

VILLAGE OF COUTTS  
BYLAW NO. 528

**BEING** a bylaw of the Village of Coutts, in the Province of Alberta, to amend Bylaw No. 523 being the municipality's Land Use Bylaw.

**WHEREAS** the Council of the Village of Coutts wishes to redesignate land legally described as Lots 2 through 6, Block 10, Plan 8311500 (as shown in attached Schedule 'A') from "General Industrial - I" to "General Commercial - C";

**AND WHEREAS** the purpose of the proposed amendment is to allow for future commercial development of the lots.

**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:

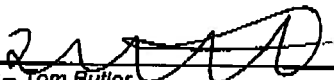
1. That the land legally described as Lots 2, 3, 4, 5 and 6, Block 10, Plan 8311500, as shown on Schedule 'A', be redesignated from "General Industrial - I" to "General Commercial - C".
2. That the Land Use Districts Map of the Village of Coutts Land Use Bylaw No. 523 be amended to reflect this designation.
3. Bylaw No 523, being the Land Use Bylaw, is hereby amended.
4. This bylaw comes into effect upon third and final reading hereof.

READ a first time this 3 day of October, 2011.

  
\_\_\_\_\_  
Mayor - Tom Butler

  
\_\_\_\_\_  
Chief Administrative Officer - Lori Rolfe

READ a second time this 3 day of October, 2011.

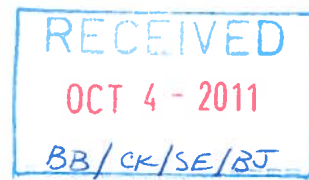
  
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Mayor - Tom Butler

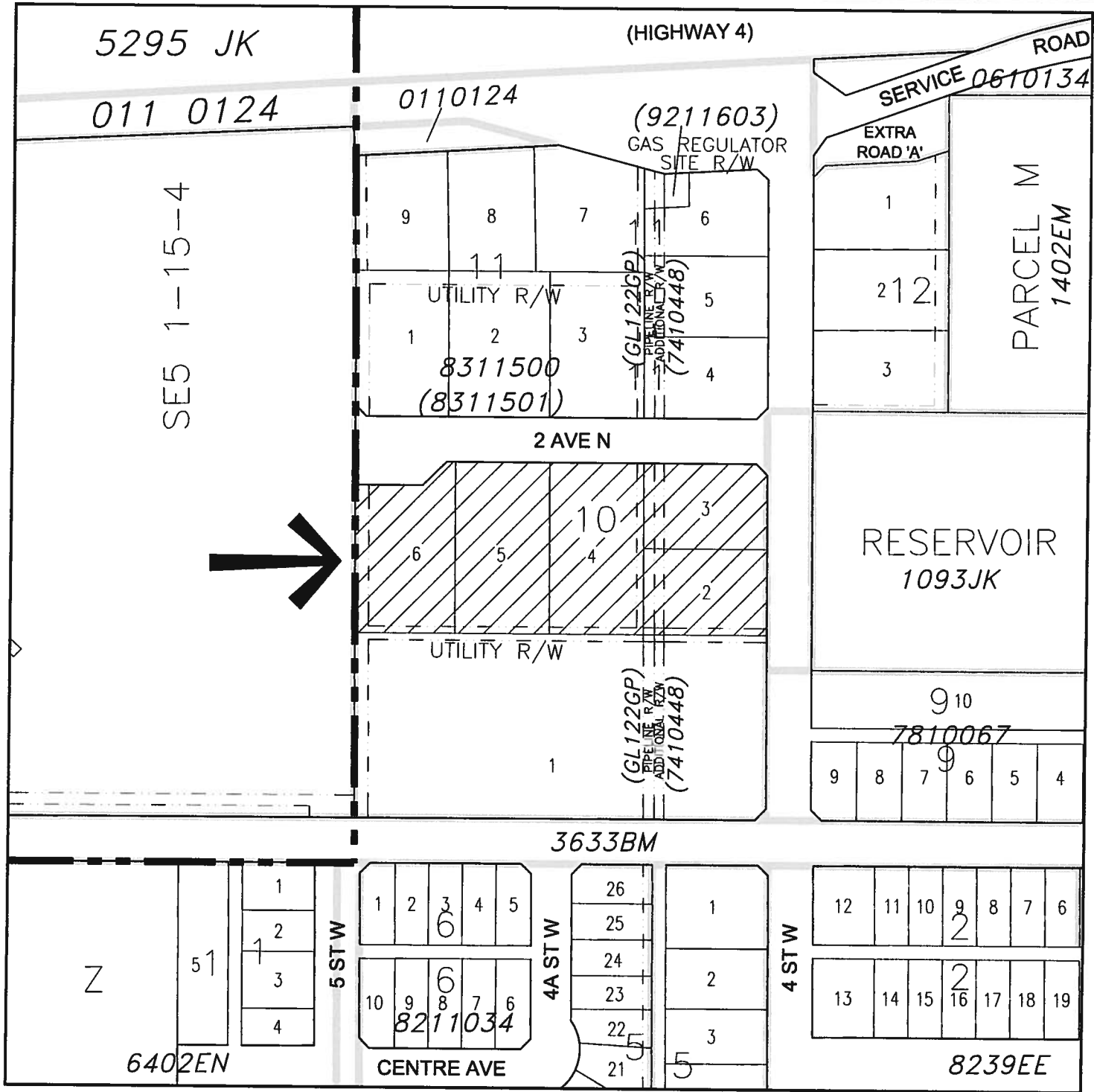
  
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Chief Administrative Officer - Lori Rolfe

READ a third time and finally passed this 3 day of October, 2011.

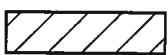
  
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Mayor - Tom Butler

  
\_\_\_\_\_  
Chief Administrative Officer - Lori Rolfe





# LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: GENERAL INDUSTRIAL - 'I'  
TO: GENERAL COMMERCIAL - 'C'

LOTS 2 TO 6, BLOCK 10, PLAN 8311500  
IN SE 1/4 SEC 5, TWP 1, RGE 15, W 4 M  
MUNICIPALITY: VILLAGE OF COUTTS  
DATE: SEPTEMBER 13, 2011

Bylaw #; \_\_\_\_\_  
Date; \_\_\_\_\_



MAP PREPARED BY:  
OLDMAN RIVER REGIONAL SERVICES COMMISSION  
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8  
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

VILLAGE OF COUTTS  
BYLAW NO. 530

**BEING** a bylaw of the Village of Coutts, in the Province of Alberta, to amend Bylaw No. 523 being the municipality's Land Use Bylaw.

**WHEREAS** the Council of the Village of Coutts is in receipt of a request to redesignate land legally described as Lot 6, Block 6, Plan 36EG (as shown in attached Schedule 'A') from "Residential - R" to "General Commercial - C";

**AND WHEREAS** the purpose of the proposed amendment is to allow for future commercial development of the lot.

**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. That the land legally described as Lot 6, Block 6, Plan 36EG, as shown on Schedule 'A', be redesignated from "Residential - R" to "General Commercial - C".
2. That the Land Use Districts Map of the Village of Coutts Land Use Bylaw No. 523 be amended to reflect this designation.
3. Bylaw No. 523, being the Land Use Bylaw, is hereby amended.
4. This bylaw comes into effect upon third and final reading hereof.

READ a first time this 11 day of June, 2012.

[Signature]  
Mayor - Tom Butler

[Signature]  
Chief Administrative Officer - Lori Rolfe

READ a second time this 11 day of June, 2012.

