

VILLAGE OF MORRIN

LAND USE BYLAW No. 345



VILLAGE OF MORRIN
BYLAW NO. 345

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

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

"THE VILLAGE OF MORRIN LAND USE BYLAW"

AND WHEREAS: a Public Hearing was held on 9/16, 2013, as required by Section 230 of the
Municipal Government Act.

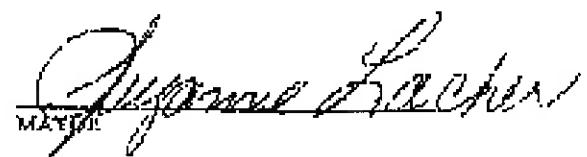
NOW THEREFORE: THE COUNCIL OF THE VILLAGE OF MORRIN IN THE PROVINCE
OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "The Village of Morrin Land Use Bylaw".
2. Bylaw No. 101 being the "Village of Morrin Land Use Bylaw" currently in effect is hereby repealed including all amendments thereto and replaced by Bylaw No. 345.
3. Council adopts as the Land Use Bylaw for those lands contained within its civic boundaries, "The
Village of Morrin Land Use Bylaw".
4. Council adopts as "The Village of Morrin Land Use Bylaw" this text and the accompanying
Schedules.
5. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME the 21st day of August, 2013

READ A SECOND TIME the 18th day of Sept., 2013.

READ A THIRD TIME AND FINALLY PASSED this 23rd day of Sept., 2013



MAYOR



ADMINISTRATIVE OFFICER

OFFICE CONSOLIDATION

This document is a consolidation of Bylaw No. 345 with one or more revising and amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

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PART I

Purpose & Definitions

1. Purpose

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of the Village of Morrin.

2. Definitions

In this Bylaw:

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

"Accessory Building – Fabric Covered" means:

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

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

"Act" means the Municipal Government Act being Chapter M-26.1 of the Revised Statutes of Alberta 2000 as amended;

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

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

"Bed & Breakfast Establishment" means a private dwelling occupied by owner or operator offering hospitality to 8 or less registered guests at a time and providing a breakfast meal.

"Auto Body and Paint Shop" means a use where motor vehicle bodies are repaired or painted within a building;

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

"Automotive Vehicle Sales" means a use:

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

"Auto Wrecker" means a use:

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

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

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

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

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

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

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

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

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

"Community Recreation Facility" means a use where it is available to the public for sports and recreational activities conducted indoors and/or outdoors. Typical uses include indoor/outdoor swimming pools, hockey rinks, gymnasiums, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, bowling greens, riding stables and fitness centres.

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

"Council" means the Council of the Village of Morrin;

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

"Development" means:

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the land or building, or
- (d) a change in the intensity of use of land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

"Development Authority" means:

(a) a person (or persons) appointed as Development Officer by Bylaw,

(b) the Municipal Planning Commission appointed by Bylaw;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Dwelling - Modular" means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular home represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling unit(s) for year-round occupancy.

Modular homes are not to be considered as manufactured homes under this Bylaw and will be congruent in appearance to conventional single detached dwellings.

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

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

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

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

"Existing" means existing as of the date of adoption of this Bylaw;

"Extensive Agricultural" means systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes buildings and other structures incidental to the operation but does not include feedlots, intensified hog operations or poultry farms;

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

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

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

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

"Funeral Home" means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held;

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

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

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

activities;

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

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

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

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

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

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

"Kennel" means a use where three or more dogs and/ or five or more cats over the age of 90 days are cared for, maintained, boarded, bred or trained whether or not the owner receives compensation for such activities;

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

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

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

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

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

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

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

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

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

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

"Parcel" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

"Parks and Playgrounds" means a use:

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

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

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

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

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

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

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

"Public or Quasi-public Building Facilities and Installations" includes a church or any building which is used by the public for the purpose of assembly, instruction, culture or enlightenment or for a communal activity, but does not include a school, or place of public entertainment for which an admission fee is customarily charged. In addition, it includes a building as defined in the Municipal Government Act in which the proprietor of

the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility;

"Renewable Energy System" means a use:

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

"Retail Store" means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such as a store;

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

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

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

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

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

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

- (a) **"Area of Sign"** means the total surface area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area;
- (b) **"Billboard"** means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.

