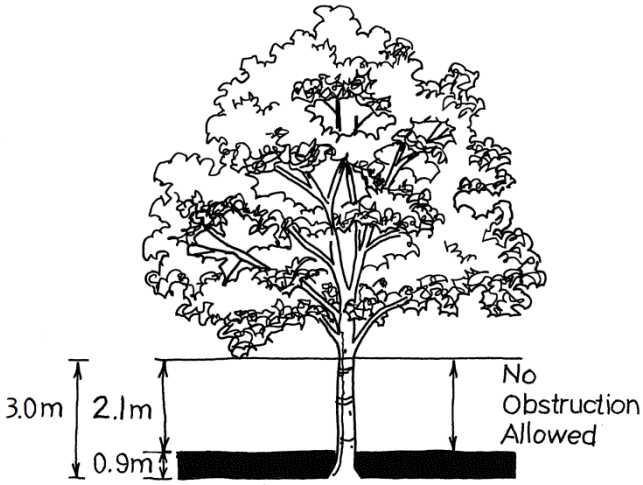
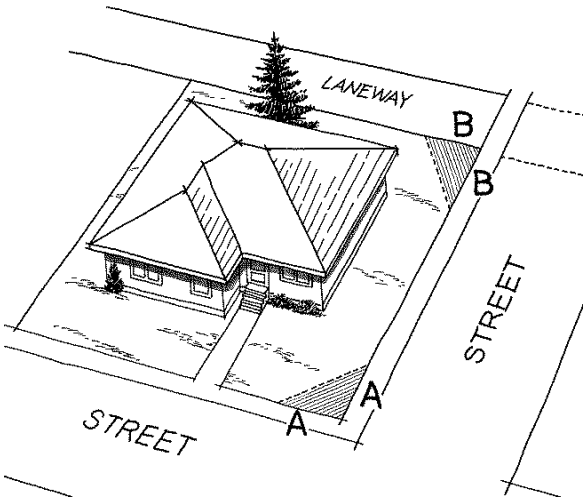



**Figure 6.2**




### Rear Lane Visibility

4.2 The Development Authority may impose conditions on a development to ensure that adequate visibility and safety of both pedestrians and vehicles is maintained for vehicles entering and exiting rear lanes.

4.3 The Development Authority may request that a minimum 1.5 m (5 ft) clear vision triangle be provided for lots backing onto the intersection of a rear lane and public roadway (see Figure 6.2 where Dimension B = 1.5 m; 5 ft).

## SECTION 5 ACCESS AND DRIVEWAYS

5.1 Location of the access to each development from a public roadway shall be shown on the site plan submitted with the application for a development permit and is subject to the approval of the Development Authority.

5.2 Vehicular access for corner lots shall generally be limited to locations along a minor street or cul-de-sac.

5.3 Driveways shall not be occupied in such a manner that will interfere with convenient and safe pedestrian movement or traffic flow.

5.4 Driveways should be encouraged to group into pairs where possible.

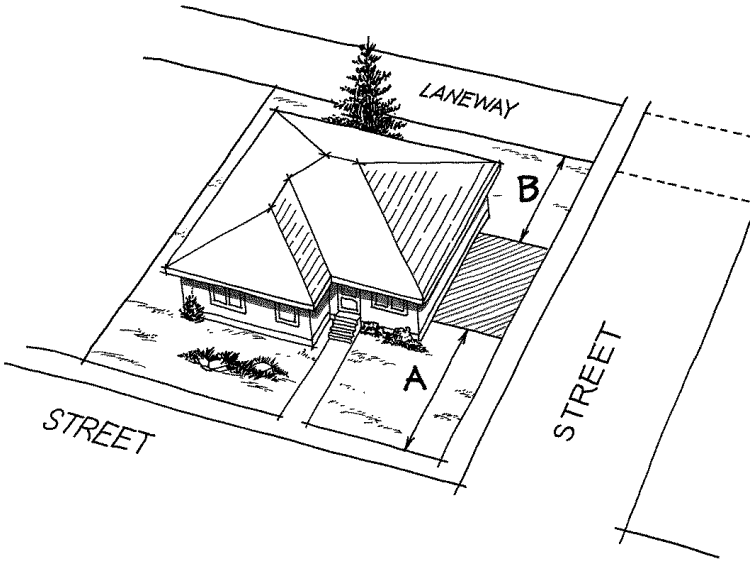
5.5 Only one driveway per lot should be permitted for single detached dwellings (all types).

5.6 Driveways shall be a minimum of 3.0 m (10 ft) and a maximum of 7.62 m (25 ft) in width.

5.7 In residential districts where a subject property does not provide a side yard sufficient for a driveway, then one off-street parking pad may be permitted in the front yard to a maximum of 7.62 m (25 ft) in width.

5.8 Driveways shall be a minimum of 3.0 m (10 ft) from the entrance to a lane (see Figure 6.3 Dimension B), and 4.6 m (15 ft) from the intersection of two public roadways (see Figure 6.3 Dimension A).

**Figure 6.3**



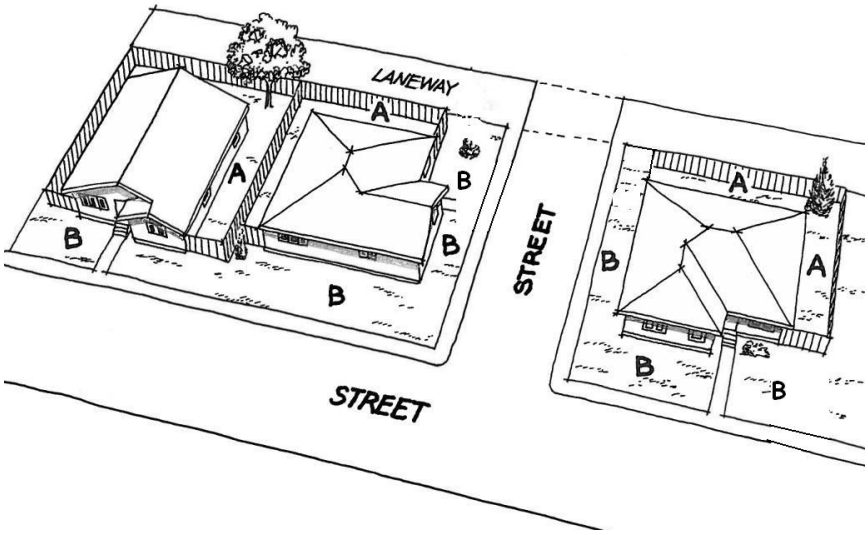

5.9 Driveways, parking pads or hard surfaced areas (e.g. paving stones, sidewalks) that cover more than 25 percent of the yard in which it is proposed require a development permit.

## SECTION 6 FENCES, GATES, WALLS, HEDGES, AND OTHER MEANS OF ENCLOSURE

6.1 No fence, gate, wall, hedge, or other means of enclosure shall extend more than 0.9 m (3 ft) above the ground in any front yard or secondary front yard (as illustrated in Figure 6.4, area labeled as B) without a development permit approved by the Municipal Planning Commission.

6.2 Fences, gates, walls, hedges, and other means of enclosure in the rear and side yards in all districts except Industrial shall be 1.8 m (6 ft) in height or less as illustrated in Figure 6.4 in the area labeled as A. Fences, gates, walls, hedges, and other means of enclosure in the rear and side yards in the Industrial district shall be 2.4 m (8 ft) in height or less as illustrated in Figure 6.4 in the area labeled as A.

**Figure 6.4**




6.3 In any residential land use district (R and RMH), fences, gates, walls and other means of enclosure constructed of barbed wire, razor wire, lego concrete blocks, or other materials incompatible with a residential aesthetic are prohibited. In all other land use districts, fences, gates, walls, and other means of enclosure constructed of barbed wire, razor wire, or lego concrete blocks require development permit approval.

6.4 Where a development permit approval for a fence, gate, wall, hedge, or other means of enclosure is required, the Development Authority may regulate the types of vegetation, materials and colours used.

6.5 Fencing, gates, walls, hedges, or other means of enclosure shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such will be at the property owner's expense, not the municipality.

## SECTION 7 DEVELOPMENT OF LAND SUBJECT TO SUBSIDENCE, UNDERMINING OR FLOODING

7.1 If in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence, mass wasting, flooding or undermining, the Development Authority may require the applicant to submit any one or all of the following: structural building plan, slope stability analysis, geotechnical report, and flood mapping prepared by and stamped by an engineer demonstrating that any potential hazards can be mitigated.

## SECTION 8 GRADING AND STORMWATER MANAGEMENT

8.1 The Development Authority may require as a condition of development approval:

(a) engineered grading and drainage plans for the development and a legal survey demonstrating that engineered grades have been met;

(b) grading and other measures, as appropriate, to control surface drainage, prevent drainage problems with neighbouring lots, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability.

8.2 Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Authority, to a rear or side property boundary or as approved in an engineered stormwater management plan.

8.3 The construction of a retaining wall, including submittal of an engineered design may be required whenever, in the opinion of the Development Authority, significant differences in grade exist or will exist between the lot being developed and any adjacent lot or roadway. Where a retaining wall is required, the applicant shall submit to the Development Officer plans identifying the design and specifications of development for review and approval by the accredited safety codes officer.

## SECTION 9 SITE LIGHTING

9.1 Site lighting may be required as a condition of development.

9.2 Site lighting shall be located, oriented and shielded so it does not adversely affect adjacent properties.

## SECTION 10 REFUSE COLLECTION AND STORAGE

10.1 Refuse and garbage shall be kept in a suitably-sized enclosure for each use within each land use district.

10.2 Refuse and garbage areas shall be effectively screened until such time as collection and disposal is possible.

10.3 All refuse on any construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

## SECTION 11 SERVICING

11.1 All development shall be required to connect to both the municipal water supply and sewerage system, except where in the opinion of the Development Authority the development does not require water and sewer.

11.2 Outhouses are prohibited within the municipality. Those facilities which are plumbed and connected to the municipal sewerage system may be allowed if approved by the Municipal Planning Commission and constructed to comply with provincial regulations and standards. Portable toilets may be allowed within the municipality, on a temporary basis, to coincide with a public assembly, special event, construction project, or emergency management.

## SECTION 12 LANDSCAPING AND SCREENING

12.1 A landscaping plan shall be submitted with the development permit application for any principal use in all non-residential land use districts and may be required in residential land use districts. The Development Authority may require that a landscaping plan be prepared by a professional. An irrigation plan may also be required.

12.2 The front yard shall be comprehensively landscaped except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Authority.

12.3 In the case of corner lots, the secondary front yard shall also be landscaped to the satisfaction of the Development Authority.

12.4 The Development Authority may require a landscaped or fenced buffer between an industrial or commercial use and residential use depending on the intensity of the proposed use.

12.5 Off-street parking lots may be required to be landscaped and screened to the satisfaction of the Development Authority.

12.6 Where off-street parking is adjacent to a residential use, the Development Authority may require a landscaped buffer between the property line and the adjacent use.

12.7 Where an industrial or commercial lot is adjacent to a residential use, all mechanical equipment shall be concealed by fencing and/or landscaping to the satisfaction of the Development Authority.

12.8 Landscaping shall consist of any combination of the following to the satisfaction of the Development Authority:

(a) vegetation (e.g. trees, shrubs, lawn, flowers);

(b) ground cover (e.g. large feature rocks, bark chip, field stone, crushed rock, or other similar features);

(c) buffering (e.g. berming, terracing, paving stones);

(d) outdoor amenity feature (e.g. benches, walkways, raised planters);

(e) innovative landscaping features, as approved by the Development Authority.

## SECTION 13 MITIGATION OF IMPACTS

13.1 Where, in the opinion of the Development Authority, a development has the potential to create negative impacts on adjacent uses or nearby residential development in the form of noise, odor, vibration, lighting or air quality, the applicant may be required to submit a mitigation plan demonstrating how impacts will be mitigated prior to a decision being made on the application.

13.2 A mitigation plan may be required as a condition of approval as well as any other measures deemed necessary by the Development Authority to mitigate impacts pursuant to Part 6, subsection 13.1.

13.3 The Development Authority may place conditions on a permitted or discretionary non-residential use, where in their opinion the development has the potential to create negative impacts on an adjacent residential development or land that is designated Residential – R, regulating the following:

(a) hours of operation;

(b) location, screening and shielding of exterior lighting, sound systems, waste receptacles, air-conditioning and heating units, and other exterior mechanical equipment;

(c) orientation, screening and shielding of buildings (principal and accessory);

(d) location of parking areas and driveways;

(e) location, height, lighting, and architectural style of signage;

(f) any other matters deemed necessary by the Development Authority to mitigate impacts to and promote compatibility with adjacent residential uses.

## SECTION 14 OFF-STREET PARKING AND LOADING REQUIREMENTS

14.1 All development shall provide designated off-street parking area(s) and loading area(s), as applicable, to accommodate the required parking and loading spaces in accordance with this Section.

14.2 Parking and loading areas shall be constructed in a manner which will permit adequate access, drainage, snow removal, and maintenance.

14.3 The Development Authority may require that parking and loading areas or portions thereof be paved.

14.4 Off-street parking may be located in a front yard or secondary front yard within a designated off-street parking area (e.g., driveway, parking pad or approved parking lot).

14.5 A shared parking provision based upon the proposed sharing of parking spaces between two or more uses must include a written agreement between the owners on record. Where such shared parking is approved, a caveat may be required to be registered against the lot to guarantee the continuous use of the site for parking.

14.6 Where a use is not listed, minimum required off-street parking shall be provided as required by the Development Authority. As an alternative, the Development Authority may require a parking study to be prepared by a qualified professional at the applicant's expense to determine the parking requirements for a use not listed in Tables 6.1 and 6.2.

14.7 All required parking spaces shall be provided on the same lot as the building or use, except where the Development Authority may permit off-site parking spaces to be provided on a lot within 152.4m (500 ft) of the building or use if, in the Development Authority's opinion, it is impractical to provide parking on the same lot as the building or use. Where such off-site parking is approved, a caveat may be required to be registered against the lot to guarantee the continuous use of the site for parking.