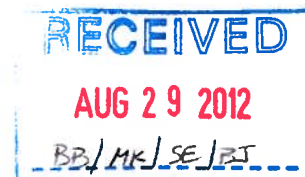
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Mayor - Tom Butler

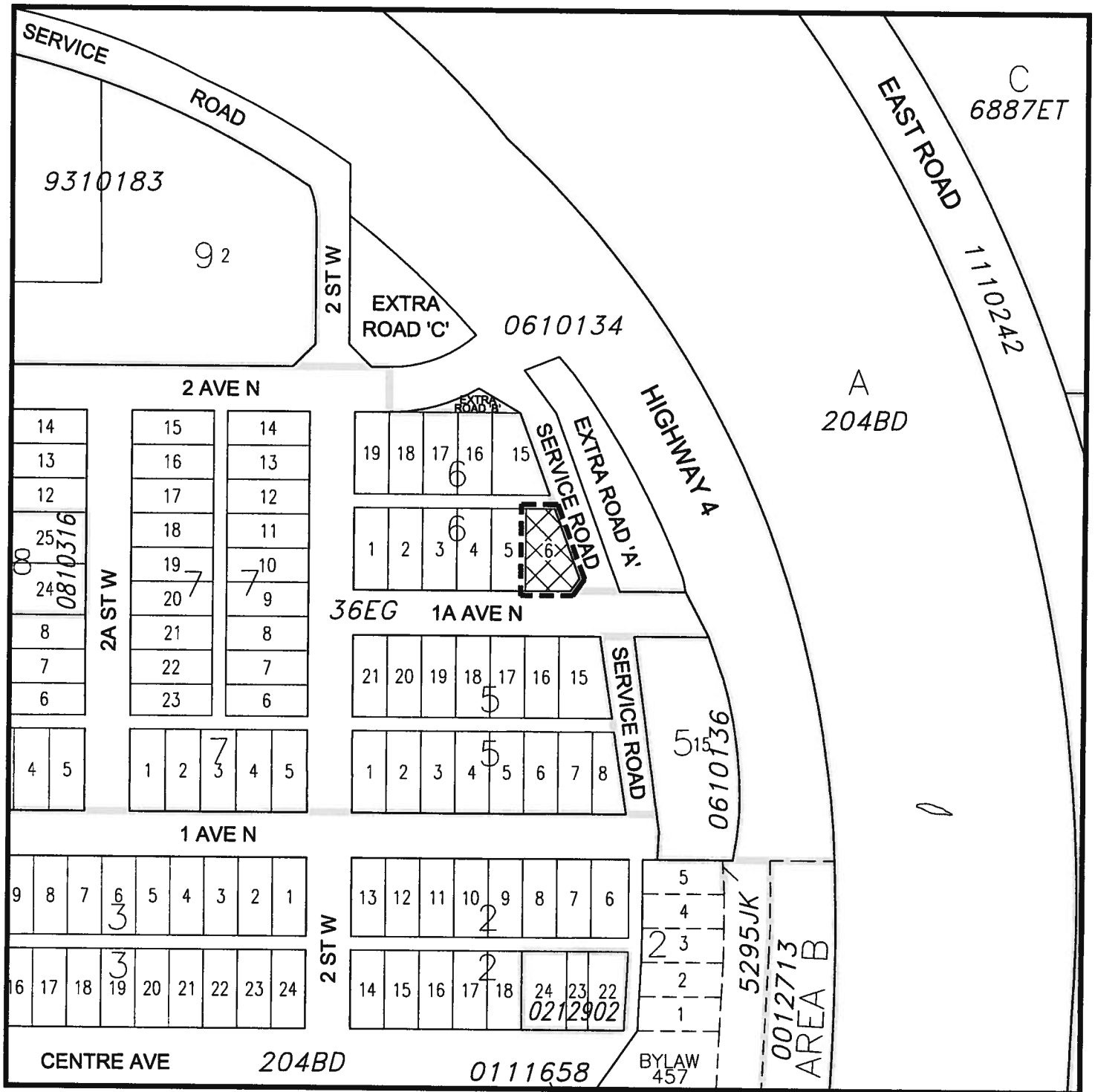
[Signature]  
Chief Administrative Officer - Lori Rolfe

READ a third time and finally passed this 11 day of June, 2012.

[Signature]  
Mayor - Tom Butler

[Signature]  
Chief Administrative Officer - Lori Rolfe





# LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: RESIDENTIAL - R  
TO: GENERAL COMMERCIAL - C

LOT 6, BLOCK 6, PLAN 36EG  
IN SW 1/4 SEC 4, TWP 1, RGE 15, W 4 M  
MUNICIPALITY: VILLAGE OF COUTTS  
DATE: MAY 11, 2011

Bylaw #: \_\_\_\_\_  
Date: \_\_\_\_\_



OLDMAN RIVER REGIONAL SERVICES COMMISSION



MAP PREPARED BY:  
OLDMAN RIVER REGIONAL SERVICES COMMISSION  
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8  
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

**VILLAGE OF COUTTS**  
**BYLAW NO. 533**

**BEING** a bylaw of the Village of Coutts, in the Province of Alberta, to amend Bylaw No. 523 being the municipality's Land Use Bylaw.

**WHEREAS** the Council of the Village of Coutts wishes to re-classify certain automotive uses in the General Commercial – C district, include enhanced development standards in the General Commercial – C and General Industrial – I land use districts, and allow for limited outdoor storage in the Agricultural – A land use district.

**AND WHEREAS THE PURPOSE** of proposed Bylaw No. 533 is to promote compatibility between non-residential and residential uses through enhanced development standards and classification of uses and to allow for limited outdoor storage in the Agricultural – A land use district subject to use specific standards.

**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. That the uses "Automotive sales and service" and "Service station/gas bar" be deleted from the list of Permitted Uses in Part 2, General Commercial – C, section 1.
2. That the uses "Automotive sales and service" and "Service station/gas bar" be added to the list of Discretionary Uses in Part 2, General Commercial – C, section 1.
3. That Part 2, General Commercial – C, section 7 be amended to delete the phrase "- See Part 3" and add the following subsections:
  - (a) See Part 3.
  - (b) Supplementary Standards of Development -- To promote compatibility between commercial and residential uses and mitigate potential impacts, the Development Authority may, in addition to the standards of development in Part 3, place conditions on a permitted or discretionary use application which is proposed adjacent to a residential land use or land that is designated Residential – R regulating the following:
    - (i) hours of operation;
    - (ii) location, screening and shielding of exterior lighting, sound systems, waste receptacles, air-conditioning and heating units, and other exterior mechanical equipment;
    - (iii) orientation, screening and shielding of buildings (principal and accessory);
    - (iv) location of parking areas and driveways;
    - (v) location, height, lighting, and architectural style of signage;
    - (vi) any other matters deemed necessary by the Development Authority to mitigate impacts to and promote compatibility with adjacent residential uses.
4. That Part 2, General Industrial – I, section 9 be amended to delete the phrase "- See Part 3" and add the following subsections:
  - (a) See Part 3.
  - (b) Supplementary Standards of Development – To promote compatibility between industrial and residential uses and mitigate potential impacts, the Development Authority may, in addition to




the standards of development in Part 3, place conditions on a permitted or discretionary use application which is proposed adjacent to a residential land use or land that is designated Residential – R regulating the following:

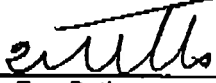
- (i) hours of operation;
  - (ii) location, screening and shielding of exterior lighting, sound systems, waste receptacles, air-conditioning and heating units, and other exterior mechanical equipment;
  - (iii) orientation, screening and shielding of buildings (principal and accessory);
  - (iv) location of parking areas and driveways;
  - (v) location, height, lighting, and architectural style of signage;
  - (vi) any other matters deemed necessary by the Development Authority to mitigate impacts to and promote compatibility with adjacent residential uses.
5. That the use "Outdoor storage" be added to the list of Discretionary Uses in Part 2, Agricultural – A, section 1
6. That Part 2, Agricultural – A, section 6 be amended to delete the phrase "- See Part 3" and add the following subsections:
- (a) See Part 3
  - (b) Use specific standards – Outdoor storage:  
The Development Authority may limit the intensity and scale of an outdoor storage use and place conditions on a development permit regulating:
    - (i) the maximum number, volume and type of goods, materials, equipment, or vehicles that may be stored on the property;
    - (ii) the location of the outdoor storage;
    - (iii) screening and shielding of the outdoor storage;
    - (iv) any other matters deemed necessary by the Development Authority to mitigate potential impacts and ensure the intent of the district is maintained.
7. That the definition of "Outdoor storage" in Part 9 be amended as follows (text to be added shown in *italics*; text to be deleted shown in ~~strikethrough~~):
- Outdoor storage means the use of land for the open air storage of goods, merchandise, materials, or equipment, or vehicles outside a building. Outdoor storage excludes the dismantling, processing and/or repair of goods, material, equipment or vehicles, which are prohibited.*
8. Bylaw No. 523, being the Land Use Bylaw, is hereby amended.
9. This bylaw comes into effect upon third and final reading hereof.
10. That the Village of Coutts Land Use Bylaw No. 523 be consolidated.