- (c) **"Fascia Sign"** means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building;
- (d) **"Free-Standing Sign"** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure;
- (e) **"Projecting Sign"** means a sign which is attached to a building or structure so that part of the sign projects more than one foot from the face of the building or structure;
- (f) **"Roof Sign"** means any sign placed on or over a roof;

"Site" means:

- (a) a quarter section; or
- (b) a river lot or settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in the Land Titles Office; or
- (c) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision; or
- (d) a part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

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

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

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

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

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

"Storage Structure" means a structure that does not meet the definition of an accessory building and is used for the storage of goods or equipment. A storage structure may be in the form of a shipping container, trailer or other structure.

"Storage Yard" means a use:

being

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

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

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

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

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

"Utilities" means any one or more of the following:

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

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

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

"Front Yard" means a yard extending across the full width of a parcel from the

front lot line of the parcel to the front foundation of the principal building situated on the parcel. In situations with an irregular front lot line, the point taken from an average distance of the arc shall meet the minimum front yard requirements.

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

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

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

PART II**Administrative Agencies****1. Development Authority**

The Development Authority shall exercise development powers and perform duties on behalf of the municipality in accordance with Part 17 Division 3 of the Municipal Government Act and may include:

- (a) **Development Officer**
 - (i) The office of the Development Officer is hereby established, by resolution, to act on behalf of Council in those matters delegated by the Bylaw and in such matters as Council may instruct from time to time.
 - (ii) The Development Officer must make available for inspection, during office hours, all applications and decisions for development permits, subject to any legislation in force restricting availability.
 - (iii) duties as are specified in **Part III Section 4** of this bylaw.
- (b) **Municipal Planning Commission**
 - (i) The Municipal Planning Commission, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in **Part III** of this Bylaw.
- (c) **Subdivision and Development Appeal Board**
 - (i) The Subdivision and Development Appeal Board, established by Bylaw in accordance with the Municipal Government Act, shall perform such duties as are specified in **Part IV** of this Bylaw.

2. Subdivision Authority

The Subdivision Authority, as established in accordance with the MGA, shall perform duties on behalf of the municipality in accordance with the Municipal Government Act, the Land Use Bylaw and all relevant village planning and policy documents.

3. Development Authority – Powers and Duties

- (a) The Development Authority must administer this Bylaw and decide upon all development permit applications.
- (b) The types of development permit applications a Development Authority may consider in accordance with **Part III** are a development permit for:
 - (i) a permitted use that complies with all requirements of this Bylaw;
 - (ii) a permitted use that does not comply with all requirements of this Bylaw;
 - (iii) a discretionary use that complies with all requirements of this Bylaw;
 - (iv) a discretionary use that does not comply with all requirements of this Bylaw.

- (c) Unless otherwise referenced in **Part III**, the Development Authority must not approve a development permit for an addition or structural alteration to a non-conforming building.
- (d) The Development Officer must collect fees according to the scale approved by resolution of Council.
- (e) The Development Authority may refuse to accept a development permit application where:
 - (i) the information required by **Part III** is not provided;
 - (ii) the quality of the information provided is inadequate to properly evaluate the application; or
 - (iii) the fee for a development permit application has not been paid.

4. Subdivision Authority – Powers and Duties

The Subdivision Authority shall:

- (a) keep and maintain for the inspection of the public copies of all decisions and ensure that copies of same are available to the public at a reasonable charge;
- (b) keep a register of all applications for subdivision, including the decisions therein and the reasons therefore;
- (c) receive all complete applications for subdivision including the required application fees and decide upon all applications in accordance with the Subdivision and Development Regulation and Land Use Bylaw with consideration of all comments received through circulation and the recommendations of the Municipal Planning Commission;
- (d) On receipt of an application for subdivision, review to ensure sufficient information is provided to adequately evaluate the application in accordance with Part 1 of the Subdivision and Development Regulation;
- (e) Excepting subdivision applications not requiring circulation under the Municipal Government Act to circulate applications for subdivision for comments to those authorities and agencies as prescribed within the Subdivision and Development Regulation and this Land Use Bylaw and all comments to be added to the subdivision report;
- (f) Excepting subdivision applications not requiring circulation under the Municipal Government Act, to circulate applications for subdivision for comments to Special Area No. 3 when the original parcel boundaries are adjacent to the municipal boundary or where an intermunicipal development plan requires or, at the discretion of the subdivision authority, where a subdivision application is not adjacent to the municipal boundary but has potential for land use impacts within Special Area No. 3;
- (g) Excepting subdivision applications not requiring circulation under the Municipal Government Act, the Subdivision Authority may proceed with processing of the application after thirty (30) days from the date of referral to authorities, agencies or landowners whether or not comments have been received;
- (h) Prepare a subdivision report including all relevant information to the application, recommendations and any comments received from circulated agencies and review with the Municipal Planning Commission for municipal recommendations;
- (i) Prepare, sign and transmit all notices of decision to the relevant agencies in accordance with the Subdivision and Development Regulation;