**Off-Street Parking Spaces**

14.8 The following Tables 6.1 and 6.2 shall be used to calculate the off-street parking spaces required for a proposed development (calculation of off-street parking requirements resulting in a fractional number of 0.5 or greater shall be rounded up and rounded down when resulting in a fractional number of 0.49 or less):

**Table 6.1: Residential Minimum Required Off-Street Parking**

| RESIDENTIAL USE | MINIMUM PARKING SPACES |
|---|---|
| Bed and breakfast | 1 space per guest room |
| Boarding or lodging home | 1 space per sleeping unit |
| Child care facility | 1 pick-up/drop-off space per 10 children plus 1 space per employee |
| Dwellings: | |
| - All single-detached dwellings [(a)] | 2 spaces per dwelling unit |
| - Duplex, Semi-detached | 2 spaces per dwelling unit |
| - Multi-unit | 2 spaces per dwelling unit; plus 1 visitor parking space for every 2 dwelling units where multi-unit development contains > 4 units. |
| Home occupation B (does not apply to Bed and Breakfast and Child Care which have separate standards) | 1 space |
| Secondary suite | 2 spaces |
| All Other uses | As required by the Development Authority in accordance with Part 6, subsection 14.6 |

*(a) For the purpose of this table, Single-detached dwelling includes: Site built, Prefabricated and Moved-in.*

**Table 6.2: Non-Residential Minimum Required Off-Street Parking**

| NON-RESIDENTIAL USE | MINIMUM PARKING SPACES |
|---|---|
| Automotive | 1 space per 46.5 $m^2$ (500 $ft^2$) of GFA |
| Bulk fuel/fertilizer storage and sales | 1 space per 46.5 $m^2$ (500 $ft^2$) of GFA |
| Car/Truck wash | 1 space per employee |
| Clubs or fraternal organization | 1 space per 5.1 $m^2$ (55 $ft^2$) of patron use area plus 1 space per employee |
| Community building | 1 space per 6 seating spaces plus 1 space per employee |
| Convenience store | 1 space per 27.9 $m^2$ (300 $ft^2$) of GFA |
| Cultural facility | 1 space per 6 seating spaces plus 1 space per employee |
| Drive in/Drive through use | 1 space per 5.1 $m^2$ (55 $ft^2$) of seating area plus 1 space per employee |
| Educational facility or School | 1 per employee |
| Financial Institution | 1 space /37.2 $m^2$ (400 $ft^2$) of GFA |
| Grain elevator | 1 per employee |
| Group care facility | 1 space per employee |
| Hotel/motel | 1 per employee and 1 per guest room |
| Licensed premises | 1 per employee and 1 space per 2 seating spaces |
| Medical/health facility | 1 per employee and 1 space per 46.5 $m^2$ (500 $ft^2$) of GFA |

| NON-RESIDENTIAL USE | MINIMUM PARKING SPACES |
|---|---|
| Office, Business support service | 1 space per 46.5 $m^2$ (500 $ft^2$) of GFA |
| Personal service | 1 space /37.2 $m^2$ (400 $ft^2$) of GFA |
| Restaurant | 1 per employee and 1 space per 4 seating spaces |
| Retail | 1 space per 46.5 $m^2$ (500 $ft^2$) of GFA |
| Service station, Gas bar | 1 per employee and 2 spaces/service bay |
| All other uses | As required by the Development Authority in accordance with Part 6, subsection 14.6. |

**Barrier-Free Off-Street Parking Spaces**

14.9 Barrier-free parking spaces shall be in accordance with Safety Codes requirements.

14.10 Barrier-free parking stalls shall be clearly identifiable in accordance with Safety Codes.

**Loading Space Requirements**

14.11 One loading space shall be provided for each loading door per building in the C, I and PI land use districts.

14.12 The dimensions for a loading space shall be a minimum of 27.9 $m^2$ (300 $ft^2$) with an overhead clearance of 3.9 m (13 ft).

14.13 Each loading area shall provide a doorway into the building sufficient to meet the needs of the use within the building.

14.14 Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow or parking.

14.15 The Development Authority may require additional loading areas or doors if, in the Development Authority's opinion, such additional areas or doors are deemed necessary.

14.16 The Development Authority may consider a joint loading area for two or more uses if, in the Development Authority's opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.

## SECTION 15 OFF-STREET PARKING DESIGN STANDARDS

15.1 For all residential uses, off-street parking areas shall be accessible and designed and delineated in a manner which will provide for orderly parking acceptable to the Development Authority. Refer also to Part 6, Section 5.

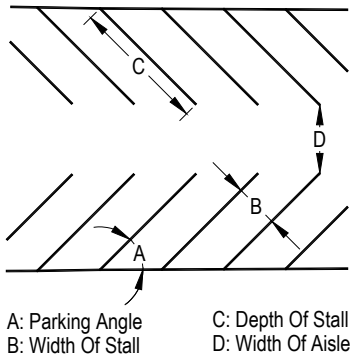
15.1 For all non-residential land uses, off-street parking areas shall be accessible and designed and delineated in a manner which will provide for orderly parking in accordance with the minimum parking space dimensions in Table 6.3 and Figure 6.5.

**Table 6.3: Minimum Parking Space Dimensions**

| A: Parking Angle | B: Stall Width | | C: Stall Depth | | D: Aisle Width | |
|---|---|---|---|---|---|---|
| **Degrees** | **m** | **ft** | **m** | **ft** | **m** | **ft** |
| **0** | 2.4 | 8.0 | 6.7 | 22 | 3.7 | 12 |
| **30** | 2.7 | 9.0 | 5.5 | 18 | 3.5 | 11 |
| **45** | 2.6 | 8.5 | 6.1 | 20 | 3.9 | 13 |
| **60** | 2.6 | 8.5 | 6.4 | 21 | 5.5 | 18 |
| **90** | 2.9 | 9.5 | 5.6 | 18.5 | 7.3 | 24 |

**Figure 6.5**

**Minimum Parking Space Dimensions**




15.2 Where a use or development may need to accommodate over-sized vehicles such as tractor-trailers, large recreational vehicles, buses or other similar vehicles, the Development Authority may require larger parking space and aisle dimensions.

15.3 Off-street parking spaces adjacent to a road right-of-way shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.

# PART 7 – Sign Regulations

# PART 7 – Sign Regulations

Except as provided in Part 7, Section 4 (Signs Not Requiring a Permit), no sign shall be erected on land or affixed to any exterior surface of a building or structure unless a development permit for this purpose has been issued by the Development Authority.

## SECTION 1 ADMINISTRATIVE

1.1 No one shall erect, place, alter or relocate a sign without having first obtained a development permit from the Development Authority in accordance with provision of this bylaw.

1.2 The Development Authority may require any additional information deemed necessary to evaluate a Development Permit application for a sign, but generally, an application for a permit to erect, place, alter or relocate a sign shall be accompanied by photographs and/or drawings, to an appropriate scale, showing where applicable:

(a) the location of all existing and proposed sign(s);

(b) the size, height, and area of the proposed sign(s), including any supporting structures;

(c) details with respect to the sign content (i.e. wording/lettering, text, message, graphics, etc.);

(d) the colour and design scheme;

(e) material specifications;

(f) the location of the property boundaries of the parcel upon which the proposed sign(s) is to be located and setbacks from property lines;

(g) all utility rights-of-way, access easements and any other related encumbrances;

(h) the location of existing building(s) on the site;

(i) the type of illumination, animation and/or changeable content, if any, and details with respect to the proposed luminosity intensity and interval;

(j) the details regarding the extent of the projection if a sign is to be attached to a building.

## SECTION 2 PROHIBITED SIGNS

*The following signs are prohibited:*

2.1 Signs which employ revolving, flashing or intermittent lights, or lights resembling emergency services, traffic signals, railway crossing signals, hazard warning devices or other similar lighting but does not include changeable content, sign projection styles or animation.

2.2 Signs advertising off-premises goods, services, messages or content, except for approved directional signs.

2.3 Signs which emit amplified sounds or music.

2.4 Signs that employ electronic or automated changeable content, animation or pictorial scenes at a luminosity, intensity or interval which may create a public hazard or nuisance.

2.5 In the residential districts, no signs shall be internally illuminated or employ animation or electronic or automated changeable content.

2.6 Any signs located within the public right-of-way or on public property, except for signs approved by the Village of Warner, Province of Alberta or Federal Government.

2.7 Signs that are attached to or appearing on any vehicle or trailer which is parked on a public right-of-way or any other public lands or on private land that is located adjacent to a public right-of-way with the intent/purpose of displaying the sign to motorists and the public for any period of time excepting signs for special events organized by a non-profit association, group or organization for a display time period not to exceed 24 hours.

2.8 Any sign type prohibited in Part 7, Sections 5-7, or any sign which has not obtained a development permit or has not been deemed exempt from the requirement of obtaining a development permit in Part 7, Section 4 (Signs Not Requiring a Permit).

## SECTION 3 GENERAL STANDARDS AND REGULATIONS FOR ALL SIGNS

3.1 A maximum of two signs may be permitted per lot subject to the provisions of this Bylaw. Approved temporary signs and signage exempted from obtaining a development permit in Part 7, Section 4 are not included in the two signs per lot maximum.

3.2 All signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby buildings.

3.3 All signs shall be of quality construction and of a design suitable for public display and shall be maintained in good repair and a safe and tidy manner.

3.4 No sign shall be placed in a public road or laneway or sited in such a manner that:

(a) the sign causes confusion with or obstructs the vision of any information sign or a traffic control sign, signal, light or other traffic device;

(b) the sign will create a potential hazard or conflict with rights-of-way, easements or the routing of any public utility or obstruct the public's view of any other signage;

(c) the sign creates a traffic or a pedestrian hazard either due to its design or location.

3.5 The size, location, illumination and materials of all signs and sign structures and sign features shall not detract from the design of existing and proposed buildings and structures and the surrounding properties.

3.6 A sign shall be located entirely within the subject lot unless prior written approval granting permission for the sign to overhang another property is submitted to the Village by the affected property owner.

3.7 The source of light for all sign illumination shall be steady and suitably shielded.

3.8 Subject to approval from the Development Authority, signs may be permitted to locate within the setback requirement of a land use district if it does not interfere with visibility at an intersection and complies with other requirements of this sign schedule.

3.9 A sign shall not be attached to a municipally owned structure (including benches and light standards), building or property without prior written authorization from the Village.

3.10 Any sign located on, erected on, or attached to municipal or public property without authorization from the Village, may be removed without notice.

3.11 Any abandoned sign shall be removed at the property owner's expense. If abandoned signs are not removed, the Village may remove the sign.

## SECTION 4 SIGNS NOT REQUIRING A PERMIT

*The following signs do not require a sign permit but shall comply with this bylaw and be suitably maintained to the satisfaction of the Development Authority.*

4.1 Construction signs which do not exceed 2.9 $m^2$ (32 $ft^2$) in area provided such signs are removed within 14 days of the completion of construction.

4.2 Banner signs in non-residential districts which are displayed for a period of time not exceeding 30 days in a calendar year.

4.3 Signs, notices, placards, or bulletins required to be displayed:

(a) in accordance with the provisions of federal, provincial, or municipal legislation;

(b) by or on behalf of the federal, provincial, or municipal government;

(c) on behalf of a department, a commission, a board, a committee, or an official of the federal, provincial, or municipal government.

4.4 Any traffic or directional and informational signage erected by the Village, Province of Alberta or Federal government and any municipal signs for municipal purposes (e.g. community service bulletin board signs, etc.).

4.5 Residency identification signs which state no more than the name and/or address of the person(s) occupying the lot, provided the sign is no greater than 0.19 $m^2$ (2 $ft^2$) in area.

4.6 Vehicle signs except as prohibited in Part 7, Section 2 (Prohibited Signs).

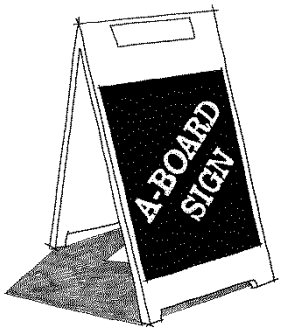
4.7 Entrance or exit signs used for the purpose of directing traffic providing:

(a) those signs do not display any advertising message, other than a business logo,

(b) the sign area does not exceed 0.19 $m^2$ (2 $ft^2$) in area, and

(c) the sign height does not exceed 1.2 m (4 ft).

**Figure 7.1**




4.8 A-board signs (see Figure 7.1) to a maximum of one per business where the owner of the sign submits written authorization from the owner of the land where the sign is to be located and where the sign is removed from that location on a daily basis.

4.9 The alteration of a sign which only includes routine maintenance, painting or change in face, content or lettering and does not include modification to the sign structure or projection style.

4.10 All signs for public buildings except for freestanding signs, and any signs that contain movement/motion or employ animation or changeable content.

4.11 Real estate signs provided all such signage is removed within 30 days after the sale or lease of the premises upon which the sign is located.

4.12 On-premises directional and informational signage and incidental signs 0.19 $m^2$ (2 $ft^2$) or less in area.

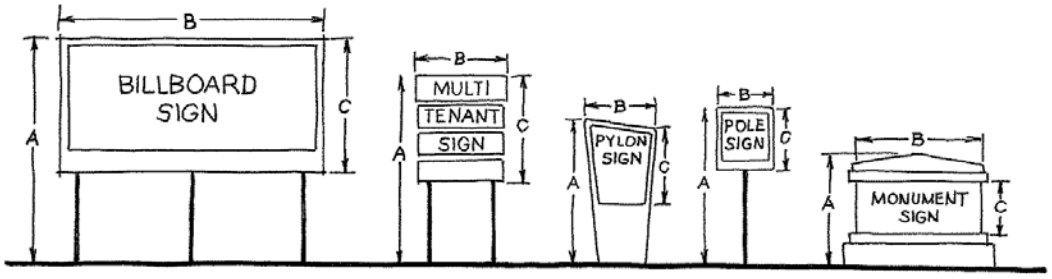
4.13 Any window sign in a non-residential district painted on, attached to or installed on a window provided that no more than 50 percent of the building's windows are covered.

4.14 Political poster signs provided all such signage is removed within 5 days after the closing of the polling stations for the relevant election or plebiscite and is placed in a manner that does not cause a traffic or pedestrian hazard or restrict the sight lines for pedestrians or motorists.

4.14 Community service bulletin board erected by the Village and any notices posted on the bulletin board.

## SECTION 5 FREESTANDING SIGNS

**Figure 7.2**




5.1 Billboards are not permitted in the Village of Warner.

5.2 In residential districts freestanding signs shall be limited to pylon, pole and monument signs and shall not be permitted except for the following purposes:

(a) community / neighbourhood / subdivision identification purposes;

(b) approved multi-unit residential development projects;

(c) institutional projects and/or uses; and

(d) shall not exceed 1.21 m (4 ft) in height (see Figure 7.2 Dimension A).

5.3 In non-residential districts, freestanding signs shall be subject to the following:

(a) the maximum height of multi-tenant, pylon and pole signs shall be 6.1 m (20 ft);

(b) the maximum height of a monument sign shall be 1.21 m (4 ft);

(c) the total sign area for each face for any freestanding sign shall not exceed 7.0 $m^2$ (75 $ft^2$). Sign area is depicted in figure 7.2 as dimension B multiplied by dimension C.