READ a first time this 10 day of ~~Sept~~ 2012.

  
\_\_\_\_\_  
Mayor – Tom Butler

  
\_\_\_\_\_  
Chief Administrative Officer – Lori Rolfe

READ a second time this 15 day of October, 2012.

  
\_\_\_\_\_  
Mayor - Tom Butler

  
\_\_\_\_\_  
Chief Administrative Officer - Lori Rolfe

READ a third time and finally passed this 15 day of October, 2012.

  
\_\_\_\_\_  
Mayor - Tom Butler

  
\_\_\_\_\_  
Chief Administrative Officer - Lori Rolfe

**VILLAGE OF COUTTS  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 562**

**BEING** a bylaw of the Village of Coutts, in the Province of Alberta, to amend Bylaw No. 523, being the Village of Coutts Land Use Bylaw.

**WHEREAS**, the Council of the Village of Coutts deems it necessary to amend Land Use Bylaw No. 523 to regulate retail cannabis sales and cannabis production facilities given the impending federal legislation legalizing retail sales of cannabis.

**AND WHEREAS** the purpose of proposed Bylaw No. 562 is to include a retail cannabis store as a discretionary use in the General Commercial – C land use district and a cannabis production facility as a discretionary use in the General Industrial – I land use district, and include accompanying use specific regulations.

**AND WHEREAS** the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

**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 of the Village of Coutts duly assembled does hereby enact the following:

1. That Part 2: Land Use Districts – Uses and Regulations is amended to include “Retail cannabis store” as a discretionary use in the General Commercial – C land use district.
2. That Part 2: Land Use Districts – Uses and Regulations, General Commercial – C land use district is amended to include section 12 as follows:

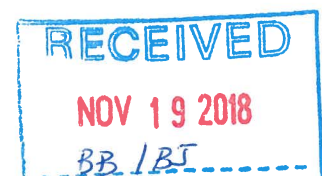
**12. RETAIL CANNABIS STORE** – see Part 9
3. That Part 2: Land Use Districts – Uses and Regulations is amended to include “Cannabis production facility” as a discretionary use in the General Industrial – I land use district.
4. That Part 2: Land Use Districts – Uses and Regulations, General Industrial – I land use district is amended to include section 14 as follows:

**14. CANNABIS PRODUCTION FACILITY** – see Part 9
5. That Part 9: Definitions is renumbered as Part 10 and all references to the Definitions section throughout the Land Use Bylaw are amended accordingly.
6. That use specific regulations for a retail cannabis store and cannabis production facility are inserted as Part 9 as follows:

**PART 9: Retail Cannabis Store Regulations and Cannabis Production Facility Regulations**

**1. RETAIL CANNABIS STORE REGULATIONS**

1. A retail cannabis store may only be considered for approval on land designated General Commercial located at least 615 m (2018 ft) from the International Border and at least 75 m (247 ft) from land designated Residential.
2. 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 school 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*.
3. 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).
4. All parking and loading area requirements shall be provided in accordance with Part 4: Off-Street Parking and Loading Area Requirements. The "Retail stores and personal service shops" category in section 2, Part 4, shall be used to calculate off-street parking space requirements for a retail cannabis store.
5. 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.
6. 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.

## **2. CANNABIS PRODUCTION FACILITY REGULATIONS**

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.
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.
3. A cannabis production facility shall not be approved within 300 m (984 ft) of:
  - (a) a residential land use district, measured from the 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.
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.

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.
6. All parking and loading area requirements shall be provided in accordance with Part 4: Off-Street Parking and Loading Area Requirements. "All other uses" category section 2, Part 4, shall be used to calculate off-street parking space requirements for a cannabis production facility.
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.

7. That the terms "Cannabis production facility" and "Retail cannabis store" are added to Part 10: Definitions and defined as follows:

**Cannabis production facility** means a development where federally licensed cannabis is grown, processed, packaged, tested, researched, destroyed, stored, or loaded for shipping.

**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.

8. That the term "Cannabis" and "Cannabis accessory" are added to Part 10: Definitions and defined as follows:

**Cannabis** means cannabis as defined in the 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.

9. That the term "Provincial health care facility" is added to Part 10: Definitions and defined as follows:

**Provincial health care facility** means a hospital as defined in the *Hospitals Act*.

10. That the following definitions in Part 10: Definitions are amended as follows (add the text shown in underlined italics; delete the text shown in ~~strikethrough~~):

**Home occupation** means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof. See Part 6 for definitions of Home Occupation A and Home Occupation B. *This use does not include sale of cannabis and cannabis accessories, which is classified as a "Retail cannabis store".*


**Personal service** means a development used for the provision of services related to personal care and appearance or the cleaning and repair of personal effects and may include the retail sale of associated products. Typical uses include but are not limited to beauty salons, barber shops, health spas, tailors and dressmakers, dry cleaners, laundromats and shoe repair shops but excludes household equipment repair establishments, and the provision of medical or health services, and a retail cannabis store.

**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 qualities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a store. This use does not include a retail cannabis store.


11. That the Table of Contents of Bylaw No. 523 is updated accordingly.
12. Bylaw No. 523, being the Village of Coutts Land Use Bylaw, is hereby amended and a consolidated version of the bylaw reflecting the amendment is authorized to be prepared, including formatting, page numbering and any necessary section numbering throughout.
13. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time this 3 day of October, 2018.

  
\_\_\_\_\_  
Mayor – Jim Willett

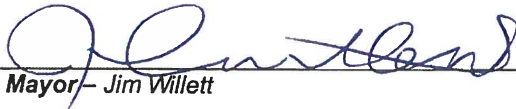
  
\_\_\_\_\_  
Chief Administrative Officer – Lori Rolfe

READ a **second** time this 13 day of November, 2018.

  
\_\_\_\_\_  
Mayor – Jim Willett

  
\_\_\_\_\_  
Chief Administrative Officer – Lori Rolfe

READ a **third** time and finally PASSED this 13 day of November, 2018.

  
\_\_\_\_\_  
Mayor – Jim Willett

  
\_\_\_\_\_  
Chief Administrative Officer – Lori Rolfe

**VILLAGE OF COUTTS  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 564**

**BEING** a bylaw of the Village of Coutts, in the Province of Alberta, to amend Bylaw No. 523, being the Village of Coutts Land Use Bylaw.

**WHEREAS**, the Council of the Village of Coutts deems it necessary to amend Land Use Bylaw No. 523 to provide compliance with the recent amendments to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 relating to Part 17 and to enhance and clarify administrative procedures and requirements.


**AND WHEREAS** the purpose of proposed Bylaw No. 564 is 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, clarify development agreement standards, and update and enhance other administrative requirements for clarity and ease of use.

**AND WHEREAS** the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

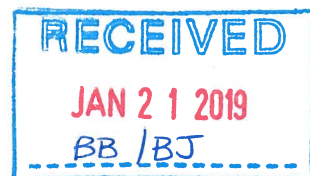
**THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Village of Coutts duly assembled does hereby enact the following:

1. That Part 1: Bylaw Administration of Land Use Bylaw No. 523, is amended as indicated in the attached Schedule A (text shown in strikethrough is deleted; text shown in underlined italics is added);
2. That all section references in Parts 2-10 of the Land Use Bylaw affected by the amendments in Part 1: Bylaw Administration, are renumbered accordingly.
3. That Part 10: Definitions is amended to delete the following definitions:  
**Act** means the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, as amended.  
**Provincial Land Use Policies** means policies established by order of the Lieutenant Governor in Council pursuant to section 622 of the Act.
4. That all references to "the Act" or "(Act)" in Part 10: Definitions are replaced by "the MGA" or "(MGA)" as applicable.
5. That the Table of Contents of Bylaw No. 523 is updated accordingly.
6. Bylaw No. 523, being the Village of Coutts Land Use Bylaw, is hereby amended and a consolidated version of the bylaw reflecting the amendment is authorized to be prepared, including formatting, page numbering and any necessary section numbering throughout.
7. This bylaw comes into effect upon third and final reading hereof.