- (j) Ensure all conditions are complied with prior to endorsement to the satisfaction of the municipality;
- (k) Endorse Land Titles instruments to affect the registration of the subdivision of land;
- (l) Advise the Council, Municipal Planning Commission and Subdivision and Development Appeal Board on matters relating to the subdivision of land;
- (m) Appear before the Subdivision and Development Appeal Board or Municipal Government Board where appeals are made on subdivision application decisions.

Part III
Development Permit Application

1. Control of Development

(1) No development other than those designated in (2) below shall be undertaken within the Municipality unless an application for it has been approved and a development permit has been issued.

2. Development Permit Not Required

It shall not be necessary to obtain a Development Permit prior to commencement of the following developments but the development shall otherwise comply with the provisions of this Bylaw.

(1) The carrying out of works of maintenance or repair to a building provided that such work:

- (a) does not include structural alterations;
- (b) does not change the use or intensity of the use of the structure.

(2) The completion of a building which could be prohibited by this Bylaw, but was lawfully begun on or before the date of the first official of this Bylaw provided that the building:

- (a) is completed within 12 months of the notice; and
- (b) complies with any development permit issued for it.

(3) The use of any such building as is referred to in subsection (2) for the purpose for which construction was commenced.

(4) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting a road used by vehicular traffic) less than 0.91 meters (3 feet.) in height in front yards and less than six 1.82 meters (6 feet) for side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure.

(5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit was issued under this Bylaw.

(6) The maintenance or repair of public works, services or utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.

(7) The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite.

(8) Those signs outlined in **Part VII Section 13** as not requiring a development permit.

- (9) An official notice, sign, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal Legislation.
- (10) The erection or construction or replacement of one (1) garden/tool shed per site, which does not exceed 10.5 m² (113 sq. ft.) in floor area and 2.5 m (8.2 ft.) in height.

3. Application for a Development Permit

- (1) Any owner of a parcel, an authorized agent, or other persons having legal or equitable interest in the parcel may make application for a development permit to the Development Officer using the approved form and shall be accompanied by information as may be required by the Development Authority to evaluate the application including, but not limited to:
 - (a) a site plan in duplicate, drawn to scale, which shows the following:
 - (i) legal description of the site with north arrow;
 - (ii) area and dimensions of the land to be developed including the front, rear and side yards if any;
 - (iii) area and external dimensions including the heights of all buildings and structures to be erected on the land;
 - (iv) any provisions for off-street loading and vehicle parking, including all access and egress points to the site; and
 - (v) the position and distances of any existing building, roads, water bodies, trees or other physical features on the land to be developed.
 - (b) floor plans, elevations, grading and drainage plans and sections in duplicate and an indication of the exterior finishing materials and colour if required by the Development Authority;
 - (c) pictures of the interior and exterior of an existing building that is proposed to be moved on to a parcel within the Village of Morrin;
 - (c) a statement of the proposed use or uses;
 - (d) a statement of ownership of land and the interest of the applicant therein;
 - (e) the estimated commencement and completion dates;
 - (f) the estimated cost of the project or contract price;
 - (g) the development permit fee as prescribed by Council;
 - (h) a surveyor's certificate or real property report if required by the Development Officer;
 - (i) written agreement of the registered land owner(s) of the property with regard to the proposed development, if required.

(2) The Development Authority may require additional copies of the application plans or specifications as well as such additional information as deemed necessary to sufficiently evaluate the application.