## SECTION 6 FASCIA SIGNS

6.1 Fascia signs are prohibited in all residential land use districts, except in accordance with Part 7, Section 6.4.

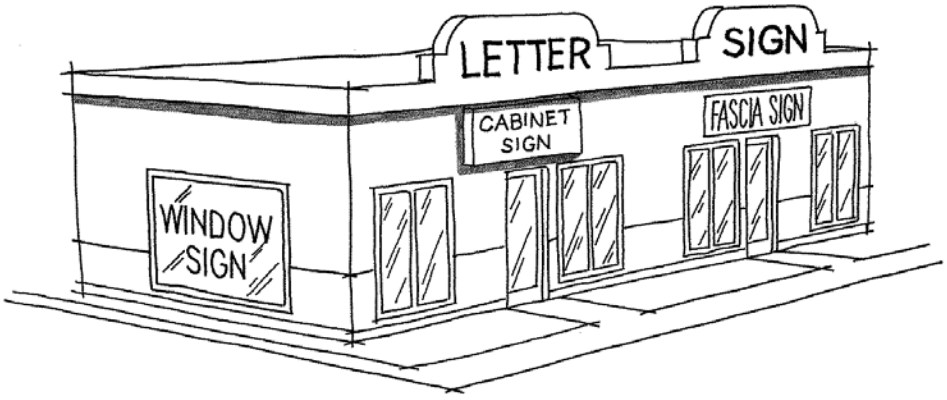
6.2 The total maximum sign area permitted for fascia signs is 20 percent of the area formed by each building face or bay to a maximum of 7.0 $m^2$ (75 $ft^2$).

6.3 A fascia sign shall not project more than 0.3 m (1 ft) from the face of a building.

6.4 In residential districts, no more than one window sign to a maximum of 0.4 $m^2$ (4 $ft^2$) in area may be permitted.

6.5 In all non-residential districts, no more than 50 percent of the total area of all windows in a building may be covered by a window sign.

**Figure 7.3**



**Mural Signs**

6.5 No more than one mural sign shall be allowed per building.

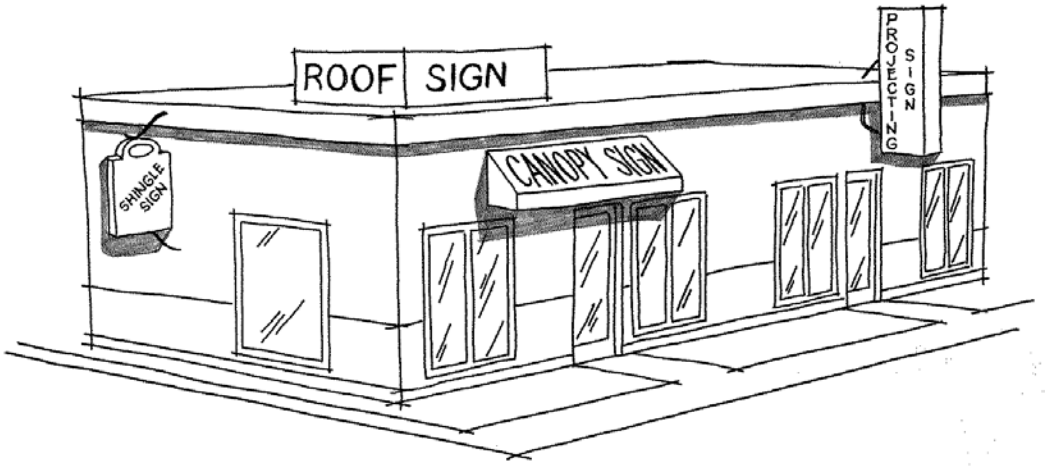
6.6 The location, theme, construction materials and size associated with the mural shall be to the satisfaction of the Development Authority.

6.7 The mural must be a painting or other decorative work (artistic rendering/scene) and no mural shall be created to solely display a commercial message or depiction.

6.8 Display of text, including a business name or commercial message, within a mural shall not exceed 10 percent coverage of the wall surface area, up to a maximum coverage size of 9.3 $m^2$ (100 $ft^2$).

## SECTION 7 PROJECTING SIGNS

**Figure 7.4**




7.1 Projecting signs are prohibited in all residential land use districts.

7.2 Approval of any canopy signage overhanging public land is conditional upon the owners or occupiers of the premises entering into an encroachment and hold harmless agreement with the Village of Warner. The agreement may be registered on title.

7.3 No part of a sign shall project more than 1.2 m (4 ft) over a public sidewalk or within 0.9 m (3 ft) of a curb adjoining a public roadway.

7.4 Projecting signs shall be placed:

(a) at right angles to the building face to which they will be attached, or

(b) in the case of corner sites, placed at equal angles to the building faces that form the corner.

7.5 Projecting signs shall have a minimum vertical clearance of 2.4 m (8 ft) measured between the lower sign edge and grade.

## SECTION 8 OTHER SIGNS

8.1 When a sign cannot be clearly categorized as one of the sign types as defined in this bylaw, the Development Authority shall determine the sign type and any and all applicable controls.

## SECTION 9 TEMPORARY SIGNS

9.1 A Development Permit for a temporary sign will be valid for a period of no longer than 60 days.

9.2 Once the permit has expired for a temporary sign, re-application for another temporary sign on the same site shall not occur until 30 days has elapsed from the expiration of the previously approved permit or 30 days from the date at which the temporary sign is removed, whichever is the later of the two dates.

9.3 No temporary signs shall be suspended on or between support columns of any permanent sign such as a freestanding sign.

9.4 No posters or signs shall be placed on any public utility such as a power pole or on municipal, provincial or federal signage.

9.5 The Development Authority may only approve the location of the temporary sign on the premises after having given due consideration for the location of power supply, sight line visibility, parking pattern on the site and any other site specific development constraints that the Development Authority considers relevant.

9.6 The copy area of a temporary sign shall not exceed 3.7 $m^2$ (40 $ft^2$).

## SECTION 10 DEFINITIONS

10.1 For the purpose of the Land Use Bylaw and this Part, the following definitions apply:

**A-BOARD** means a temporary portable sign which is set on the ground, built of 2 similar pieces of material and attached at the top by a hinge(s) so as to be self supporting when the bottom edges are separated from each other and designed and built to be easily carried by 1 person.

**ABANDONED SIGN** means a sign which advertises or identifies an activity, business, owner, product, lessee or service which no longer exists or a sign for which no legal owner can be found.

**ANIMATION** means a projection style where action or motion is used to project sign content, including lighting changes, special effects or pictures, but does not include changeable content.

**AWNING** means an adjustable or temporary roof-like covering fitted over windows and doors and used for shelter, advertising or decoration.

**BALLOON SIGN** means any inflatable device used or employed as a sign that is anchored to the ground or to a building or structure.

**BANNER SIGN** means a temporary sign that is made of lightweight material intended to be secured to the flat surface of a building or structure, at the top and the bottom on all corners, excluding official flags and emblems.

**BILLBOARD SIGN** means a freestanding sign constructed to provide a medium for advertising a subject matter that is not related to a use at or on the parcel on which the billboard is located and where the copy is changeable or can be periodically replaced. Billboard sign does not include a community service bulletin board.

**CANOPY** means a permanent fixture fitted over windows and doors and used for shelter, advertising or decoration.

**CANOPY SIGN** means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.

**CHANGEABLE CONTENT** means sign content which changes automatically through electronic and/or mechanical means and may include typical features such as an electronic message centre or time and temperature unit.

**CONSTRUCTION SIGN** means a temporary sign which is placed on a site to advertise items such as the provision of labour, services, materials or financing on a construction project.

**DIRECTIONAL AND INFORMATION SIGN** means a sign the message of which is limited to providing direction guidance, distance, facility or similar information and which may contain a name or logo.

**FASCIA SIGN** means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.3 m (1 ft) from the building.

**FREESTANDING SIGN** means a sign supported independently of a building, wall, or other structure by way of columns, uprights, braces, masts or poles mounted in or upon grade.

**HOME OCCUPATION SIGN** means a sign advertising a home occupation approved under the Land Use Bylaw.

**LUMINOSITY** means the measurement of brightness.

**MARQUEE** means a permanent structure that projects over a public place, usually an entrance, and is permanently attached to and supported by a building.

**MULTI-TENANT SIGN** means any type of sign that may contain sign content that advertises more than one tenant and/or business.

**MURAL SIGN** means any picture, scene, graphic or diagram displayed on the exterior wall of a building for the primary purpose of decoration or artistic expression and not created to solely display a commercial message or depiction.

**OFF-PREMISES SIGN** means any type of sign that may contain sign content that advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

**OFF-PREMISES SIGN CONTENT** means sign content which advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

**ON-PREMISES SIGN CONTENT** means sign content which advertises a service, product or activity conducted, sold or offered on the property that the sign is located.

**OVERHANGING** means that which projects over any part of any street, lane or other municipally owned property.

**PARAPET** means the extension of a false front wall above a roof line.

**POLITICAL POSTER SIGN** means a temporary sign announcing or supporting candidates or issues in any election or plebiscite.

**PORTABLE SIGN** means a sign that is not permanently affixed to a building, structure, or the ground.

**PROJECTING SIGN** means a sign other than a canopy sign or fascia sign which is attached to and projects, more than 0.3 m (1 ft) horizontally from a structure or building face.

**REAL ESTATE SIGN** means a sign advertising real estate (i.e. property) that is for sale, for lease, or for rent or for real estate that has been sold.

**RESIDENCY IDENTIFICATION SIGN** means a sign located on a lot in a residential district that provides for the name and/or address of the owner or occupant of a dwelling.

**ROTATING SIGN** means a sign or portion of a sign which moves in a revolving manner. See below Section 8 for applicable sign type: e.g. freestanding sign, temporary sign, etc.

**ROOF SIGN** means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

**SHINGLE SIGN** means a small sign which is suspended from a mounting attached directly to the building wall. Shingle signs are generally placed perpendicular to the face of a building and are typically found in pedestrian oriented environments such as a downtown and/or historic district. See Projecting Signs.

**SIGN** means any word, letter, model, picture, symbol, object, structure, fixture, placard, device and components, or portion thereof, which is used to advertise, identify,

communicate, display, direct or attract attention to an object, matter, thing, person, institution, organization, business, product, service, event or location by any means.

**SIGN ALTERATION** means the structural and/or projection style modification of a sign but does not include the routine maintenance, painting or change in face, content, copy or lettering.

**SIGN AREA** means the entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**SIGN CONTENT** means the wording/lettering, message, graphics or content displayed on a sign.

**SIGN CONTENT AREA** means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.

**SIGN HEIGHT** means the vertical distance measured from the highest point of the sign or sign structure to the finished grade.

**SIGN ILLUMINATION** means the lighting or exposure of a sign to artificial lighting either by lights on or in the sign or directed toward the sign.

**SIGN PROJECTION STYLE** means the method by which the sign content is conveyed to the viewer (e.g. lettering/logo, animation, changeable content, movement/motion).

**SIGN TYPE** means the type of structure of a sign (e.g. freestanding, fascia, temporary) used to convey sign content.

**TEMPORARY SIGN** means any sign permitted, designed or intended to be displayed for a short period of time (not to exceed 60 days), including portable signs, balloon signs, developer marketing signs, land use classification signs, construction signs, banner signs, or any other sign that is not permanently attached to a building, structure or the ground.

**WINDOW SIGN** means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.

# PART 8 – Telecommunication Antenna Siting Protocol

# PART 8 – Telecommunication Antenna Siting Protocol

The intent of this schedule is to guide the telecommunications industry and amateur radio operators through the process of tower siting within the municipality. This guide was developed in accordance with Industry Canada siting protocols.

## SECTION 1 MUNICIPAL APPROVAL

1.1 Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit but shall be required to make a submission to the Municipal Planning Commission including:

(a) the information as listed in Part 8, Section 2; and

(b) complete the notification and public consultation process found in Part 8, Section 3.

1.2 Concurrence with the proponent's project will be measured against the requirements of each district's requirements and criteria listed below. Municipal concurrence/non-concurrence will be issued in the form of a written letter to the proponent.

1.3 The following are excluded from submitting information for review:

(a) an antenna mounted on a building that projects less than 1.8 m (6 ft) in height above the top of the building;

(b) commercial or industrial designated lands which are a minimum of 150.0 m (492 ft) from residential designated lands or lands designated for public purpose.

## SECTION 2 INFORMATION REQUIREMENTS

### Co-utilization (Co-location)

2.1 All proponents for freestanding antenna structures will be requested to identify any other such structures within a radius of 500.0 m (1640 ft) of the proposed location and to provide documentary evidence that co-utilization of the existing or new structure is not a viable alternative to a second structure.

### Appearance

2.2 All proponents for antenna structures which are visible from residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

**Lighting and Signage**

2.3 Lighting in addition to that which is required by applicable federal agencies shall be avoided. Security lighting may be considered provided it meets the requirements of the applicable land use district.

2.4 Only signage that is required by applicable federal agencies is permitted. No advertising signage shall be permitted.

## SECTION 3 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

3.1 At the expense of the applicant, the municipality will notify all land owners within a distance of 500.0 m (1640 ft) of the proposed structure.

3.2 With each notification, the proponent will be responsible to submit a letter providing notification of the location of the tower, physical details of the tower, the time and location of the public meeting, and a contact name and phone number of someone employed by the proponent who can answer questions regarding the proposal. The notifications should be sent 25 days prior to the public meeting.

3.3 The proponent shall be prepared to hold an open house regarding their development proposal and should proactively explain all aspects of the siting, technology and appearance of the proposed structure.

3.4 From the public meeting, the proponent will be responsible to provide the Municipal Planning Commission with a copy of the agenda and the minutes indicating the topics discussed, additional concerns raised with resolutions, and any outstanding issues that the proponent and/or landowners could not resolve.

3.5 Where the public process has raised unresolved concerns about public health and related effects of wireless communication technology, the Village of Warner will request a ruling by Industry Canada prior to the issuance of a letter of concurrence.

# PART 9 – Definitions

# PART 9 – Definitions

# A

**ACCESSORY BUILDING** means any building that is physically separate from the principal building on the lot on which both are located and which is determined by the Development Authority to be subordinate and incidental to that of the principal building or the use of which is normally subordinate and incidental to that of the principal use of the site on which it is located. A principal building or use must be legally established or approved before an accessory building can be approved. Typical accessory buildings include a detached garage and a shed.

**ACCESSORY STRUCTURE** means a structure that is determined by the Development Authority to be subordinate and incidental to and normally found in connection with the principal building or use on the lot on which both are located. A principal building or use must be legally established or approved before an accessory structure can be approved. Typical accessory structures include decks, flagpoles, swimming pools, dog runs, and storage tanks. When a structure is attached to the principal building by any means, it is considered part of the principal building and subject to the dimensional standards, setbacks, maximum site coverage and maximum building height requirements for the principal building stipulated in Part 4 of the Land Use Bylaw.

**ACCESSORY USE** means a use of a building or lot which is incidental and subordinate to the principal use or building and is located on the same lot as such principal use or building. A principal use must be legally established or approved before an accessory use can be approved.

**ADDITION** means construction that increases the footprint of an existing building or structure on the parcel of land.

**ADJACENT LAND OR ADJACENT** means land that is contiguous to a parcel of land proposed for development, subdivision or redesignation and includes land that would be contiguous if not for a road, railway, walkway, watercourse, water body, utility lot, right-of-way, reserve land or other similar feature.

**ALTER or ALTERATION** means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required setback, landscaped open space, or parking requirements of this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

**ALTERNATIVE ENERGY, INDIVIDUAL** means a development for energy that is renewable or sustainable that is generally derived from natural sources (for example, the earth, sun, wind, water) and is for the sole consumption of the landowner, resident or occupant.