READ a first time this 13 day of November, 2018.

  
\_\_\_\_\_  
Mayor – Jim Willett

  
\_\_\_\_\_  
Chief Administrative Officer – Lori Rolfe

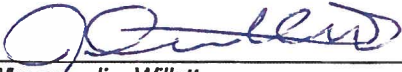


READ a second time this 11 day of December, 2018.

  
\_\_\_\_\_  
Mayor - Jim Willett

  
\_\_\_\_\_  
Chief Administrative Officer - Lori Rolfe

READ a third time and finally PASSED this 11 day of December, 2018.

  
\_\_\_\_\_  
Mayor - Jim Willett

  
\_\_\_\_\_  
Chief Administrative Officer - Lori Rolfe

# VILLAGE OF COUTTS

## LAND USE BYLAW NO. 523

### PART 1: Bylaw Administration

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#### DEVELOPMENT AUTHORITY AND PROVISIONS

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**1. TITLE**

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

**2. DATE OF COMMENCEMENT**

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

**3. REPEAL OF FORMER LAND USE BYLAW**

Bylaw No. 349, and amendments, being the current Land Use Bylaw of the Village of Coutts is repealed upon third and final reading of this bylaw.

**4. AMENDMENT OF BYLAW**

The Council may amend this bylaw at any time in accordance with the procedures detailed in section 692 of the ~~Act~~ Municipal Government Act (MGA).

**5. DEFINITIONS**

Refer to Part 9.

**6. DEVELOPMENT AUTHORITY**

- (1) The Development Authority is established by separate bylaw pursuant to the ~~Act~~ MGA and for the purposes of the Village of Coutts Land Use Bylaw, is the Development Officer and the Municipal Planning Commission.
- (2) The Development Authority may perform only such powers and duties as are specified:
  - (a) in the Village of Coutts ~~Municipal Planning Commission and~~ Municipal Planning Commission Subdivision and Development Authority Bylaw;
  - (b) in this bylaw;
  - (c) in the Municipal Government Act; or
  - (d) where applicable, by resolution of Council.

## **7. SUBDIVISION AUTHORITY**

- (1) The Subdivision Authority is authorized to make decisions on applications for subdivision pursuant to the Village of Couatts Subdivision and Development Authority/Municipal Planning Commission Bylaw, and shall perform such powers and duties as are specified:
  - (a) in the Village of Couatts 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.
  
- (2) The Subdivision Authority may delegate, through any of the methods described in section 7(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.

## **8. 7. DEVELOPMENT OFFICER**

- (1) The office of "Development Officer" is established.
- (2) In accordance with section 210(5) of the Act-MGA, the chief administrative officer shall carry out the responsibilities of Development Officer unless Council appoints a person(s) to the office of Development Officer for the purposes of this bylaw.
- (3) The Council may, by resolution, appoint a person(s) to the office of Development Officer.
- (4) The Development Officer is authorized to act as a Designated Officer pursuant to the Act-MGA for the purposes of this bylaw.
- (5) The Municipal Planning Commission is additionally authorized to act as Designated Officer, in accordance with the Act-MGA and this bylaw.

## **9. 8. RESPONSIBILITIES OF THE DEVELOPMENT OFFICER**

- (1) The Development Officer shall:
  - (a) receive and process all applications for development permits and determine whether a development permit application is complete in accordance with section 27 (Determination of Complete Development Permit Application);
  - (b) maintain for the inspection of the public during office hours, a copy of this bylaw and amendments thereto and ensure that copies are available to the public at a reasonable charge;
  - (c) establish and maintain a register in which shall be recorded the applications made for development permits and the decision made on applications and contain any such other information as the Municipal Planning Commission considers necessary;

- (d) refer to the Municipal Planning Commission, with recommendations, all development permit applications for which decision-making authority has not been assigned to the Development Officer;
- (e) may refer any development application to the Municipal Planning Commission for a decision or any other planning or development matter to the Municipal Planning Commission for review, comment or advice;
- (f) notify adjacent landowners in accordance with this bylaw and circulate any development permit application to other municipal staff, other agencies and/or the County of Warner for written comment, as he/she deems necessary;
- (g) issue the written notice of decision/development permit on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;
- (h) process and decide upon applications for signs in accordance with Part 7;
- (i) process and decide upon applications for demolition or removal of structures except for those being processed in conjunction with a discretionary use; and
- (j) shall perform such other powers and duties as are specified in this bylaw, the Village of Coutts Municipal Planning Commission and Subdivision and Development Authority Bylaw, the Act MGA or by resolution of Council.

**10. 9. MUNICIPAL PLANNING COMMISSION (MPC)**

- (1) The Municipal Planning Commission may perform only such powers and duties as are specified:
  - (a) in the Act MGA;
  - (b) in the Village of Coutts Municipal Planning Commission and Subdivision and Development Authority/Municipal Planning Commission Bylaw;
  - (c) in this bylaw; or
  - (d) by resolution of Council.

**11. 40. SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)**

The Subdivision and Development Appeal Board is established by separate bylaw pursuant to the Act MGA and may exercise such powers and duties as are specified in the Act MGA, the Subdivision and Development Authority/Municipal Planning Commission Bylaw and this bylaw.

**12. 44. FORMS, NOTICES AND FEES**

- (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.
- (2) Application fees, forms and notices are included in Appendices A and B.
- (3) Refund or adjustment of prescribed fees requires the approval of Council.
- (4) Whenever an application is received for a development or use not listed in the fee 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 in the schedule.



#### **13. 42. APPENDICES**

Appendices A through D attached hereto are for information purposes only and do not form part of this bylaw.

#### **14. 43. METRIC STANDARDS**

The metric standards in this bylaw are applicable. Imperial standards are provided only for convenience.

#### **15. 44. CONTRAVENTION OF BYLAW**

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.

### **LAND USE DISTRICTS AND DEVELOPMENT IN GENERAL**

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#### **16. 45. LAND USE DISTRICTS**

- (1) The municipality is divided into those districts specified in Part 2 and shown on the Land Use Districts Map.
- (2) The one or more uses of land or buildings that are:
  - (a) permitted uses in each district, with or without conditions; and/or
  - (b) discretionary uses in each district, with or without conditions;are described in Part 2.
- (3) A land use 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 Municipal Planning Commission.
- (4) A land use not listed as a permitted or discretionary use or deemed similar in nature to a use in a district is a prohibited use and shall be refused.

#### **17. 46. DEVELOPMENT IN MUNICIPALITY GENERALLY**

- (1) A person who develops land or a building in the municipality shall comply with the applicable standards and requirements of development specified in this bylaw, in addition to complying with the use or uses prescribed in the applicable land use district and any conditions attached to a development permit if one is required.
- (2) A person who develops land or a building in the municipality is also responsible for ascertaining, obtaining, and complying with the requirements of any federal, provincial or other municipal legislation.

#### **18. 47. NON-CONFORMING USES AND BUILDINGS**

- (1) If a development permit has been issued on or before the day on which this bylaw or a land use amendment bylaw comes into force and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

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

#### **19. 18. NON-CONFORMING VARIANCES**

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 Act MGA.

#### **20. 19. DEVELOPMENT ON NON-CONFORMING SIZED LOTS**

At the discretion of the Development Authority, development may be permitted on a lot that does not conform to the minimum requirements for length, width, or area for the applicable district specified in Part 2., as follows:

- (a) the Development Officer is authorized to decide upon a development application for a permitted use on a non-conforming sized lot;
- (b) the Municipal Planning Commission is authorized to decide upon all other development applications on a non-conforming sized lot.