4. Deciding on Development Permit Applications

(1) The Development Officer shall:

- (a) receive, consider and decide on an application for a development permit for those uses listed as a permitted use for the relevant land use district and comply with the minimum standards for that district;
- (b) refer, at his/her discretion, a permit application for an industrial development for comments to those authorities (provincial and regional) where interest or jurisdiction may be affected;
- (c) refer with his/her recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for those uses which constitute discretionary uses and which have been assigned to it for consideration and decision;
- (d) refer to the Municipal Planning Commission at his/her discretion any application which in his/her opinion should be decided by the Commission.

(2) The Municipal Planning Commission shall:

- (a) decide on applications for a development permit for those Discretionary Uses in the relevant land use district (excepting applications for Home Occupations and fencing);
- (b) approve the application unconditionally or impose conditions considered appropriate, either permanently or for a limited period of time, or refuse the application.
- (c) When making a decision on a development permit application for a discretionary use the Municipal Planning Commission must take into account:
 - (i) any plans and policies affecting the parcel;
 - (ii) the purpose statements in the applicable land use district;
 - (iii) the appropriateness of the location and parcel for the proposed development;
 - (iv) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
 - (v) the merits of the proposed development;
 - (vi) the servicing requirements;
 - (vii) access and transportation requirements;

- (viii) vehicle and pedestrian circulation within the parcel;
- (ix) sound planning principles.

(3) An application may be approved where the proposed development does not comply with the minimum or maximum requirements of any district in this Bylaw if, in the opinion of the Municipal Planning Commission, the proposed development would not:

- (a) unduly interfere with the amenities of the neighborhood;
- (b) materially interfere with or affect the use, enjoyment or value of the neighboring properties.
- (c) and the amount of variance does not exceed 20% of the requirements in any district.

(4) In the case where a proposed specific use of land or a building is not provided for in any land use district in the Bylaw, the Municipal Planning Commission may determine such a use is similar in character and purpose to another use of land or building that is included in the list of permitted and discretionary uses prescribed for that land use district.

(5) The Municipal Planning Commission may require, as a condition of issuing a development permit, the applicant to enter into an agreement to construct or pay for the construction of public roadways or parking facilities, to install or pay for the installation of utilities and/or to pay off-site levy or redevelopment levy imposed by Bylaw.

(6) If a development permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for six (6) months after the refusal.

(7) If a decision is not made on a development permit application within 40 days after its receipt by the Development Officer, the applicant may deem it to be refused at the end of the 40 day period unless an applicant for a development permit enters into an agreement with the Development Officer to extend the 40 day time period.

(8) The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one (1) year unless a longer term is required in consideration of a specific use or project that is temporary but requires a longer time frame.

5. Development Permits & Notices

(1) The development permit decision pursuant to this Bylaw does not come into effect until 14 days after the date an order, decision or development permit is communicated as described in Section 10(3) of this Bylaw. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

- (2) Where an appeal is made pursuant to this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (3) When a development permit decision is made, the Development Officer shall:
 - (a) immediately post a notice of the decision conspicuously on the property for which the application has been made and/or;
 - (b) a notice in writing shall be immediately mailed to all registered owners of land who in the opinion of the Development Officer may be affected and/or;
 - (c) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property which the application has been made and the use approved.
- (4) If the Development authorized by a permit is not commenced within the 12 months from the date of its issue or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
- (5) A decision by the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (6) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

PART IV**Appeals****1. Appeal Procedure**

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

2. Public Hearing

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

- (d) Palliser Regional Municipal Services;
- (e) such other persons as the Subdivision and Development Appeal Board specifies.

(3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal, as they become available, subject to Section 217 of the Act, including:

- (a) the application for the development permit, its refusal and the appeal therefrom; or
- (b) the order of the Development Authority under Section 14, as the case may be.

(4) At the public hearing referred to in subsection (1), the Board shall hear:

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

3. Decision

(1) The Subdivision and Development Appeal Board shall give a written decision together with reasons for the decision within 15 days of the conclusion of the hearing.