**AMUSEMENT FACILITY** means a development for amusement pastimes, and may incorporate eating facilities as an accessory use. Such uses may include but are not limited to, amusement arcades, billiard parlours, bingo halls, bowling alleys and indoor mini-golf.

**ANIMAL CARE SERVICE, LARGE** means a development maintained and operated by a licensed veterinarian for the on-site or off-site treatment of animals. The development may also be used for on-site boarding, breeding or training of animals and livestock. The development may also include outside buildings and pens associated with the service and the supplementary sale of associated animal care products. Examples of this use include veterinary offices or hospitals, animal shelters, and facilities for impounding and quarantining animals.

**ANIMAL CARE SERVICE, SMALL** means a development for the on-site treatment and/or grooming of small animals such as household pets, where on-site accommodation may be provided and where all care and confinement facilities are enclosed within one particular building. This development may also include the supplementary sale of associated animal products. Examples of this use include pet grooming salons, pet clinics and veterinary offices.

**APPROVED USE** means a use of land and/or building for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

**AREA STRUCTURE PLAN** means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land (*Municipal Government Act*, section 633) and that may be adopted by a Council by bylaw.

**ASSISTED LIVING** means a development involving a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. The use may include a central or private kitchen, dining, recreational, and other facilities, with separate dwelling units or living quarters, where the emphasis of the facility remains residential.

**AUCTIONEERING FACILITY** means a development where animals or goods are regularly bought, sold, or traded to a bidder. The facility may also include holding pens and viewing areas, transport facilities, spectator seating, and administrative offices. This definition does not apply to individual sales of animals or goods by private owners.

**AUTO BODY AND PAINT SHOP** means a development where motor vehicles are repaired and also where motor vehicle bodies and parts, and other metal machines, components, or objects may be painted. Painting of this type shall not be done outdoors, but must be set up in a properly ventilated building. This use may also include an outdoor storage area and an office component.

**AUTO SALES AND SERVICE** means the retail sale, lease, or rental of new or used automobiles and/or recreational vehicles and/or a facility for the repair and servicing of automobiles and/or recreational vehicles, including but not limited to, parts, mufflers, oil changes, transmissions, engine replacement, glass repair, auto detailing. Such development may not include auto body and paint repair or sale of gas but may include towing services as an accessory use.

# B

**BALCONY** means a platform attached to and projecting from the face of a principal building, with or without a supporting structure above the first storey, normally surrounded by a baluster railing and used as an outdoor porch or sundeck with access only from within the building.

**BASEMENT** means the portion of a building or structure which is partially or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling.

**BED AND BREAKFAST** means a home occupation use carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling for remuneration, and where meals, if provided for guests, are prepared in the common kitchen of the principal residence.

**BERM** means a barrier, typically constructed of mounded earth, used to separate incompatible areas, uses, or functions, or to protect a site or development from noise.

**BOARDING OR LODGING HOUSE** means a building or house containing sleeping rooms (other than a hotel or motel) in which lodgers rent room(s) for one night or even more extended periods of weeks or months. The common parts of the boarding or lodging house, such as bathroom(s), kitchen, and living areas, are maintained by the private owner. Meals, laundry or cleaning may be provided as part of the lodging agreement.

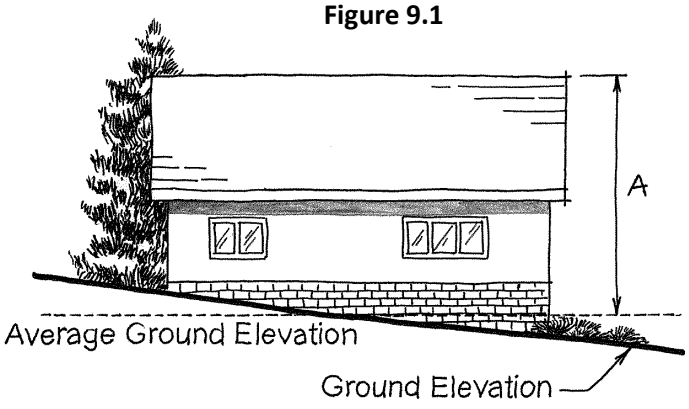
**BUFFER** means open spaces, landscaped areas, fences, walls, hedges, trees, shrubs, berms or other similar features used to physically and/or visually separate incompatible uses, areas, functions, sites, buildings, roadways, districts.

**BUILDING** has the meaning defined in the *Municipal Government Act* and includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road.

**BUILDING ENVELOPE** means that portion of a lot within which development may occur after all setbacks and separation distances of the district have been deducted.

**BUILDING GRADE** (as applied to the determination of building height) means the average level of finished ground adjoining the main front wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground. See Figure 9.1.

**Figure 9.1**




**BUILDING HEIGHT** means the vertical distance between grade and the highest point of a building excluding a roof stairway entrance, elevator housing, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.

**BUILDING PERMIT** means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

**BUILDING SETBACK** means the shortest distance between the exterior foundation wall of the building and the nearest lot line. Depending on the land use district, the minimum setback will vary.

**BULK FUEL STATION** means a development for storing and distributing petroleum products and other similar products in bulk quantities. This use includes supplementary tanker vehicle storage and card lock or key lock fuel distribution facilities.

**BUSINESS** means a commercial, merchandising, or industrial activity or undertaking, a profession, trade, occupation, calling or employment or an activity providing goods or services, whether or not for profit and however organized or formed, including a cooperative or association of persons.

**BUSINESS SUPPORT SERVICE** means a development primarily engaged in providing services for other business establishments such as advertising, copying, equipment, financial services, employment services, and other similar services.

**BYLAW** means the Land Use Bylaw of the Village of Warner.

# C

**CAMPGROUND** means a development intended for seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment and which may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodations for the operator.

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

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

**CANNABIS PRODUCTION FACILITY** means a development where federally licensed cannabis is grown, processed, packaged, tested, researched, destroyed, stored, or loaded for shipping.

**CAR WASH** means a development providing for the cleaning of motor vehicles but does not include SERVICE STATIONS or GAS BARS.

**CARPORT** means a partially enclosed structure intended for the shelter of one of more motor vehicles with at least 40 percent of the total perimeter open and unobstructed.

**CEMETERY AND INTERNMENT SERVICES** means a development for the entombment of the deceased and may include such facilities as crematories, cinerarium, columbarium, mausoleums, memorial parks, burial grounds, cemeteries and gardens of remembrance.

**CERTIFICATE OF COMPLIANCE** means a document signed by the Development Authority, certifying that a development complies with this bylaw with respect to setback requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

**CHANGE OF USE** means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

**CHILD CARE FACILITY** means a development for the provision of care, maintenance and supervision of seven (7) or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all child-care centres, day cares, nurseries and after-school or babysitting programs which meet the conditions of this definition. Group homes and day homes are separate uses.

**CHURCH** – see RELIGIOUS ASSEMBLY

**CLUB OR FRATERNAL ORGANIZATION** means a development for the assembly of members of clubs or organizations, including charitable, social service, ethnic, athletic, business or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation and amusement facilities as accessory uses but "Campground" is a separate use.

**COMMON WALL** means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

**COMMUNITY ASSOCIATION BUILDING** means a development whose primary purpose is to accommodate use by community group(s). The structure may include such features as meeting rooms, kitchen, stage and open floor area, bar/liquor area, multi-purpose rooms, washrooms, coat room, storage room(s) and administrative offices. Exterior uses may include parking, playground areas, outdoor shelters, and sitting areas.

**CONCEPTUAL DESIGN SCHEME** means a detailed site layout plan for a parcel of land which typically addresses the same requirements of an Area Structure Plan but which is not adopted by bylaw and:

(a) shows the location of any existing or proposed buildings; and

(b) describes the potential effect and relationship of the proposed development on the surrounding area and the municipality as a whole; and

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Development Authority, Subdivision Authority or Council, as applicable.

**CONDOMINIUM** means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

**CONDOMINIUM PLAN** means a plan of survey registered at a Land Titles Office prepared in accordance with the provisions of the *Condominium Property Act*, *Revised Statutes of Alberta 2000, Chapter C-22, as amended*.

**CONTRACTOR, GENERAL** means development used for industrial service support and construction. Typical uses include cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

**CONTRACTOR, LIMITED** means a development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual household and the accessory sales of goods normally associated with the contractor services where all material are kept within an enclosed building, and there are no associated manufacturing activities or fleet storage of more than four vehicles.

**CONVENIENCE STORE** means a retail store that sells a limited line of groceries and household goods for the convenience of the neighbourhood.

**CORNER VISIBILITY OR CLEAR VISION TRIANGLE** means the triangular area on a corner lot that is comprised of two sides which are measured from the intersection corner for a distance specified in this bylaw. The third side of the triangle is a line joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

**COUNCIL** means Council of the Village of Warner.

# D

**DAY HOME** means a development within a private residence where care, development and supervision are provided for a maximum of six children, by persons unrelated to the children by blood or marriage, including children who reside in the home, for periods not exceeding 24 consecutive hours.

**DECK** means a structure consisting of a paved, wooden, or other hard-surfaced area generally adjoining a principal building intended for outdoor living space that is 0.6 m (2 ft) or greater above grade.

**DEMOLITION** means the pulling down, tearing down or razing of a building or structure.

**DETACHED GARAGE** means an accessory building designed and use primarily for the storage of motor vehicles that is not attached or is separate from the principal building.

**DEVELOPER** means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property or change the use of the property from its existing use.

**DEVELOPMENT in** accordance with the *Municipal Government Act* means:

(a) an excavation or stockpile and the creation of either of them;

(b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**DEVELOPMENT AGREEMENT** means a contractual agreement completed between the municipality and an applicant for a development permit or subdivision approval which specifies the roadways, walkways, public utilities, and other services and facilities to be provided by the applicant, and may include provision of security and payment of any applicable off-site levy or redevelopment levy as a condition of a development permit or subdivision approval, in accordance with the *Municipal Government Act*.

**DEVELOPMENT AUTHORITY** means the body established by bylaw to act as the Development Authority in accordance with section 624 of the *Municipal Government Act*. For the purposes of the Village of Warner Land Use Bylaw, the Development Authority is the Development Officer and the Municipal Planning Commission.

**DEVELOPMENT OFFICER** means a person(s) authorized by Council to act as a development authority pursuant to section 624 of the *Municipal Government Act* and in accordance with the municipality's Development Authority/Municipal Planning Commission Bylaw.

**DEVELOPMENT PERMIT** means a permit issued with or without conditions pursuant to this bylaw authorizing a development. A development permit does not constitute a building permit.

**DISCRETIONARY USE** means the use of land or buildings provided for in the Land Use Bylaw for which a development permit may be issued at the discretion of the Municipal Planning Commission, following receipt by the Development Officer of a competed application with appropriate details and fees.

**DISTRICT** – see LAND USE DISTRICT

**DORMITORY** means a building intended to provide residential accommodation for a group of individuals where such building is related to an educational or public and institutional use, including religious assembly. Such use includes kitchen and common gathering facilities and residential accommodations for an on-site resident manager and other related amenities in support of the residential accommodation.

**DWELLING** means a building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, park model trailers, recreational vehicles, or other mobile living units, hotel, motel, dormitory, boarding house, surveillance suite or other similar accommodation. Dwelling types include:

> **Duplex** means a building containing two dwelling units connected by a common floor/wall or ceiling, but not legally subdivided by a property line.
>
> **Multi-unit** means a building containing three or more dwelling units.
>
> **Secondary suite** means a self-contained dwelling unit located within a single detached dwelling or an accessory building on the lot. A secondary suite shall have an entrance separate from the entrance to the single-detached dwelling, either from a common indoor landing or directly from the side or rear of the building. Examples of a secondary suite include a basement suite or dwelling located in a detached garage.
>
> **Semi-detached dwelling** means a building containing two dwelling units connected by a common wall that are legally subdivided by a property line.

**Single-detached dwelling moved-in** means a previously established and occupied site built dwelling which is removed from one site, transported and re-established on another site for use as a residence. Single-detached prefabricated is a separate use.

**Single-detached dwelling prefabricated** means a residential building containing only one dwelling unit built at an off-site manufacturing facility or location other than the lot intended for occupancy. The unit is built in conformance with CSA standards and/or Alberta Building Codes. Prefabricated dwellings include manufactured dwellings, modular dwellings, panelized dwellings and ready-to move dwellings and may be newly constructed or previously occupied.

**Manufactured dwelling** means a prefabricated dwelling unit typically constructed with an integrated frame for placement on a permanent surface foundation in conformance with CSA-Z240.10.1 standards and designed in one or two sections for transport, whether on its own wheels or a transport trailer. The unit arrives at the site where it is to be occupied complete and ready for occupancy, except for incidental operations such as placement on an acceptable foundation and removal of any hitch and wheels, and skirting. Manufactured dwelling does not include park-model trailers.

**Modular dwelling** means a prefabricated dwelling unit constructed in two or more modules or sections. The dwelling is transported by transport trailer in sections and delivered to the site where it assembled over a conventional permanent concrete foundation.

**Panelized dwelling** means a prefabricated dwelling unit consisting of factory built wall panels which are assembled on site. All service systems and connections must comply with Alberta Safety Codes.

**Ready-to-move** means a prefabricated dwelling unit that would normally be constructed on the site intended for occupancy, but for various reasons, is constructed at an off-site manufacturing facility, plant site or building yard. It is loaded as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a conventional permanent concrete foundation.

**Single-detached dwelling site built** means a residential building containing only one dwelling unit which is constructed on the lot intended for occupancy and is not attached to any other dwelling by any means.

**DWELLING UNIT** means a single unit designed to be used as a dwelling that includes sleeping, cooking, living and sanitary facilities and has an independent entrance either directly from the outside of the building or through a common area within the building.

# E

**EASEMENT** means a right held by one part in land owned by another.

**EAVE** means the overhang or extension of a roof line beyond the vertical wall of a building.

**EDUCATIONAL FACILITY** means a place of instruction offering continuing education or specialized courses of study. Included in the category may be public, private, and commercial institutions.

**ENTERTAINMENT ESTABLISHMENT** means a development such as a theatre, auditorium, lounge or cabaret providing dramatic, musical or other entertainment indoors or outdoors and may include facilities for supplementary food and beverage consumption.

**EQUIPMENT SALES, RENTAL AND SERVICE** means a development for the retail sale, wholesale distribution, rental and/or service of equipment, such as hand tools, construction, farming, gardening and automotive equipment, small machinery parts, and office machinery and equipment.

**EXCAVATION** means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling or breaking of ground, but does not include common household gardening and ground care, excavation made for the building of basements, structures, landscaping, or parking for which a development permit has been issued, or extensive agriculture. Gravel pit, mineral extraction and any other similar extractive use are not classified as excavation and are a separate use.