#### **21. 20. DWELLING UNITS ON A PARCEL**

No person shall construct or locate or cause to be constructed or located more than one dwelling on a parcel except as provided for in the land use district for which the application was made (e.g. townhouse/rowhouse, multi-unit).

#### **22. 21. SUITABILITY OF SITES**

- (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 Development Officer or the Municipal Planning Commission as applicable may refuse to approve a subdivision or issue a

development permit if, in their opinion, the site of the proposed building or use is not safe or suitable based on the following:

- (a) does not have safe legal and physical access to a maintained road in accordance with municipal requirements or those of Alberta Transportation as applicable;
- (b) has a high water table or soil conditions which makes the site unsuitable for foundations and/or sewage disposal systems in accordance with provincial regulations;
- (c) is situated on an unstable slope;
- (d) consists of unconsolidated material unsuitable for building;
- (e) does not comply with the requirements of the Provincial Land Use Policies 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 or does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;
- (g) is unsafe due to contamination by previous land uses;
- (h) does not have adequate water and sewer provisions;
- (i) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of the Village of Coumts Land Use Bylaw;
- (j) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site;

(k) is subject to flooding, subsidence, or erosion.

- (2) Nothing in this section shall prevent the Development Officer or Municipal Planning Commission, as applicable, from approving a lot for subdivision or issuing a development permit if the Officer or the Commission 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.

## **23. 22. DEVELOPMENT AGREEMENTS**

The Development Officer or the Municipal Planning Commission may require with respect to development that as a condition of issuing a development permit, the applicant enter into a development agreement in accordance with the Act.

(1) The Development Officer or the 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 the section 650(1) of the MGA, 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 that services or is proposed to serve adjacent development;

(c) to install or pay for the installation of a public utility that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the 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 imposed by bylaw;

- (f) to give security to ensure that the terms of the agreement under this section are carried out.
- (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) of the MGA.
- (3) An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversee improvements in accordance with section 651 of the MGA.
- (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.
- (5) If a municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

## DEVELOPMENT PERMITS

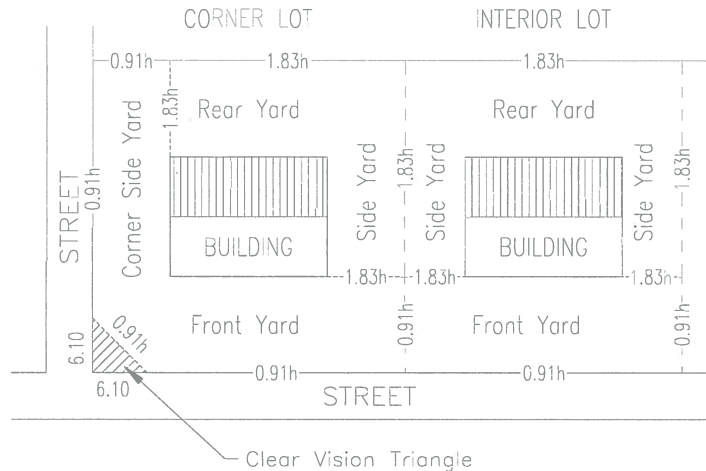
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### ~~24. 23.~~ DEVELOPMENT PERMITS – REQUIRED

Except as provided in section ~~24~~ 25 (*Development Permits – Not Required*), no person shall commence development unless he/she has been issued a development permit in respect of the proposed development.

### ~~25. 24.~~ DEVELOPMENT PERMITS – NOT REQUIRED

- (1) No development permit is required for any development that is specifically exempted by the Lieutenant Governor in Council, pursuant to section 618(4) of the ~~Act~~ MGA.
- (2) No development permit is required for the following:
- (a) the carrying out of works of maintenance or repair to any building, if such works do not include structural alterations or major works of renovation, and do not conflict with the Village of Coutts Unsightly Premises Bylaw or other similar bylaw;
  - (b) the completion of a building which was lawfully under construction at the date this bylaw came into effect provided the building is completed in accordance with the terms and conditions of any development permit granted;
  - (c) the completion of a building that did not require a development permit under the previous land use bylaw which was lawfully under construction provided the building is completed within 12 months from the date this bylaw came into effect;
  - (d) the erection of gates, fences, walls, hedges or other means of enclosure which are:
    - (i) not more than 0.9 metre (3 ft.) in height in front yards and all yard spaces on corner lots lying between the dwelling and the public roadway (as illustrated in Figure 1.0);
    - (ii) not more than 1.8 metres (6 ft.) in all other yards;



**Figure 1.0**

- (e) the temporary erection or construction of buildings, works, plant or machinery needed in connection with operations for which a development permit and a building permit have been issued;
  - (f) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial, municipal or public authorities on land which is publicly owned or controlled;
  - (g) exempted signs in Part 7;
  - (h) the erection or placement of the first accessory building of less than 9.3 m<sup>2</sup> (100 ft<sup>2</sup>) in area on a lot providing that it otherwise complies with this bylaw;
  - (i) uncovered patios;
  - (j) decks not attached to a building that do not exceed 1.2 metres (4 ft.) in height, provided they meet minimum setback requirement for accessory buildings;
  - (k) any residential hard surfaced or gravel driveways, parking pads not supporting a garage or carport, and/or paving stones, to a maximum of 25 percent of the lots surface area that was not required as part of the original development permit;
  - (l) satellite dishes less than 1.5 metres (5 ft.) in diameter provided installation meets all requirements within the Land Use District pertaining to the development;
  - (m) temporary portable swimming pools;
  - (n) temporary shipping containers pursuant to Part 8.
- (3) Although the previous listed items may eliminate the necessity of a Development Permit, the applicant is still responsible for obtaining any required Building Permit and/or adhering to any other applicable legislation, safety codes or municipal bylaw.
- (4) If there is doubt as to whether a development permit is exempted from requiring a development permit, the matter shall be referred to the Municipal Planning Commission for a determination.

**26. 25. APPLICATION REQUIREMENTS**

- (1) An application for a development permit must be made to the Development Officer by submitting to him/her the following, which must be of a quality to properly evaluate the application:
  - (a) a completed development permit application;

- (b) the application fee prescribed *in accordance with the Village's fee schedule*; and
  - (c) any other information as may be required by the Development Officer.
- (2) An application for a development permit must be made by the owner of the land on which the development is proposed or, with the written consent of the owner, by any other person. The Development Officer may request a current title documenting ownership.

## **27. DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION**

- (1) *The Development Officer shall, within 20 days after receipt of an application for a development permit submitted section 26 (Application Requirements), determine whether the application is complete.*
- (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.*
- (3) *The time period referred to in section 27(1) may be extended by an agreement in writing between the applicant and the Development Officer.*
- (4) *If the Development Officer does not make a determination referred to in section 27(1) within the time required under section 27(1) or 27(3), the application is deemed to be complete.*
- (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.*
- (6) *If the Development Officer determines the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required in section 26. A submittal deadline for the outstanding documents and information shall be set out in the notice for the application to be considered complete. A later date may be agreed on between the applicant and the Development Officer in writing to extend the submittal deadline.*
- (7) *If the Development Officer determines that the documents and information submitted under section 27(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.*
- (8) *If the required documents and information under section 27(6) have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under section 27(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.*
- (9) *Despite issuance of a Notice of Completeness under section 27(5) or 27(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.*

## **28.26. DEVELOPMENT PERMITS – PERMITTED USE**

- (1) Upon receipt of a completed application for a development permit for a permitted use that conforms with this bylaw, the Development Officer:
  - (a) shall issue a development permit with or without conditions; or

- (b) may refer the application to the Municipal Planning Commission for a decision.
- (2) The Development Officer or Municipal Planning Commission may place any of the following conditions on a development permit for a permitted use:
- (a) requirement to enter into a development agreement, including requirements for oversize improvements;
  - (b) pay 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 subsistence, erosion and sanitary sewerage servicing;
  - (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 Coutts;
  - (f) easements and encroachment agreements;
  - (g) 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;
  - (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) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals;
  - (l) landscaping plan;
  - (m) drainage plan;
  - (n) final site grading;
  - (o) access requirements;
  - (p) a surveyor's sketch, Real Property Report, or plan from an engineer illustrating improvements;
  - (q) phasing of development;
  - (r) time periods specifying the time during which a development permit is valid;
  - (s) preparation of an environmental impact assessment or similar reports;
  - (t) the filing of pertinent professional reports and plans prior to commencement of construction;
  - (u) posting of the municipal address.