(2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:

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

PART V**Enforcement & Administration****1. Orders of Compliance**

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

- (a) Part 17 of the Act or the regulations under that part of the Act; or
- (b) a Development Permit or Subdivision Approval; or
- (c) this Land Use Bylaw; or
- (d) an order, decision, or permit of the Subdivision and Development Appeal Board or Municipal Government Board;

the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
- (b) demolish, remove or replace the development; or
- (c) take such other measures specified in the notice so that the development or use of the land or building is in accordance with Part 17 of the Municipal Government Act, the regulations under Part 17 of the Act, a development permit, subdivision approval or this Bylaw, as the case may be, within the time period set out in the notice.

(2) A person who receives an order referred to in subsection (1) may appeal to the Subdivision and Development Appeal Board in accordance with Part IV of this Bylaw.

2. Enforcement

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

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

- (3) A person who contravenes or fails to comply with a development permit or a condition attached thereto is guilty of an offense and is liable on summary conviction to a fine as established by council.

3. Amendments to the Bylaw

- (1) Any person may apply to have this Bylaw amended.
- (2) The Council may initiate amendments by its own motion.
- (3) All applications for amendments of this Bylaw shall be made using the approved form, accompanied by:
 - (a) the fee determined by the Council;
 - (b) a statement of the applicant's interest in the land;
 - (c) any drawings, plans or maps required by the Development Officer; and
 - (d) any documents as required by the Development Officer.
- (4) All amendments of this Bylaw shall be made Council by bylaw in conformity with the Act and the regulations.
- (5) The Council, in considering an application for an amendment to this Land Use Bylaw, shall refer a copy of the proposed amendment to:
 - (a) Palliser Regional Municipal Services,
 - (b) Starland County, if the proposed amendment
 - (i) affects land on the boundary with Starland County, or
 - (ii) may otherwise have an effect on within Starland County, and
 - (c) such other persons or agencies as it considers necessary for comment.Prior to the public hearing for verbal or written comments that shall be presented at the public hearing.
- (6) If an application for an amendment to this Bylaw has been refused by Council, then Council need not accept an application for an amendment for the same use on the same parcel for a period of twelve (12) months from the date of refusal.
- (7) Prior to third reading of the proposed by-law, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

PART VI**Land Use Districts****1. Districts**

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

R-1	- Single Detached Residential District
R-2	- General Residential District
RMH	- Manufactured Home District
C	- Commercial District
I	- Industrial District
P	- Community Service District
UR	- Urban Reserve District

2. District Boundaries

(1) The locations and boundaries of the land use districts are shown on the Land Use District Maps, which form Part VIII of this Bylaw.

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

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

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

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

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

(3) Where the exact location of the boundary of a land use district cannot be determined using the rules in subsection (2), the Council, on its own motion or on a written request, shall fix the location:

(a) in a manner consistent with the provisions of this Bylaw; and
(b) with the appropriate degree of detail required.

(4) The location of a district boundary, once fixed, shall not be altered except by an amendment of this Bylaw.

(5) The Council shall keep a list of its decisions fixing the locations of district boundaries.

3. R-1 - Residential Single-Detached District**(1) Purpose**

The purpose and intent of this district is to provide for single-family residential development.

(2) Permitted Uses

- Accessory buildings and uses
- Dwelling – Single-Detached
- Permitted signs
- Parks and Playgrounds
- School

(3) Discretionary Uses

- Bed and breakfast establishment
- Daytime child care service
- Dwelling – Modular
- Dwelling – Moved on
- Home occupation
- Public and quasi-public buildings, facilities and installations
- Worship Facility

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

- (i) 464.5 m² (5,000 sq. ft.) for a single-family dwelling;
- (ii) With the approval of the Municipal Planning Commission, the site area may be less in the case of lots legally created prior to this Bylaw; and
- (iii) Other uses at the discretion of the Municipal Planning Commission.

(b) Lot width:

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

(c) Front Yard:

- (i) 7.6 m (25 ft.) for a single-family dwelling.
- (ii) Other uses at the discretion of the Municipal Planning Commission.

(d) Side Yard:

- (i) 1.22 m (4 ft.) for a single-family dwelling;
- (ii) 3.2 m (10 ft.) abutting the flanking street on corner lots;
- (iii) One 3.2 m (10 ft.) side yard (excluding corner lots) to provide alternate access to the rear of the buildings in the laneless subdivision;