**EXTENSIVE AGRICULTURE, PASTURE** means the production of crops or livestock or both by expansive cultivation or open grazing only. The pasturing of livestock is subject to the Village's animal control bylaw or any other municipal bylaw that regulates the amount of livestock that can be kept on a property in the Village. Barns and other similar buildings associated with extensive agriculture are classified as accessory structures. This use does not include agricultural-related industry buildings or uses such as packaging plants, processing plants, agricultural support services, cannabis production facilities, or any other similar uses or structures.

# F

**FARMER'S MARKET** means a development where fresh farm or garden produce is sold in retail or wholesale setting and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function.

**FENCE** means a structure usually made of wood, rails or bricks intended to mark parcel boundaries and provide yard privacy.

**FINANCIAL INSTITUTION** means a development primarily for providing the service of banking or lending money, such as a bank, savings and loan institution, or credit union.

**FLOOR AREA** means the sum of the gross horizontal area of the several floors and passageways of a building, but not including cellars, attached garages and open porches. All dimensions shall be outside dimensions. Basement floor areas shall be included only where the building contains a basement suite.

**FOUNDATION** means the supporting base structure of a building.

**FRONTAGE** means the portion of a lot abutting a road right-of-way measures along the front lot line or secondary front lot line.

**FUNERAL HOME** means a development for the arrangement of funerals, the preparation of the deceased for burial or cremation, and the holding of funeral services.

# G

**GARAGE** means an accessory private building or part of the principal building, designed and used primarily for the storage of motor vehicles.

**GARDEN CENTRE OR GREENHOUSE** means a development specially designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale. The use may include accessory retail uses on the premises.

**GEOTECHNICAL REPORT** means a comprehensive site analysis and report prepared by a qualified and registered professional with The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA).

**GENERAL WAREHOUSING, WHOLESALE AND STORAGE** means a development for the storage and wholesale of goods and merchandise. The use may include administrative offices, loading areas, parking areas, storage rooms and the retail sale of goods stored in the warehouse. No outside storage is permitted with this use.

**GOLF COURSE** means an outdoor use of varying size where the land is developed primarily to accommodate the game of golf. Accessory uses include a pro shop, driving range, food service, and other commercial uses typically associated with a golf course clubhouse facility.

**GOVERNMENT SERVICES** means development providing municipal, provincial, or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property.

**GRADE, LANDSCAPED** (as applied to the determination of height of balconies, decks and architectural features and landscape structures) means the average level of finished landscaped ground under the four principal corners of the balcony, deck, architectural feature or landscape structure. For buildings see BUILDING GRADE.

**GRAIN ELEVATOR** means a development for the collection, grading, sorting, storage, and transshipment of grains.

**GROUP CARE FACILITY** means a development which provides residential accommodation and rehabilitative services to persons who are handicapped, disabled or undergoing rehabilitation and are provided care to meet their needs. Persons are typically referred to a group care facility by hospitals, courts, government agencies or recognized social service agencies or health professionals but may also voluntarily request care. This use includes supervised uses such as group homes, half-way houses, and convalescent homes. This use does not include senior housing or assisted living which are separate uses in this bylaw.

# H

**HEDGE** means a row of closely planted shrubs or bushes forming a boundary, enclosure or fence.

**HEIGHT** – see **BUILDING** HEIGHT

**HOLIDAY TRAILER –** see RECREATIONAL VEHICLE

**HOME OCCUPATION** means an occupation, trade, profession or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof, result in any exterior evidence of such secondary use, or involve hazardous or noxious materials or uses. Uses such as tire shops, auto body repair, sandblasting, and spray booths are not home occupations. This use does not include sale of cannabis and cannabis accessories, which is classified as a "Retail cannabis store".

**HOSPITAL** means a development providing medical treatment on both an in-patient and an out-patient basis and may include provisions such as, outdoor amenity areas, laundry facilities, maintenance buildings, air transport facilities, cafeteria, accessory staff residences, and other accessory uses.

**HOTEL/MOTEL** means the use of a building for sleeping accommodations provided for a fee on a daily basis, accessible through a central lobby with onsite parking or accessible through individual exterior entrances; the building may also contain accessory commercial, and food and beverage service uses and convention facilities.

# I

**ILLUMINATION** means the lighting of a building, structure, landscaping, or sign by artificial means.

**INSTITUTIONAL** means development for an organization or society for public or social purposes and, without restricting the generality of the term includes museums, libraries or other public institutions that have not been separately defined in this bylaw.

# K

**KENNEL** means a commercial development where dogs or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale but excludes an Animal Care Service.

# L

**LANDOWNER** – see REGISTERED OWNER

**LANDSCAPING** means the modification, beautification and enhancement of a site or development through the use of the following elements:

(a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover or materials;

(b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and

(c) excludes all areas utilized for driveways and parking.

**LAND USE DISTRICT** means a specifically delineated area or zone within which the development standards of this bylaw govern the use, placement, spacing, and size of land and buildings. All land use districts referred to in this bylaw are shown on the Land Use Districts Map found in Part 2 of this bylaw.

**LANE or LANEWAY** means a public thoroughfare, which provides a secondary means of access to a lot or lots.

**LIGHT FABRICATION SHOPS** means a development involving the assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops, and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, woodworking workshops, metal doors and gates, and similar products.

**LIGHT INDUSTRIAL** means a development for processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

**LIQUOR ESTABLISHMENT** means a development licensed and regulated pursuant to provincial legislation where alcoholic beverages are served for consumption on the premises.

**LIQUOR STORE** means a development licensed under provincial authority for the sale of liquor for consumption off premises.

**LUMBER YARD** means a development where lumber, building materials and supplies, and other building-related goods are stored, displayed and sold.

**LOT** in accordance with the *Municipal Government Act* means:

(a) a quarter section;

(b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

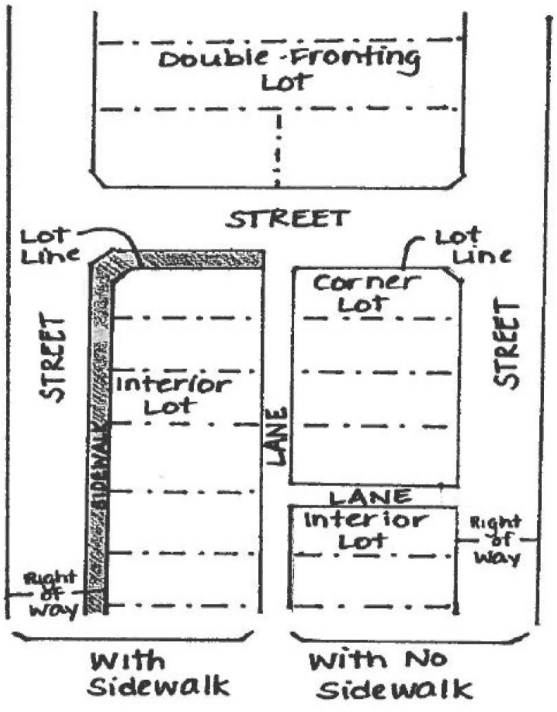
(c) a settlement lot shown on an official plan as defined in the *Surveys Act*, that is filed or lodged in a land titles office;

(d) a part of a parcel where the boundaries of the parcel are separately described in the certificate of title other than by reference to a legal subdivision;

(e) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

Where a certificate of title contains one or more lots described in a plan of subdivision that was registered in a land titles office before July 1, 1950, lot means parcel.

**Figure 9.2**



**LOT AREA** means the total area of a lot.

**LOT, CORNER** means a lot located at the intersection of two or more streets. See Figure 9.2.

**LOT, DOUBLE FRONTING** means a lot which abuts two parallel or approximately parallel streets. See Figure 9.2

**LOT LENGTH** means the horizontal distance between the front and the rear lot lines measured along the median between the side lot lines. See Figure 9.3.

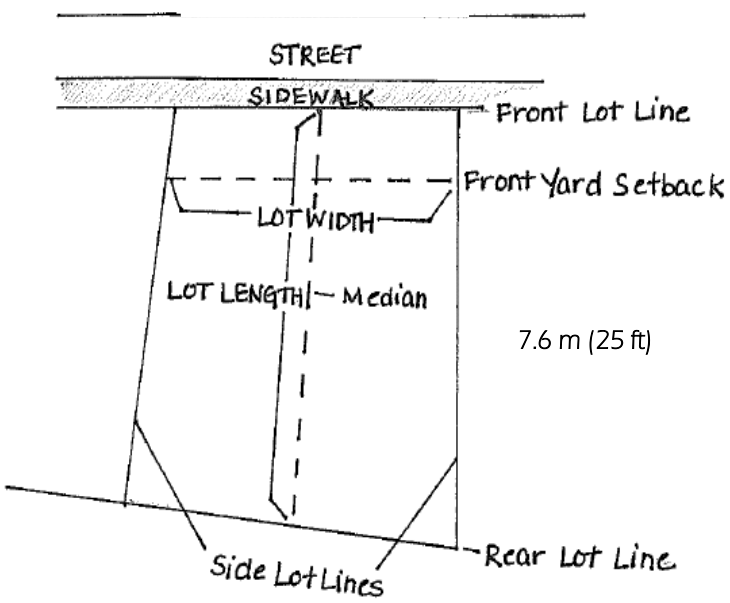
**LOT LINE** means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning.

**LOT FRONTAGE** means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane.

**LOT, INTERIOR** means a lot situated between two lots or another lot and a lane and having access to not more than one street.

**LOT WIDTH** means the horizontal distance between the side lot lines measured at a point 7.6 m (25 ft) perpendicularly distant from the front boundary of the lot. See Figure 9.3

**Figure 9.3**




# M

**MAINTENANCE** means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

**MANUFACTURED HOME –** see DWELLING, Single-detached dwelling prefabricated

**MANUFACTURED HOME COMMUNITY** means a comprehensively planned residential development intended for the placement of manufactured homes on sites or pads. Such a community may also include amenity areas or facilities for the use of the community's residents.

**MANUFACTURING AND FABRICATION** means a development where the land and buildings are used for the manufacture or fabrication of products, goods or parts, for retail sale of such products, goods or parts to the general public.

**MASS WASTING** means a general term describing a variety of processes, including but not limited to slumping, sloughing, fall and flow, by which earth materials are moved by gravity.

**MEDICAL/HEALTH FACILITY** means a development for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include physiotherapy, registered massage therapy, doctor, dentist, optometrist, and chiropractic offices.

**MINI STORAGE** means a development providing compartmentalized buildings or a designated site set up for the storage of equipment, household or business materials, or vehicles, but excludes storage of hazardous goods or materials. Accessory to this use is the exterior screened storage of recreational vehicles, boats, trailers and similar items.

**MIXED-USE COMMERCIAL/RESIDENTIAL BUILDING** means a development which allows for one or more of the uses listed in the Commercial – C land use district within a building, including allowance for residential units within a portion of the building independent of the commercial use of the building.

**MODULAR HOME –** see DWELLING, Single-detached dwelling prefabricated

**MOVED-IN BUILDING** means a previously used or existing, established building, which is removed from a site, and then transported and re-established on another site.

**MOVED-IN DWELLING** – see DWELLING, Moved-in dwelling

**MULTI-UNIT DWELLING** – see DWELLING, Multi-unit

**MUNICIPAL DEVELOPMENT PLAN** means a Statutory Plan adopted by bylaw in accordance with section 632 of the *Municipal Government Act*.

**MUNICIPAL GOVERNMENT ACT (*Act*)** means the *Municipal Government Act*, *Revised Statutes of Alberta 2000, Chapter M-26, as amended*.

**MUNICIPAL PLANNING COMMISSION (MPC)** means the body appointed by Council to act as the Subdivision Authority pursuant to section 623 of the *Municipal Government Act* and Development Authority pursuant to section 624 of the *Municipal Government Act*, and in accordance with the Municipal Planning Commission Bylaw.

**MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)** means the board established by bylaw, to act as the municipal appeal body for subdivision and development applications.

**MUNICIPALITY** means the Village of Warner.

**MUSEUM** means a development for the preservation, collection, restoration, display and/or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period. See Institutional.

# N

**NON-CONFORMING BUILDING** means a building:

(a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and

(b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw.

**NON-CONFORMING USE** means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw or any amendment thereof affecting the land or building becomes effective; and

(b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the land use bylaw.

**NOXIOUS OR HAZARDOUS** means a use which may be detrimental to public health, safety and welfare or because of toxic gases, smells, wastes, noise, dust or smoke emissions may be incompatible with residential or other development.

**NUISANCE** means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

# O

**OFFICE** means a development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include but are not limited to the offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This excludes government services, the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacturing or handling of a product.

**OFF-STREET LOADING SPACE** means the designated area on a lot designed expressly for the parking of haulage vehicles while loading or unloading.

**OFF-STREET PARKING** means an off-street parking area for motor vehicles which is located on a lot, excluding a public roadway.

**OFF-STREET PARKING AREA** means the designated area on a lot, which is accessible from a street, lane or other public roadway, set aside for and capable of providing space for the off-street parking of motor vehicles.

**OFF-STREET PARKING SPACE** means an off-street parking space set aside for, designed and capable of being used for the parking of one motor vehicle.

**ORIENTATION** means the arranging or facing of a building or other structure with respect to the street frontage.

**OUTHOUSE** means a small, enclosed building containing a toilet pedestal(s) or a bench with one or more holes forming a seat built over a pit or vault serving as an outdoor toilet which is not connected to the municipal sewerage system.

**OUTDOOR STORAGE** means the use of land with or without attendant buildings for the open, outdoor storage of equipment, materials or vehicles, goods, or processed or unprocessed resources or materials. For the purposes of this bylaw, this definition is limited to those uses that require minimal on-site improvements, service and public amenities or facilities and does not include those goods or materials which are noxious or hazardous.

# P

**PANELIZED DWELLING – s**ee DWELLING, Single-detached dwelling prefabricated

**PARCEL** – see LOT

**PARK MODEL TRAILER** means a recreational vehicle that is either:

(a) built on a single chassis mounted on wheels designed for infrequent towing by a heavy-duty tow vehicle but is restricted in size and weight so that it does not require a special highway movement permit and conforms to the CSA Z-240 standard for recreational vehicles; or

(b) a recreational vehicle intended for temporary residence or seasonal use built on a single chassis mounted on wheels, which may be removed and returned to the factory, requiring a special tow vehicle and highway permit to move on the road and conforms to the CSA Z-241 standard for recreational vehicles.

**PARKING AREA** means the designated area on a lot, which is accessible from a street, lane or other public roadway, set aside for and capable of providing space for the off-street parking of motor vehicles.

**PARKING FACILITY** means a parking lot or parking structure not located in the public roadway which is intended to be used exclusively to provide off-street parking or storage of motor vehicles as a principal use and which may include a buildings or structures necessary for the operation of the parking lot or structure. A parking structure means a building or structure designed for parking motor vehicles in tiers on a number of levels above each other, whether above or below the ground.

**PARKING PAD** means an off-street parking area located on a lot which is designed to provide parking space for a motor vehicle.

**PARKING SPACE** means an off-street parking space set aside for, designed and capable of being used for the parking of one motor vehicle.