**29. 27. DEVELOPMENT PERMITS – DISCRETIONARY USE**

- (1) Upon receipt of a completed 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 or cause to be notified persons likely to be affected in accordance with section 34.33;

- (2) After consideration of any response to the notifications of 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) issue a development permit with or without conditions; or
  - (b) refuse to issue a development permit, stating the reasons.
- (3) The Municipal Planning Commission may place any of the conditions stipulated in section **26 28**(2) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area.

### **30. 28. APPLICATIONS REQUESTING VARIANCES OF BYLAW PROVISIONS**

- (1) Upon receipt of an **complete** application for a development permit that does not comply with this bylaw but in respect of which the Development Authority is requested to exercise discretion under section **28 30**(2), the Development Officer shall:
  - (a) refer the application to the Municipal Planning Commission for a decision; and
  - (b) notify persons likely to be affected including adjacent municipalities, government departments and any other referral agency in accordance with section **34 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 Development Authority 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;and the proposed development conforms to the use prescribed for that land or building under Part 2.

### **31. 29. SIMILAR USE APPLICATIONS**

- (1) Upon receipt of an **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 of land and buildings permitted by the bylaw in the land use district in which such use is proposed, the Development Officer shall, at the request of the applicant:
  - (a) refer the application to the Municipal Planning Commission for a decision; and
  - (b) notify or cause to notify the affected persons pursuant to section **34 33**.
- (2) Upon referral of the application by the Development Officer, the Municipal Planning Commission:
  - (a) shall rule whether or not the proposed use is either similar to a permitted or discretionary use in the land use district in which it is proposed;
  - (b) if the use is deemed similar to a permitted or discretionary use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use and a development permit may be issued with or without conditions after consideration of any responses to the notifications of persons likely to be affected by the development;
  - (c) if the use is not deemed similar to a permitted or discretionary use in the land use district in which it is proposed, the development permit shall be refused.



**32. 30. TEMPORARY USE APPLICATIONS**

- (1) The Municipal Planning Commission may issue a temporary development permit for a period not to exceed one year for uses that are determined to be temporary in nature provided the use is listed as a permitted, discretionary or deemed similar use within the district for which an application is made.
- (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 Municipal Planning Commission may require the applicant to submit an irrevocable letter of credit guaranteeing the cessation or removal of the temporary use; and
  - (c) any other conditions as deemed necessary.
- (3) A use deemed temporary in nature shall be processed in accordance with the corresponding sections ~~26-29~~ **28-31**. Notification of persons likely to be affected, including the County of Warner, government departments and referral agencies shall be in accordance with section ~~34~~ **33**.

**33. 31. NOTIFICATION OF PERSONS LIKELY TO BE AFFECTED**

- (1) Where notification of persons likely to be affected is required under sections ~~27, 28, 29, and 30, 31 and 32~~, the Development Officer shall, at least seven days before the meeting of the Municipal Planning Commission:
  - (a) mail (*postal service or electronic mail*) or hand deliver written notice of the application to:
    - (i) the owners of land 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 department or referral agency that is deemed to be affected; or
  - (b) cause similar notice to be published in a newspaper circulating in the municipality where the application is located; or
  - (c) cause a similar notice to be posted in a conspicuous place on the property; or
  - (d) any combination of the above.
- (2) In all cases, notification shall:
  - (a) describe the nature and location of the proposed use;
  - (b) state the place and time where the Municipal Planning Commission will meet to consider the application; and
  - (c) state the process for receipt of written or oral submission on the application.

**34. 32. NOTICE OF DECISION FOR DEVELOPMENT PERMITS**

- (1) Upon issuance of a decision on a development application ~~for a permitted use that complies with the Land Use Bylaw~~, the Development Officer shall:
  - (a) mail a written notice of decision to the applicant; and

- (b) notify persons likely to be affected by either:
  - (i) posting a copy of the decision in a prominent place in the Village Office for at least 14 21 days or publishing a notice of the decision on the official municipal website;
  - (ii) mailing (postal service or electronic mail) a copy of the notice of decision to those originally notified of the development permit application and any other persons, departments and agencies likely to be affected; or
  - (iii) publishing a notice of the decision in a newspaper circulated within the municipality.

~~(2) Upon issuance of a decision on all other development permit applications, the Development Officer shall:~~

~~(a) mail a written notice of decision to the applicant, and~~

~~(b) notify persons likely to be affected by either:~~

~~(i) mailing a copy of the decision to those persons, departments and agencies likely to be affected; or~~

~~(ii) publishing a notice of the decision in a newspaper circulated within the municipality.~~

~~(2) The Development Officer will give or send by mail (postal service or electronic mail) a copy of the written decision, which specifies the date on which the decision was given, to the applicant on the same day the decision is given.~~

~~(3) For the purposes of section 34(2), the "date on which the decision was given" means:~~

~~(a) the date the decision is posted on the property for which the application has been made, 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.~~

### **35. 33. PERMIT DEEMED REFUSED**

~~(1) In accordance with section 684 of the Municipal Government Act MGA, an application for a development permit shall is, at the option of the applicant, 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 after the acknowledgement of a completed application in accordance with section 27 unless the applicant has entered into an agreement with the Development Officer to extend the 40-day period.~~

~~(2) The 40 day time period referred to in section 35(1) may be extended by an agreement in writing between the applicant and the Development Authority.~~

~~(3) Section 35(1) does not apply in the case of a development application deemed to be refused under section 27(8).~~

### **36. 34. RE-APPLICATION**

(1) If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission, or on appeal by the Subdivision and Development Appeal Board, another application for a development permit on the same lot for the same or similar use may not be submitted for at least six months after the date of refusal.

(2) If an application was refused solely because it did not comply with this bylaw or was refused as an incomplete application under section 27, the Development Officer may accept another application on the same parcel for the same or similar use may be accepted before the time period

referred to in section ~~34~~ 36(1) provided the application has been modified to comply with this bylaw.

### **37. 35. COMMENCEMENT OF DEVELOPMENT**

- (1) Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the decision was given under section 34(2). until the appeal period has expired in compliance with the following:
  - ~~(a) where the notice of decision is posted in the Village Office, development shall not commence until 14 days after the notice was posted; the Village will need to change its development~~
  - ~~(b) where the notice of decision is mailed to persons likely to be affected, development shall not commence until at least 14 days from the date of receipt of the notice;~~
  - ~~(c) where the notice of decision is published in the newspaper, development shall not commence until at least 14 days from the date of publication.~~
- (2) If an appeal is made, no development is authorized pending the outcome of the appeal.
- (3) Any development occurring prior to the dates determined under section ~~35~~ 37(1) and (2) is at the risk of the applicant, developer or landowner.

### **38. 36. PERMIT VALIDITY**

- (1) Unless a development permit is suspended or cancelled, the application must be commenced and carried out with reasonable diligence in the opinion of the Development Officer or the Municipal Planning Commission within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.
- (2) If a development has not commenced within the time period specified in section ~~36~~ 38(1), the validity of a development permit, at the applicant's request, may be extended for up to six additional months by:
  - (a) the Development Officer or the Municipal Planning Commission if the permit was issued by the Development Officer;
  - (b) by 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.
- (3) A valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy or occupancy. This provision does not apply to a home occupation permit, which is non-transferrable.
- (4) When any use has been discontinued for a period of 18 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.

### **39. 37. SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT**

- (1) If, after a development permit has been issued, the Development Officer or Municipal Planning Commission becomes aware:
  - (a) the application for the development permit contained a serious misrepresentation; or

- (b) facts concerning the application or the development were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known; or
- (c) a development permit was issued in error;

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

the Development Officer or 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.

(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.

(3) A person whose development permit is suspended or cancelled under this section may appeal within 21 days of the date the notice of cancellation or suspension is received to the Subdivision and Development Appeal Board.

(2)(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 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 impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

~~(3) In addition to the conditions that the Development Officer or Municipal Planning Commission may impose on a development permit issued under Part 1, the Subdivision and Development Appeal Board may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.~~

## APPEAL PROCESS

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### **40. 38. APPEAL PROCEDURE**

(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 Authority or any development application deemed refused under section 645 of the Act, may appeal such an order, decision or deemed refusal to the Subdivision and Development Appeal Board in accordance with the procedures described in the MGA, if a Development Officer or Municipal Planning Commission:

- ~~(a) fails or refuses to make a decision or issue a permit in accordance with the Act;~~
- ~~(b) issues a development permit subject to conditions; or~~
- ~~(c) issues an order under section 645 of the Act.~~

~~(2) In addition to an applicant under section 38(1), any person affected by an order, decision or development permit made or issued by a Development Officer or the Municipal Planning Commission may appeal to the Subdivision and Development Appeal Board.~~

~~(3)~~(2) Despite section 3840(1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this bylaw are relaxed, varied or misinterpreted.

~~(4)(3)~~ An appeal by an applicant may shall be commenced by filing a notice of the appeal containing specific reasons, and any applicable fee, with the Secretary Clerk of the Subdivision and Development Appeal Board within 14 21 days after:

- (a) notification of the date on which the written decision or issuance of a development permit by the Development Officer was given; or
- (b) expiration of the 40-day period for a decision to be made and any extension of that period, in accordance with section 33 35 have expired; or
- (c) the date on which the stop order is made under section 645 of the MGA.

~~(5)~~ An appeal by an affected person may be commenced by filing a notice of the appeal containing reasons, with the Secretary of the Appeal Board within 14 days after the date on which the notice of issuance of the permit was given in accordance with this bylaw, or notice of an order.

### **39. APPEAL HEARING**

~~(1)~~ Pursuant to section 686(2) of the Act, the Subdivision and Development Appeal Board must hold an appeal hearing within 30 days of the receipt of a notice of appeal.

~~(2)~~ The Subdivision and Development Appeal Board must give at least five days notice in writing of the hearing:

- ~~(a)~~ to the appellant;
- ~~(b)~~ to the Development Authority whose order, decision or development permit is the subject of the appeal; and
- ~~(c)~~ to those owners required to be notified under the Land Use Bylaw and any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified.

### **40. DECISION OF THE BOARD**

~~(1)~~ In determining an appeal, the Subdivision and Development Appeal Board:

- ~~(a)~~ must comply with the Provincial Land Use Policies, statutory plans and, subject to section 40 (1)(d), this land use bylaw;
- ~~(b)~~ must have regard to, but is not bound by, the Subdivision and Development Regulation;
- ~~(c)~~ may confirm, revoke or vary the order, decision or development permit or any condition attached to it or may make or substitute an order, decision or permit of its own;
- ~~(d)~~ may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with this bylaw, if in its opinion:
  - ~~(i)~~ the proposed development would not:
    - ~~a.~~ unduly interfere with the amenities of the neighbourhood; or
    - ~~b.~~ materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - ~~(ii)~~ the proposed development conforms to the prescribed use for the land or building as defined in this bylaw.

- (2) Following an appeal, the Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

## ENFORCEMENT

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### 41. NOTICE OF VIOLATION

- (1) Where the Development Officer or the Municipal Planning Commission finds that a development or use of land or buildings is not in accordance with the Act MGA, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw, the Development Officer may issue a notice of violation to the registered owner or the person in possession of the land or buildings or the person responsible for the contravention.
- (2) Such notice shall state the following:
  - (i) nature of the violation;
  - (ii) corrective measures required for compliance; and
  - (iii) time within which such corrective measures must be performed.

### 42. STOP ORDER

- (1) The designated officer or The Development Authority is authorized to issue an order under section 645 of the Act MGA if a development, land use or use of a building is not in accordance with the MGA, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw.
- (2) A person who receives notice pursuant to section 42(1) may appeal the order to the Subdivision and Development Appeal Board in accordance with the MGA.
- (3) Pursuant to section 646 of the MGA, if a person fails or refuses to comply with an order directed to the person under section 645 of the MGA or an order of a subdivision and development appeal board under section 687 of the MGA, the designated officer may, in accordance with section 542 of the MGA, enter on the land or building and take any action necessary to carry out the order.
- (4) The Village may register a caveat under the Land Titles Act in respect of an order referred to in section 42(1) against the certificate of title for the land that is the subject of an order.
- (5) If a caveat is registered under section 42(4), the Village must discharge the caveat when the order has been complied with.
- (6) 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 MGA. In accordance with section 553 of the MGA, the expenses and costs of carrying out an order under section 646 of the MGA may be added to the tax roll of the parcel of land.

## BYLAW AMENDMENT PROCESS

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### 43. AMENDMENTS TO THE LAND USE BYLAW

- (1) Any person or the Village may initiate amendments to this bylaw by making an application to the Development Officer.

- (2) All applications for amendment shall be submitted using the applicable form and be accompanied by the applicable fee, and any additional information, as deemed necessary by the Development Officer to process the application.
- (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.
- (4) The Development Officer shall forward the application to Council for a decision if he/she is satisfied sufficient information has been provided with the application.
- (5) Council or the Development Officer may refer the application to the Municipal Planning Commission for their recommendation.
- (6) The application shall be processed in compliance with the requirements of section 692 of the Act MGA, including the processes for notice of public hearings and the conduct of meetings.
- (7) Where an application for an amendment to this bylaw has been refused by Council, another application that is the same or similar in nature shall not be accepted until at least six months after the date of refusal.

#### **44. LAND USE REDESIGNATION APPLICATION REQUIREMENTS**

- (1) A request for redesignation from one land use district to another shall be accompanied by:
  - (a) a completed application form and fee;
  - (b) a narrative describing the:
    - (i) proposed designation and future use(s);
    - (ii) consistency with applicable statutory plans;
    - (iii) compatibility of the proposal with surrounding uses and zoning;
    - (iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, 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; and
    - (vi) any potential impacts on public roads;
  - (c) conceptual design scheme, if deemed necessary by the Development Officer or Municipal Planning Commission;
  - (d) a geotechnical report prepared by an engineer demonstrating soil stability/suitability if deemed necessary by the Development Officer or Municipal Planning Commission;
  - (e) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer or Municipal Planning Commission; and
  - (f) any other information deemed necessary by the Development Officer or Municipal Planning Commission to properly evaluate the application.
- (2) An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application when:
  - (a) redesignating land from Agricultural to another district;
  - (b) multiple parcels of land are involved;

- (c) more than four lots could be created;
- (d) several pieces of fragmented land are adjacent to the proposal;
- (e) internal public roads would be required;
- (f) municipal services would need to be extended; or
- (g) required by Council or the Municipal Planning Commission.

#### 45. REDESIGNATION CRITERIA

- (1) When redesignating land from one land use district to another, Council considerations will may include:
- (a) compliance with applicable standards and provisions of the Land Use Bylaw;
  - (b) consistency with any adopted statutory plans;
  - (c) compatibility with adjacent uses;
  - (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 development;
  - (f) potential impacts on public roads;
  - (g) setback distances contained in the Subdivision and Development Regulation;
  - (h) supply of suitably designated land;
  - (i) public comment and any applicable review agency comments; and
  - (j) any other matters deemed pertinent by Council.

### **SUBDIVISION APPLICATION RULES AND PROCEDURES**

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#### **46. SUBDIVISION APPLICATION**

- (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 MGA, 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.

#### **47. DETERMINATION OF COMPLETE SUBDIVISION APPLICATION**

- (1) In accordance with the MGA, 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.
- (2) Notwithstanding section 47(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 MGA to extend the 20-day time period to determine whether the subdivision application and support information submitted is complete.
- (3) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in section 47(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 MGA. The notification may be sent by regular mail to the applicant, or sent by electronic means, or both.
- (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.