**PARKS AND PLAYGROUNDS** means development for active or passive public recreational activities that do not require major buildings or facilities and includes picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms.

**PERMITTED USE** means the use of land or buildings which is permitted in a district for which a development permit shall be issued, following receipt by the Development Officer of a completed application with appropriate details and fees, provided the proposed development conforms with this bylaw.

**PERSONAL SERVICES** means a development that provides personal services to an individual that are related to the personal care and appearance or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, beauty salons, hairdressers, manicurists, aestheticians, fitness facility, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries but does not include medical or health services.

**PLAN OF SUBDIVISION** means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

**PORCH** means a covered structure that is attached to the exterior of a building, often forming a covered entrance to a doorway. The structure does not have solid walls, but may be screened.

**PREFABRICATED DWELLING –** see DWELLING, Single-detached dwelling prefabricated

**PRINCIPAL BUILDING** means a building which in the opinion of the Development Authority:

(a) occupies the major or central portion of a lot;

(b) is the chief or main building on a lot; or

(c) constitutes, by reason of its use, the primary purpose for which the lot is used.

**PRINCIPAL USE** means the main purpose, in the opinion of the Development Authority, for which a lot is used.

**PROHIBITED USE** means a development that is not listed within a land use district as permitted or discretionary, or is not deemed a similar use in accordance with the provisions of this Bylaw.

**PROPERTY LINE** – see LOT LINE

**PROVINCIAL HEALTH CARE FACILITY** means a hospital as defined in the *Hospitals Act*.

**PROVINCIAL LAND USE POLICIES** means policies established by order of the Lieutenant Governor pursuant to section 622 of the *Municipal Government Act*.

**PUBLIC OPEN SPACE** means land, which is not in private ownership and is open to use by the public.

**PUBLIC OR PRIVATE RECREATION** means a development for sports or recreational or retreat activities, use, facilities including associated eating and retail areas, provided for public or private use. Such uses include, but are not limited to, gymnasiums, athletic/sport fields, shooting ranges, paint-ball, go-cart tracks, golf courses and ranges, outdoor mini-golf, recreation centres, indoor/outdoor ice rinks, campgrounds retreats and country clubs.

**PUBLIC OR PRIVATE UTILITY** means a development for 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 sewage drainage facilities;

(e) telecommunications systems;

(f) systems for the distribution of artificial light or electric power;

(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure;

(h) any other things prescribed by the Lieutenant Governor in Council by regulation.

**PUBLIC ROADWAY** means a right-of-way maintained by the Village and is open to the public for the purpose of vehicular traffic.

# Q

**QUONSET** means a building made from metal having a semicircular roof and/or cross section and end walls.

# R

**RAILWAY AND RAILWAY RELATED USES** means a railway line and any use connected with the direct operation or maintenance of a railway system and also includes any loading or unloading facilities, but excludes feed mills/grain elevators or bulk oil depots which are separate uses.

**REAL PROPERTY REPORT (RPR)** means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries prepared by a registered Alberta Land Surveyor.

**READY-TO-MOVE (RTM) DWELLING –** see DWELLING, Single-detached dwelling prefabricated

**REGISTERED OWNER** means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land:

(i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title; or

(ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

**RIGHT-OF-WAY** means the area of land that is dedicated for public or private use to accommodate a transportation system (road) or public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

**ROAD** – see PUBLIC ROADWAY

**RECREATIONAL VEHICLE / HOLIDAY TRAILER** means a vehicle or trailer, designed to be moved on its own wheels or by other means (including units permanently mounted on trucks), designed or constructed to be used for sleeping or living purposes on a short-term, temporary basis. Such vehicles and trailers are subject to highway safety standards rather than housing standards. Example include but are not limited to motor homes, campers, holiday trailers, travel trailers, fifth wheel trailers, tent trailers and park model trailers. Recreational vehicle/holiday trailers are not permitted as either temporary or permanent dwellings.

**RECREATIONAL VEHICLE STORAGE** – see OUTDOOR STORAGE

**RECYCLING FACILITY** means a development for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the parcel or lot upon which it is situated. This use may involve supplementary production of by-products or materials and includes bottle, can, and paper recycling depots.

**RELIGIOUS ASSEMBLY** means a development for public meetings, worship and related religious or social activities, and includes accessory rectories, manses, meeting rooms and classrooms. Typical uses would include community or civic halls/clubs, churches, chapels, temples, mosques, synagogues, parish halls and convents.

**RESIDENTIAL ACCESSORY TO AN APPROVED COMMERCIAL USE** means a residential unit located within a commercial building which is accessory to the approved principal use. When the principal use ceases to operate, the accessory dwelling unit is no longer permitted, except as may be allowed in accordance with the provisions of a non-conforming use under the *Municipal Government Act*.

**RESTAURANT** means a development where food and beverages are prepared and served. The development may include supplementary alcoholic beverage service and catering services. This term include uses such as restaurants, cafes, diners, lunch and tea rooms, ice cream parlors, banquet facilities, and take-out restaurants.

**RETAIL** means a commercial development where goods, merchandise, substances, articles, and other materials, are offered for sale to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, bakery, hardware, pharmaceutical, postal outlet, appliance, clothing, and sporting goods stores. These uses exclude warehouse sales, gasoline sales, heavy agricultural and industrial equipment sales, alcoholic beverage sales, retail cannabis store, and retail stores requiring outdoor storage.

**RETAIL CANNABIS STORE** means a development involving the use of a building where cannabis and cannabis accessories, licensed by the Province of Alberta, are offered for sale to individuals who attend the premises for off-site consumption, and may include storage within the premises of cannabis and cannabis accessories sufficient only to service such a store.

# S

**SAFETY CODES** means a code, regulation, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act, RSA 2000, Chapter S-1, as amended*.

**SCHOOL** means a place of instruction offering courses of study. Included in the category are public, private, and separate schools.

**SCREENING** means a fence, wall, berm or hedge or other approved feature used to visually separate areas or functions that detract from or are incompatible with the street or neighbouring land uses.

**SECONDARY SUITE –** see DWELLING, SECONDARY SUITE

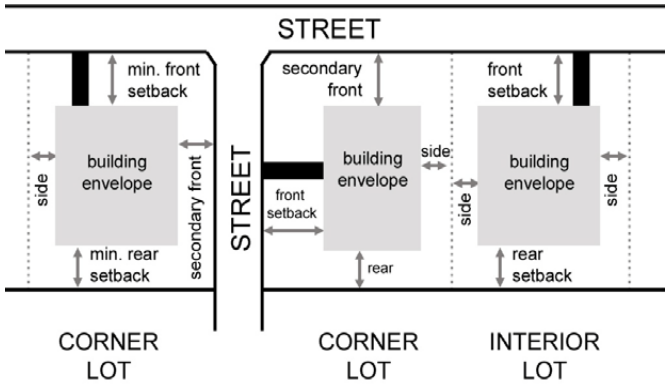
**SEED CLEANING PLANT** means a development for the cleaning, drying, or treating of grains.

**SENIOR CITIZEN HOUSING** means a dwelling unit or accommodation sponsored and administered by any public agency or any non-profit organization, either of which obtains its financial assistance from Federal, Provincial, or Municipal Governments or agencies or public subscriptions or donation or any combinations thereof. Senior citizen accommodation may include lounge, dining, health care, and recreation facilities. Also see ASSISTED LIVING.

**SERVICE STATION or GAS BAR** means a development for the retail sale of motor accessories, gasoline or other fuels and the supply of washing, greasing, cleaning and minor repair services for motor vehicles.

**SETBACK** means the minimum distance required between a property line of a lot and the nearest part of any building, structure, excavation or use on the lot and is measured at a right angle to the lot line. See Figure 9.4.

**Figure 9.4**




**SHIPPING CONTAINER** means any container that is or was used for transport of goods by means of air, rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and may require a permit.

**SHOW HOME** means a finished dwelling unit which has been staged with appliances, furniture, and decorations for the viewing public as a sales tool. A show home may or may not contain a sales office for the development.

**SIGN** means any word, letter, model, picture, symbol, object, structure, fixture, placard, device and components, or portion thereof, which is used to advertise, identify, communicate, display, direct or attract attention to an object, matter, thing, person, institution, organization, business, product, service, event or location by any means. Refer to Part 7 for more sign definitions.

**SIMILAR USE** means a use of land or building(s) for a purpose that is not provided in any district designated in this bylaw, but is deemed by the Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district in which the use is proposed.

**SITE –** see LOT

**SITE COVERAGE** means the percentage of the lot area which is covered by all buildings and structures on the lot.

**SITE PLAN** means a plan drawn to scale illustrating the proposed and existing development prepared in accordance with the requirements of this bylaw.

**SITE COVERAGE, ACCESSORY** means the percentage of the lot area which is covered by the combined area of all accessory buildings and structures.

**SITE COVERAGE, PRINCIPAL** means the percentage of the lot area which is covered by the principal building including any structure attached to the principal building by an open or enclosed roofed structure, including but not limited to attached garages, carports, verandas, covered balconies, decks, and porches.

**SMALL WIND ENERGY CONVERSION SYSTEM (SWECS)** means a development that generates electricity from a wind turbine, either building or tower mounted, including associated control and conversion electronics and tower guy wires, which has a limited generation capacity to be used primarily for the applicants own use. See ALTERNATIVE ENERGY.

**STOP ORDER** means an order issued by the Development Authority pursuant to section 645 of the *Municipal Government Act*.

**STOREY** means the space between the top of any floor and the top of the next floor above it and if there is no floor above it, the portion between the top of the floor and the ceiling above it, but does not include a basement.

**STREET** means a registered public roadway which is used or intended to be used for passage or travel of motor vehicles. The term road right-of-way or road allowance shall have the same meaning as street. The definition of street does not include a lane, which is defined separately.

**STRUCTURE** means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs.

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD** means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

**SUBDIVISION AND DEVELOPMENT REGULATION** means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *Municipal Government Act*.

**SUBDIVISION AUTHORITY** means the body established by bylaw to act as the subdivision authority in accordance with section 623 of the *Municipal Government Act*.

**SUBDIVISION OR SUBDIVIDE** means the division of a parcel by an instrument.

**SUBSIDENCE** means a localized downward settling or sinking of a land surface.

**SUCH AS** means includes, but is not limited to the list of items provided.

**SURVEILLANCE SUITE** means a residential suite that is developed in conjunction with a principal use such that the suite is a supplementary use to the principal use, and which is used solely to provide living accommodations for a person or persons, whose function is to provide on-site surveillance, maintenance and/or security.

# T

**TELECOMMUNICATION ANTENNA** means a structure and any associated system, including all masts, towers and other antenna supporting structures that is used for the transmission, emission or reception of television, radio or telecommunications.

**TEMPORARY DEVELOPMENT** means a development for which a development permit has been issued for a limited time period.

**TOURIST INFORMATION** means a development intended to provide information to the travelling public and may include washroom and picnic facilities and accessory retail sales.

**TRANSPORTATION/DELIVERY SERVICE** means development involving the use of one or more vehicles to transport people, mail, currency, documents, packages and articles for compensation such as a mobile catering service, the rental or lease of vans and trucks, taxi service, limousine or bus service and may include limited storage and repair of the vehicles used. This use does not include towing operations.

**TRUCK DISPATCH/DEPOT** means a development for the purpose of storing and/or dispatching trucks, buses, fleet vehicles, and transport vehicles and may include towing operations. The use may also involve the transfer of goods primarily involving the loading and unloading of freight-carrying trucks.

**TRAVEL TRAILER** – see RECREATIONAL VEHICLE

**TRUCK STOP** means a development involved in the maintenance, servicing, storage or report of commercial vehicles is conducted or rendered including the dispensing of fuel products, the sale of accessories and/or equipment for trucks and similar commercial vehicles. A truck stop may also include convenience stores and restaurant facilities, and may include overnight accommodation facilities solely for the use of truck crews.

**TRUCK WASH** means a development for commercial vehicle washing of large vehicles such as tractor trailers.

# U

**USE** means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

**UTILITIES** – see PUBLIC OR PRIVATE UTILITY

# V

**VARIANCE** means the relaxation or waiver of a development standard as established in this bylaw.

**VETERINARY CLINIC –** see ANIMAL CARE SERVICE

**VILLAGE** means the Village of Warner.

# W

**WAIVER** means the relaxation or variance of a development standard as established in this bylaw.

**WAREHOUSE** means a development for the storage of goods, materials or equipment for use by a company.

**WASTE MANAGEMENT TRANSFER STATION** means a development for the collection and temporary holding of solid waste and/or recycling in a transferable storage container.

**WASTEWATER TREATMENT PLANT** has the same meaning as referred to in the Subdivision and Development Regulation and as in the *Environmental Protection and Enhancement Act*. This definition also includes a wastewater treatment stabilization plant.

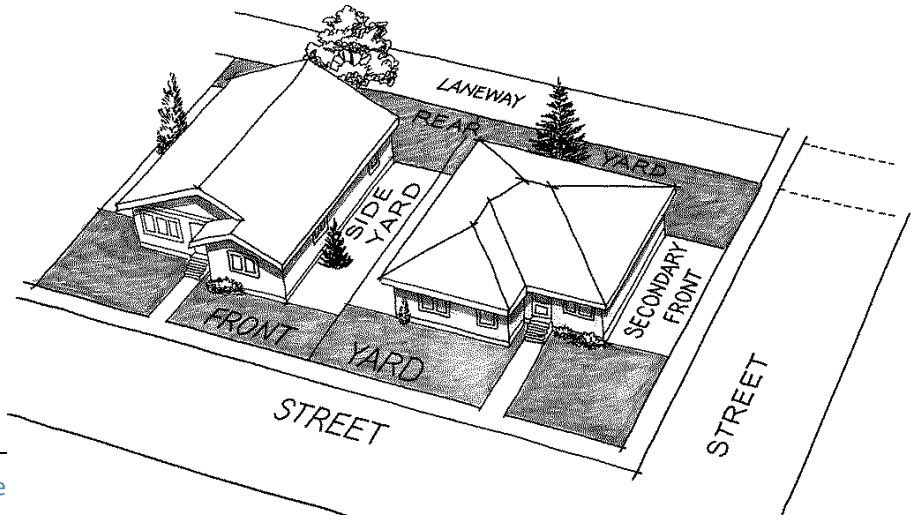
**WATER TREATMENT PLANT** means a development that treats raw water so that it is safe for human consumption and then distributes it for human use.

# Y

**YARD** means the area between a lot line and the nearest portion of any building, structure, excavation or use on the lot.

**YARD, FRONT** means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building. See Figure 9.5.

**Figure 9.5**



**YARD, REAR** means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building. See Figure 9.5.

**YARD, SIDE** means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building. See Figure 9.5.

**YARD, SECONDARY FRONT** means the second front yard on a corner lot with street frontage which is designated the secondary front by the Development Authority having regard to the orientation of buildings within the block extending across the full width of the lot and situated between the secondary front lot line and the nearest portion of the principal building. See Figure 9.5.