**VILLAGE OF COUTTS  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 588**

**BEING** a bylaw of the Village of Coutts, in the Province of Alberta, to amend Bylaw No. 523, being the Village of Coutts Land Use Bylaw.

**WHEREAS** the Council of the Village of Coutts wishes to designate lands legally described as:

**Plan 36EG**

**Block 5**

**The East Half of Lot 6 and that Portion of Lot 7 which Lies to the West of the Easterly 25 Feet Throughout the Said Lot 7**

**Plan 36EG**

**Block 5**

**Lot 5 and the West Half of Lot 6**

**Plan 204BD**

**Block 2**

**Lot 7**

**Plan 204BD**

**Block 2**

**Lot 8**

**Plan 204BD**

**Block 2**

**Lot 9**

**Plan 204BD**

**Block 2**

**Lot 10**

**Plan 204BD**

**Block 2**

**The East Half of Lot 15 and All of Lot 16**

**Plan 204BD**

**Block 2**

**Lot 17**

**Plan 204BD**

**Block 1**

**Lot 10**

**Plan 204BD**

**Block 1**

**Lot 11**

from "General Commercial - C" to "Residential - R" as shown on the map in Schedule 'A' attached hereto.

**AND WHEREAS** the purpose of proposed Bylaw No. 588 is to accommodate existing and future residential development on the lands.

**AND WHEREAS** the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

**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 of the Village of Coutts duly assembled does hereby enact the following:


1. That the lands described as: Plan 36EG, Block 5, The East Half of Lot 6 and that Portion of Lot 7 which Lies to the West of the Easterly 25 Feet Throughout the Said Lot 7; Plan 36EG, Block 5, Lot 5 and the West Half of Lot 6; Plan 204BD, Block 2, Lot 7; Plan 204BD, Block 2, Lot 8; Plan 204BD, Block 2, Lot 9; Plan 204BD, Block 2, Lot 10; Plan 204BD, Block 2, The East Half of Lot 15 and All of Lot 16; Plan 204BD, Block 2, Lot 17; Plan 204BD, Block 1, Lot 10; and Plan 204BD, Block 1, Lot 11 as shown on the attached Schedule 'A', are designated Residential – R.
2. That the Land Use Districts Map of the Village of Coutts Land Use Bylaw No. 523 is amended to reflect the redesignation of the lands described.
3. That the Land Use Districts Map of the Village of Coutts Land Use Bylaw No. 523 is amended to remove the 300 metre sewage buffer from the map legend.
4. Bylaw No. 523, being the Village of Coutts Land Use Bylaw, is hereby amended and a consolidated version of the bylaw reflecting the amendment is authorized to be prepared.
5. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time this 12<sup>th</sup> day of July, 2022.

  
\_\_\_\_\_  
**Mayor – Jim Willett**

  
\_\_\_\_\_  
**Chief Administrative Officer – Lori Rolfe**

READ a **second** time this 9<sup>th</sup> day of August, 2022.

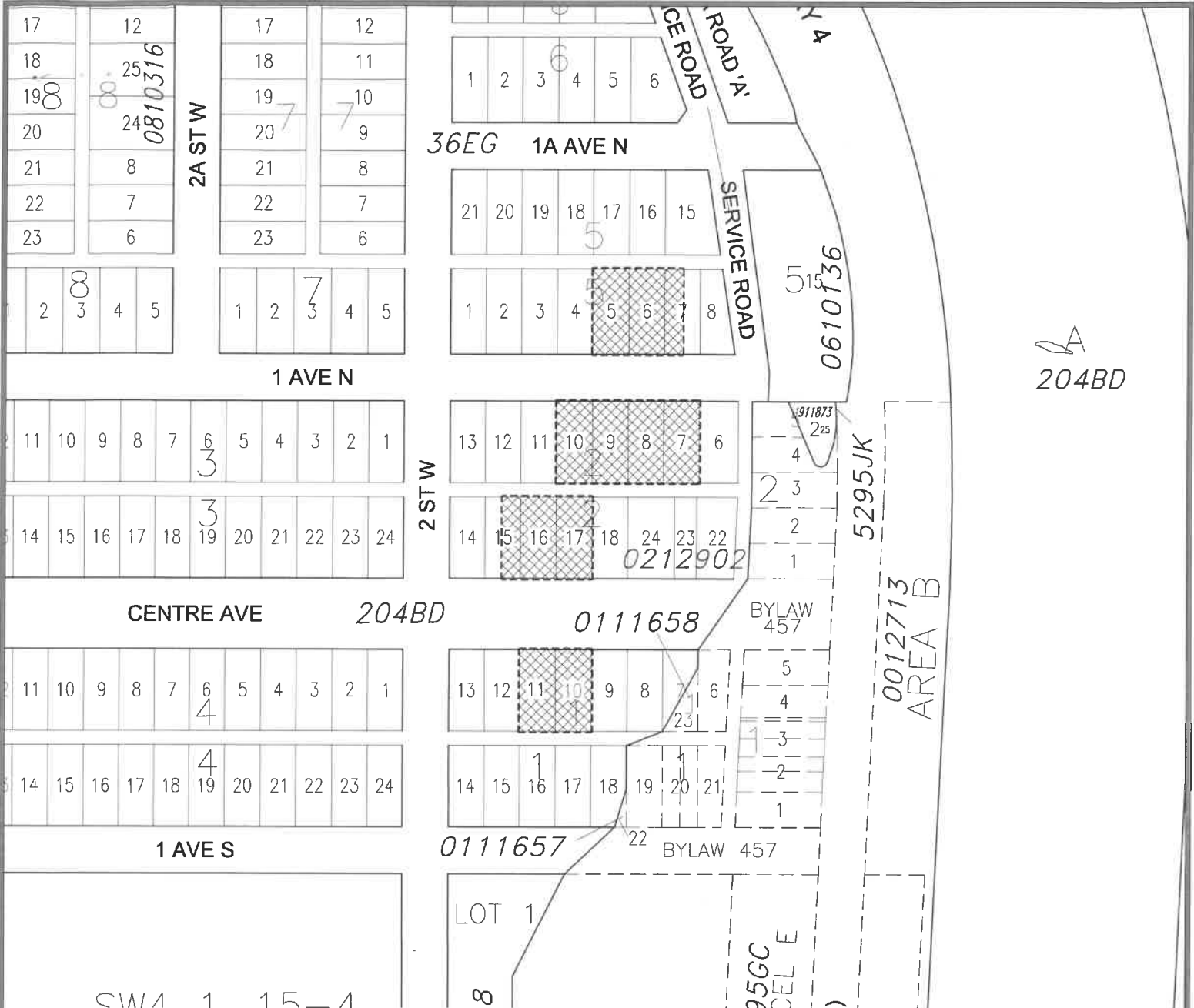
  
\_\_\_\_\_  
**Mayor – Jim Willett**

  
\_\_\_\_\_  
**Chief Administrative Officer – Lori Rolfe**

READ a **third** time and finally **PASSED** this 9<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
**Mayor – Jim Willett**

  
\_\_\_\_\_  
**Chief Administrative Officer – Lori Rolfe**



## LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



**FROM: GENERAL COMMERCIAL C  
TO: RESIDENTIAL R**

**LOTS 5,6, AND THE WEST HALF OF 7, BLOCK 5, PLAN 36EG  
AND LOTS 7-10, BLOCK 2, PLAN 204BD  
AND LOTS 16,17 AND EAST HALF OF LOT 15, BLOCK 2, PLAN 204BD  
AND LOTS 10 AND 11, BLOCK 1, PLAN 204BD**

**ALL WITHIN SW 1/4 SEC 4, TWP 1, RGE 15, W 4 M**

**MUNICIPALITY: VILLAGE OF COUTTS**

**DATE: JUNE 24, 2022**

**Bylaw #: 588**  
**Date: \_\_\_\_\_**