# Z

**ZONING –** see LAND USE DISTRICT

All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *Municipal Government Act*.

# APPENDIX A – Forms and Notices

# VILLAGE OF WARNER
## RESIDENTIAL
## DEVELOPMENT PERMIT APPLICATION

**Date of Application:** _____

| *Development Permit Application No.* | |
|---|---|

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If approval has not been received within 40 days of the date the application is deemed complete, you have the right to file an appeal to the Subdivision and Development Appeal Board.*

***THIS APPLICATION DOES NOT CONSTITUTE A BUILDING PERMIT.***
***A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.***

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO" please complete box below**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Applicant's interest in the property:** ❑ Agent ❑ Contractor ❑ Tenant
❑ Other _____

## PROPERTY INFORMATION

**Municipal Address:** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

**Land Use District:** _____

**Please list existing buildings, structures and uses of the land:** _____

_____

_____

_____

_____

## DEVELOPMENT INFORMATION

**This application is to:** (Check all that apply)

- ❑ Construct a new dwelling
  - ❑ Single-detached dwelling
    - ❑ Site-built dwelling
    - ❑ Prefabricated dwelling
    - ❑ Moved-in dwelling
  - ❑ Semi-detached / Duplex dwellin
  - ❑ Multi-unit – please specify the number of dwelling units _____
  - ❑ Other _____
- ❑ Alter/renovate an existing dwelling:
  - ❑ Addition
  - ❑ Attached garage
  - ❑ Deck
  - ❑ Other _____
- ❑ Construct an accessory building/structure
  - ❑ Detached garage
  - ❑ Shed/workshop
  - ❑ Other _____
- ❑ Demolish existing building
- ❑ Other _____

**Please describe the proposed development including uses, buildings, structures, and work to be done and any buildings/structures proposed to be removed/relocated.**

## BUILDING REQUIREMENTS

| Proposed | Principal Building | Accessory Building | *Office Use* |
|---|---|---|---|
| Building Size | ❑ $m^2$ ❑ $ft^2$ | ❑ $m^2$ ❑ $ft^2$ | |
| Height of Building | ❑ m ❑ ft | ❑ m ❑ ft | |
| Proposed Setbacks from Property Lines | | | |
| Front | ❑ m ❑ ft | ❑ m ❑ ft | |
| Rear | ❑ m ❑ ft | ❑ m ❑ ft | |
| Side | ❑ m ❑ ft | ❑ m ❑ ft | |
| Side | ❑ m ❑ ft | ❑ m ❑ ft | |
| Parcel Type: | ❑ Interior Lot | ❑ Corner Lot | |

## ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 $ft^2$ (47 $m^2$), or
- additions to buildings that will result in the building being this size or larger.

**If your development proposal fits the criteria above, you are <u>required</u> to do the following:**

**1. Obtain map and well information**

Please go to the AER's Abandoned Well Viewer (viewer) on the AER website at www.aer.ca. The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

If you do not have Internet access or have questions about the information provided by the viewer, you may contact:

- the AER Customer Contact Centre by telephone at: **1-855-297-8311 (toll-free),** or
- by e-mail at: Inquiries@aer.ca, or
- the AER Information Services by mail at: **Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4**.

**2. Submit the following as part of your development permit application**

- the AER information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or AER Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the AER Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

## DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).*

| APPLICANT SIGNATURE | REGISTERED OWNER SIGNATURE<br>(if not the same as applicant) |
|---|---|

## TERMS

1. Subject to the provisions of Land Use Bylaw No. 538-12 of the Village of Warner, the term "development" includes any change in the use, or intensity of use, of buildings or land.

2. The Development Officer may deem a development permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.

4. Any development started before the issuance of a development permit and expiration of the appeal period is at the applicant's own risk.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused and the applicant may exercise his/her right of appeal as though he had been mailed a refusal at the end of the 40-day period.

6. A development permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this development permit application may be regulated by the Alberta Safety Codes. The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

# VILLAGE OF WARNER
# RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

## DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications. This is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information:
  (May be provided on a survey plan or a sketch on the following page)
  - ❑ Legal description and municipal address of subject property
  - ❑ Scale, north arrow and land use district
  - ❑ Adjacent roadways and lanes
  - ❑ Lot dimensions, lot area, and percentage of lot coverage for all structures
  - ❑ Existing residence and/or any other buildings with dimensions of foundation and projections including decks (indicate using a solid line ——— )
  - ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks (indicate using a dashed line - - - - - - )
  - ❑ The proposed distances from the front, side, and rear property lines
  - ❑ Location of lot access, existing sidewalk(s) and curbs
  - ❑ Location of fire hydrant, street light, power/telephone/cable pedestal(s) (if located within property frontage)
  - ❑ Location of any registered utility rights-of-way or easements
  - ❑ Number of off-street parking spaces

- ❑ **Copy of Prefabricated Dwelling Plans.** Plans shall be to scale and contain the following information:
  - ❑ Proposed additions, including porches, steps, decks, garages or other similar features
  - ❑ Proposed foundation or footing type
  - ❑ Design, character and appearance, including the roof lines, materials and exterior finish
  - ❑ Colour photographs of the exterior of the dwelling including any additions
  - ❑ An inspection report by a Safety Codes Officer completed within 30 days of the application for used prefabricated dwellings

- ❑ **Map or additional information from the AER regarding location of abandoned wells.**

- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.

- ❑ **Application Fee Payable to the Village of Warner.**

# VILLAGE OF WARNER
## NON-RESIDENTIAL
## DEVELOPMENT PERMIT APPLICATION

**Date of Application:** _____

| *Development Permit Application No.* | |
|---|---|

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

***THIS APPLICATION DOES NOT CONSTITUTE A BUILDING PERMIT.***
***A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.***

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO" please complete box below**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Applicant's interest in the property:** ❑ Agent ❑ Contractor ❑ Tenant
❑ Other _____

## PROPERTY INFORMATION

**Municipal Address of Development:** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

**Land Use District:** _____

**Please list existing buildings, structures and uses of the land.** _____

_____

_____

_____

## DEVELOPMENT INFORMATION

**This application is to:** (Check all that apply)

- ❑ Construct a new building
  - ❑ Commercial Use
  - ❑ Industrial Use
  - ❑ Public/Institutional Use
  - ❑ Other, specify _____
- ❑ Alter/renovate the existing building
- ❑ Construct an accessory building
- ❑ Demolish existing building
- ❑ Change in or intensification of use (e.g. new type of business in existing building)

**Please describe the proposed development including uses, buildings, structures and work to be done and any buildings/structures proposed to be removed/relocated.**

## BUILDING REQUIREMENTS

| Proposed | Principal Building | Accessory Building | *Office Use* |
|---|---|---|---|
| Building Size | ❑ $m^2$ ❑ $ft^2$ | ❑ $m^2$ ❑ $ft^2$ | |
| Height of Building | ❑ m ❑ ft | ❑ m ❑ ft. | |
| Proposed Setbacks From Property Lines | | | |
| Front | ❑ m ❑ ft | ❑ m ❑ ft | |
| Rear | ❑ m ❑ ft | ❑ m ❑ ft | |
| Side | ❑ m ❑ ft | ❑ m ❑ ft | |
| Side | ❑ m ❑ ft | ❑ m ❑ ft | |
| Parcel Type: | ❑ Interior Lot | ❑ Corner Lot | |

## ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 $ft^2$ (47 $m^2$), or
- additions to buildings that will result in the building being this size or larger.

**If your development proposal fits the criteria above, you are <u>required</u> to do the following:**

**1. Obtain map and well information**

Please go to the AER's Abandoned Well Viewer (viewer) on the AER website at www.aer.ca. The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

If you do not have Internet access or have questions about the information provided by the viewer, you may contact:

- the AER Customer Contact Centre by telephone at: **1-855-297-8311 (toll-free),** or
- by e-mail at: Inquiries@aer.ca, or
- the AER Information Services by mail at: **Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4**.

**2. Submit the following as part of your development permit application**

- the AER information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or AER Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the AER Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

## DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).*

APPLICANT SIGNATURE

REGISTERED OWNER SIGNATURE
(if not the same as applicant)

## TERMS

1. Subject to the provisions of Land Use Bylaw No. 538-12 of the Village of Warner, the term "development" includes any change in the use, or intensity of use, of buildings or land.

2. The Development Officer may deem a development permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.

3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.

4. Any development started before the issuance of a development permit and expiration of the appeal period is at the applicant's own risk.

5. If a decision is not made within 40 days from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, the applicant may deem the application to be refused and the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period.

6. A development permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this development permit application may be regulated by the Alberta Safety Codes. The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

# VILLAGE OF WARNER
# NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

## DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications. This is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information:
  (May be provided on a survey plan or a sketch on the following page)
  - ❑ Legal description and municipal address of subject property
  - ❑ Scale, north arrow and land use district
  - ❑ Adjacent roadways and lanes
  - ❑ Lot dimensions, lot area, and percentage of lot coverage for all structures
  - ❑ Existing and proposed buildings with dimensions of foundation and projections
  - ❑ The proposed distance from the front, side, and rear property lines
  - ❑ Location of lot access, existing sidewalk(s) and curbs
  - ❑ Location of fire hydrant, street light, power/telephone/cable pedestal(s) (if located within property frontage)
  - ❑ Location of any registered utility rights-of-way and easements
  - ❑ Landscaping plan
  - ❑ Lighting plan
  - ❑ Number and location of parking spaces, both on and off-street

- ❑ **Map or additional information from the AER regarding location of abandoned wells.**

- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.

- ❑ **Application Fee Payable to the Village of Warner.**

# VILLAGE OF WARNER
## HOME OCCUPATION
## DEVELOPMENT PERMIT APPLICATION

| | |
|---|---|
| *Development Permit Application No.* | |

**Date of Application:** _____

**Date Deemed Complete:** _____

***IMPORTANT NOTICE**: This application **does not** permit you to operate the business until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO" please complete box below**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Applicant's interest in the property:** ❑ Agent ❑ Contractor ❑ Tenant ❑ Other _____

## PROPERTY INFORMATION

**Municipal Address of Home Occupation:** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

## BUSINESS DESCRIPTION

**(1) Are you applying for:** ❑ Home Occupation A ❑ Home Occupation B

**Describe the primary function of your business. What goods and/or services are provided?** Attach an additional sheet if needed.

_____

_____

_____

_____

_____

_____

_____

_____

**(2) Is there another home occupation already operating out of the residence?** ❑ Yes ❑ No

**(3) Where will the business operate from?** ❑ In-home ❑ Accessory building

**(4) How will you interact or do business with your clients or customers?**

❑ **In person.** Clients/customers will come to the residence. On average, how many clients will come to the residence?

❑ Less than 1 per day ❑ 1-5 per day ❑ More than 5 per day

❑ **Remotely.** Clients/customers will not be coming to the residence but will only be in contact by:

❑ Phone ❑ Fax ❑ Mail ❑ Courier ❑ Internet/Email

**(5) How many on-site parking spaces for any client visits, deliveries, etc. will be available?** _____

**(6) What will the days of operation be?** ❑ Mon-Fri ❑ Weekends ❑ 7 days/wk ❑ Part-time

**(7) What will be the hours of operation?** _____

**(8) Will there be any employees that are not residents of the dwelling?** ❑ Yes ❑ No

If YES explain: _____

_____

_____

_____

_____

**(9) Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business?**

❑ Yes (list materials & quantities) _____

❑ No

**(10) Will any vehicles/machinery/tools be used to operate the business?** Please list.

_____

**(11) Will any goods be displayed at the residence?** ❑ Yes ❑ No

**(12) Will there be a sign for the business?** ❑ Yes ❑ No

## DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).*

APPLICANT SIGNATURE

REGISTERED OWNER SIGNATURE
(if not the same as applicant)

## DEFINITIONS

**Home Occupation** means an occupation, trade, profession or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof, result in any exterior evidence of such secondary use, or involve hazardous or noxious materials or uses. Uses such as tire shops, auto body repair, sandblasting, and spray booths are not home occupations.

**Home Occupation A** means a small-scale, home occupation contained within the principal dwelling involving:

(a) phone and office use only,

(b) no outdoor storage and/or display of goods,

(c) no customer/client visits to the residence, and

(d) no non-resident employees.

**Home Occupation B** means all other home occupations shall be classified as a Home Occupation B and may involve:

(a) the use of a principal structure, garage and/or accessory structure;

(b) limited outdoor storage provided that it is screened from view and/or display of goods within the residence, garage or accessory structure;

(c) limited volume of on-premises sales;

(d) limited customer/client visits;

(e) a maximum of one non-resident employee (i.e., someone who does not live at the home in which the business is operated).

# VILLAGE OF WARNER

SIGN APPLICATION

DEVELOPMENT PERMIT

| | | | |
|---|---|---|---|
| **Date of Application:** | _____ | *Sign Permit Application No.* | |
| **Date Deemed Complete:** | _____ | | |

***IMPORTANT NOTICE**: This application **does not** permit you to install the sign until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO" please complete box below**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Applicant's interest in the property:** ❑ Agent ❑ Contractor ❑ Tenant ❑ Other _____

## SIGN INFORMATION

**TYPE OF WORK:** ❑ New Permanent Sign ❑ Changes to Existing Sign ❑ Temporary Sign

**Sign Location (Civic Address):** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

**Are there any other signs at this location?** ❑ Yes ❑ No

If yes, please state how many: _____

| **SIGN TYPE*:** | **SIGN STYLE:** *Mark any or all that apply* | **ILLUMINATION:** *Mark any or all that apply* |
|---|---|---|
| ☐ Temporary<br>☐ Canopy<br>☐ Window<br>☐ Freestanding<br>☐ Fascia<br>☐ Mural<br>☐ Projecting<br>☐ Other (specify) _____<br>*Billboard signs are not permitted in the Village | ☐ Lettering / logo<br>☐ Manual changeable lettering content<br>☐ Electronic changeable lettering content<br>☐ Animation<br>☐ Movement / rotation | ☐ No illumination<br>☐ Direct illumination<br>☐ Internal illumination |

| | | *Office Use* |
|---|---|---|
| Length of Sign: | ❑ $m^2$ ❑ $ft^2$ | |
| Height of Sign: | ❑ $m^2$ ❑ $ft^2$ | |
| Sign Face Area (length x height): | ❑ m ❑ ft | |
| Top of Sign Height: | | |
| from Grade: | ❑ m ❑ ft | |
| from Roof: | ❑ m ❑ ft | |

If the sign is **temporary**:

How many days is the sign proposed to be displayed? _____ days

## SITE PLAN

**Please attach a plan drawn to a suitable scale and photographs, if available, illustrating:

- ☐ Location of all existing and proposed sign(s) on the property
- ☐ Size, height, and other dimensions of the proposed sign(s), including any supporting structures
- ☐ Details of sign content (wording, lettering, graphics, colour and design scheme, materials, etc.)
- ☐ Location of the property boundaries of the parcel upon which the proposed sign(s) are to be located
- ☐ Setbacks from property lines of proposed sign(s) and existing building(s)

## DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Sign Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the process of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).*

APPLICANT SIGNATURE

REGISTERED OWNER SIGNATURE (if not the same as applicant)

# VILLAGE OF WARNER
## APPLICATION FOR A LAND USE BYLAW AMENDMENT

**Date of Application:** _____

| *Bylaw No.* | |
|---|---|

***IMPORTANT NOTE***: Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent.

A refusal is **not** appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 6 months after the date of refusal.

## APPLICANT INFORMATION

**Name of Applicant:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO" please complete box below**

**Name of Owner:** _____

**Mailing Address:** _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Email:** _____

**Applicant's interest in the property:** ❑ Agent ❑ Contractor ❑ Tenant ❑ Other _____

## PROPERTY INFORMATION

**Municipal Address:** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

## AMENDMENT INFORMATION

**What is the proposed amendment?** ❑ Text Amendment ❑ Land Use Redesignation

IF TEXT AMENDMENT:

For text amendments to the *Land Use Bylaw*, attach a description including:

- The section to be amended;
- The change(s) to the text; and
- Reasons for the change(s).

IF LAND USE REDESIGNATION:

**Current Land Use Designation:** _____

**Proposed Land Use Designation (if applicable):** _____

Section 47 of the *Land Use Bylaw* regulates the information required to accompany an application for redesignation. Please attach a descriptive narrative detailing:

- the proposed designation and future land use(s);
- if and how the proposed redesignation is consistent with applicable statutory plans;
- the compatibility of the proposal with surrounding uses and zoning;
- the development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);
- availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development; and
- any potential impacts on public roads.

In addition to the descriptive narrative, an Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application if involving:

- industrial development;
- large-scale commercial development;
- manufactured home park;
- multi-lot residential development which has the potential to trigger capacity upgrades or expansion of infrastructure; or
- as required by Council.

If deemed necessary, the Development Officer or the Municipal Planning Commission may also require a:

- geotechnical report; and/or
- evaluation of surface drainage and any other information.

## SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared. Council may request additional information.

## DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Land Use Bylaw Amendment. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).*

| | |
|---|---|
| APPLICANT SIGNATURE | REGISTERED OWNER SIGNATURE (if not the same as applicant) |

# VILLAGE OF Warner
## TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

**Date of Application:** _____

## APPLICANT INFORMATION

**Name of Applicant** (please print): _____

**Mailing Address:** _____

_____

_____

**Phone (primary):** _____

**Phone (alternate):** _____

**Fax:** _____

**Email:** _____

❑ Check this box if you would like to receive documents through email.

**Is the applicant the owner of the property?** ❑ Yes ❑ No

**IF "NO" please complete box below**

**Name of Owner:** _____

**Mailing Address:** _____

_____

_____

**Phone:** _____

**Phone (alternate):** _____

**Email:** _____

**Applicant's interest in the property:** ❑ Agent ❑ Contractor ❑ Tenant ❑ Other _____

## PROPERTY INFORMATION

**Municipal Address:** _____

**Legal Description:** Lot(s) _____ Block _____ Plan _____

**Land Use District:** _____

**What is the existing use?** _____

## DETAILS OF THE PROPOSED DEVELOPMENT

**What currently exists on the parcel?**

**What will the tower be used for?**

## TOWER SIZE

Overall tower height _____ ❑ m ❑ ft  Commencement Date: _____

## DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Telecommunication Siting permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).*

APPLICANT SIGNATURE

REGISTERED OWNER SIGNATURE (if not the same as applicant)

# VILLAGE OF WARNER
TELECOMMUNICATION SITING
PROTOCOL APPLICATION & CHECKLIST

## TELECOMMUNICATION SITING PROTOCOL CHECKLIST

### A COMPLETED APPLICATION REQUIRES:

1. A completed application and checklist
2. Non-refundable application fee
3. Any additional information requested by the Development Authority

### CHECKLIST INFORMATION:

- Failure to complete the Application or supply the required information, plans or fees may cause delays in application processing.
- The Development Authority may refuse to accept your application if the required information has not been supplied or if the quality of the information is inadequate to properly evaluate the application.
- Once the information has been reviewed, the Village of Warner will either:
    - Issue a municipal concurrence letter to the applicant, or
    - Issue a letter which outlines the municipality's concerns and/or conditions to the applicant and Industry Canada.
- Construction permits may be required for buildings/tower foundations, plumbing, private sewage systems, and gas or electrical installations.

| **FEES** | | |
|---|---|---|
| Copying and distribution of required notification letters | $1.50/letter | Payment required for distribution of letters will be the application fee |
| Distribution of required notification letters | $1.00/letter | |
| *If the applicant can prove that notification to all required adjacent landowners has been done, then no fee is required.* | | |
| For fees not listed here, please see the full Fee Schedule | | |

# CHECKLIST

**Please attach a description of the project summarizing the information required in the following table.**

| REQUIREMENT | IS THIS REQUIRED? YES OR NO | SUBMITTED? YES, NO OR N/A |
|---|---|---|
| **Co-utilization:**<br>Are there any other such structures within a radius of 500 m (1640 ft) of the proposed location? | | |
| **If YES,** please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure. | | |
| **Stealth Structure Options/Screening:**<br>If this structure will be visible from residential areas stealth structure options should be consolidated and a description of the stealth structure options submitted to the satisfaction of the Village. | | |
| **Lighting and Signage:**<br>Is there additional lighting planned in addition to what is required by federal agencies? Please provide a description of all lighting, required or not required. | | |
| What signage will be used? Please describe. No advertising signage shall be permitted. | | |
| **Notification & Public Consultation Process:**<br>All landowners within a distance of 500 m (1640 ft) from the proposed structure must be notified. Please provide a letter that the Village can circulate on your behalf. | | |
| The fee for copying and distributing these letters is $1.50/letter.<br>_____ x $1.50/letter = _____ total<br>The fee for only distributing these letters is $1.00/letter.<br>_____ x $1.00/letter = _____ total | | |

# APPENDIX B – Fee Schedule

**APPENDIX B**

# VILLAGE OF WARNER
# FEE SCHEDULE

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1. The following fees shall accompany all applications for developments made with respect to the Village of Warner Land Use Bylaw.

(a) **Residential**

| | | |
|---|---|---|
| ☐ | Single-family homes | $50.00 |
| ☐ | Modular homes | $50.00 |
| ☐ | Mobile homes (new or used) | $50.00 |
| ☐ | Residential additions | $50.00 |
| ☐ | Home occupations | $50.00 |
| ☐ | Special residential uses including half-way houses, group homes, day care, nursing homes, etc. | $50.00 |

(b) **Commercial, including government office buildings**

| | | |
|---|---|---|
| ☐ | Car lots, trailer sales, parking garages, etc. | $150.00 |
| ☐ | Commercial buildings: | |
| | less than 465 m (5,000 $ft^2$) | $150.00 |
| | 465 - 1,858 m (5,000 - 20,000 $ft^2$) | $200.00 |
| | 1,859 - 4,645 m (20,001 - 50,000 $ft^2$) | $350.00 |
| ☐ | Shopping centres, high rise buildings, and major commercial applications in excess of 4,645 m (50,000 $ft^2$) | $550.00 |

(c) **Industrial**

| | | |
|---|---|---|
| ☐ | Industrial and warehouse buildings: | |
| | less than 465 m (5,000 $ft^2$) | $150.00 |
| | 465 - 1,858 m (5,000 - 20,000 $ft^2$) | $200.00 |
| | 1,859 - 4,645 m (20,001 - 50,000 $ft^2$) | $250.00 |
| ☐ | Multi-tenancy industrial buildings or complexes exceeding 4,645 m (50,000 $ft^2$) | $350.00 |

(d) **Miscellaneous**

- ☐ Public service buildings such as churches, schools, auditoriums, fire halls, police stations, etc.:
  - under 929 m (10,000 $ft^2$) ..... $50.00
  - 929 m (10,000 $ft^2$) and over ..... $100.00
- ☐ Sign permits (including home occupations) ..... $50.00
- ☐ Letters of compliance ..... $50.00
- ☐ Land use bylaw amendments ..... $50.00
  - Notification Fee ..... $50.00
  - Advertising ..... $100.00
- ☐ Request to convene a special meeting of the Subdivision and Development Authority ..... $100.00
- ☐ Appeal to the Subdivision and Development Appeal Board (may be refundable) ..... $100.00
- ☐ Certificate of Title ..... $40.00

2. Where the permit fees are on a graduated scale, as shown above for residential, commercial, industrial and miscellaneous uses, the said fees shall be based exclusively on the category into which the proposed development falls.

3. Whenever an application is received for a development for a use not listed in this schedule, the amount of the fee shall be determined by the development officer or the Municipal Planning Commission and shall be consistent with those fees listed herein for similar developments.

4. Whenever, pursuant to the provisions of this bylaw, an application for discretionary use will require notification of any persons who may be affected by the development, the applicant shall pay, in addition to any fee specified in this schedule, an additional fee of $50.00 to cover costs of notification.

5. Whenever, in the opinion of the Development Officer, an application is substantially revised after it has been submitted, the applicant shall pay a supplementary fee equal to 50 percent of the initial application fee. Such a supplementary fee shall not be required if changes suggested by the Development Officer or the Municipal Planning Commission resulted in the revisions.

6. Where a development has been commenced prior to a development application being submitted, or where a stop order has been issued pursuant to the land use bylaw, the fee for any subsequent application for that development shall be twice the amount specified in this schedule for that use.

**Note:** The Fee Schedule may be amended from time to time by resolution of Council.

**Received Council Approval on December 20, 2023 – Bylaw 621-23**
(effective January 1, 2024)

# APPENDIX C – Subdivision and Development Authority / Municipal Planning Commission Bylaw

# VILLAGE OF WARNER
# BYLAW 650-25

## A BYLAW OF THE VILLAGE OF WARNER IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY AND MUNICIPAL PLANNING COMMISSION

**WHEREAS,** the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, requires the Municipality to adopt a Bylaw to establish a municipal Subdivision Authority and a municipal Development Authority; and

**WHEREAS,** the Subdivision Authority is authorized to make decisions on applications for subdivision approval; and

**WHEREAS;** the Development Authority is authorized to make decisions on application for development; and

**WHEREAS;** the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, permits the Municipality to adopt a Bylaw to establish a Municipal Planning Commission to act as the municipal Subdivision Authority and Development Authority; and

**WHEREAS,** this Bylaw may be cited as the Village of Warner Subdivision and Development Authority/Municipal Planning Commission Bylaw;

**NOW THEREFORE,** the Council of the Village of Warner in the Province of Alberta duly assembled, enacts as follow:

## 1. DEFINITIONS

1.1. All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

**Authorized Person** means a person, organization, or regional services commission authorized by the Council to which the Municipality may delegate any of its Subdivision Authority and/or Development Authority powers, duties or functions.

**Council** means the Municipal Council of the Village of Warner.

**Designated Officer** means a person or persons authorized to act as the Designated Officer for the Municipality as established by Bylaw.

**Development Officer** means a person or persons authorized to act as the Development Officer for the Municipality as established by the Village of Warner Land Use Bylaw.

**Members** means the persons appointed to the Municipal Planning Commission.

**Municipal Planning Commission** means the persons appointed to exercise and perform Development Authority and Subdivision Authority powers and duties on behalf of the Village of Warner as are specified:

- In the MGA, or
- In the Village of Warner Land Use Bylaw, or
- In this Bylaw, or

- By resolution of Council.

**MGA** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.

**Municipality** means the Village of Warner in the Province of Alberta.

**Secretary** means the person or persons appointed by Council to act as Secretary of the Municipal Planning Commission.

**Subdivision and Development Authority** means the person or persons appointed to exercise subdivision and development powers and duties as are specified:

- In the MGA, or
- In the Village of Warner Land Use Bylaw, or
- In this Bylaw, or
- By resolution of Council.

2. This Bylaw hereby establishes a Subdivision and Development Authority and Municipal Planning Commission in accordance with the MGA.

3. For the purpose of the Bylaw, the Subdivision and Development Authority for the Municipality shall be the Municipal Planning Commission, except in such instances whereby the Development Officer may be the Development Authority in accordance with the Land Use Bylaw. The Development Officer and the Municipal Planning Commission are authorized to act as Designated Officer for the purposes of the Land Use Bylaw.

4. The Municipal Planning Commission shall be comprised of a minimum of five (5) up to seven (7) Members, with an odd number sitting. Two (2) of who, shall be an elected member of Council and five (5) of whom shall be appointed by Council from the citizens of the Village at large.

5. Appointments to the Municipal Planning Commission shall be made by resolution of Council.

6. Appointments to the Municipal Planning Commission shall be made for a term of one (1) year.

7. When a person ceases to be a member of the Municipal Planning Commission before the expiration of his/her term, Council shall, by resolution, appoint another person for the unexpired portion of that term.

8. Should an elected official not remain as a member of Council then he/she ceases to be a member of the Municipal Planning Commission. Council shall, by resolution, appoint another elected official for the unexpired portion of that term.

9. After the organizational meeting of Council each year, the Members of the Municipal Planning Commission shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one (1) year.

10. Each member of the Municipal Planning Commission shall be entitled to such remuneration, travelling, and living expenses as may be fixed from tie to time by Council; and the remuneration, travelling, and living expenses shall be paid by the Village of Warner.

11. Council shall appoint a Secretary who shall be an employee of the Municipality and shall attend all meetings of the Municipal Planning Commission, but shall not vote on any matter before the Municipal Planning Commission.

12. The Municipal Planning Commission shall hold meetings only as required on a date to be determined by the Municipal Planning Commission, and it may also hold special meetings at any time at the call of the chairman or vice-chairman.

13. Four (4) Members of the Municipal Planning Commission shall constitute a quorum.

14. The decision of the majority of the Members present at a meeting shall be deemed to be the decision of the whole Municipal Planning Commission.

15. The Municipal Planning Commission may make rules to govern meetings.

16. Members of the Municipal Planning Commission shall not be Members of the Subdivision and Development Appeal Board.

17. The Secretary shall attend all meetings of the Municipal Planning Commission and shall carry out the administrative duties of preparing agendas, minutes, record retention and any other matters directed by the Municipal Planning Commission and the Chief Administrative Officer.

18. The Subdivision and Development Authority may make orders, decisions, development permits, and approvals, and may issue notices with or without conditions.

19. The Council of the Village of Warner may delegate any of its subdivision authority or development authority powers, duties or functions to an Authorized Person.

20. This Bylaw shall come into effect upon third and final reading thereof.

21. Bylaw 569-16, being a Bylaw of the Village of Warner in the Province of Alberta to establish a municipal Subdivision and Development Authority/Municipal Planning Commission, and amendments hereto is hereby repealed.

READ a first time this 17th day of December 2025.

READ a Second time this 17th day of December 2025.

Unanimous consent be given consideration for third reading this 17th day of December 2025.

READ a third time and finally passed this 17th day of December 2025.

Mayor
Tyler Lindsay

Chief Administrative Officer
Kelly Lloyd

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 17th day of December, 2025.