

PART VII

General Land Use Regulations

27. Subdivision of Land

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

28. Non-Conforming Buildings and Uses

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

29. Fencing

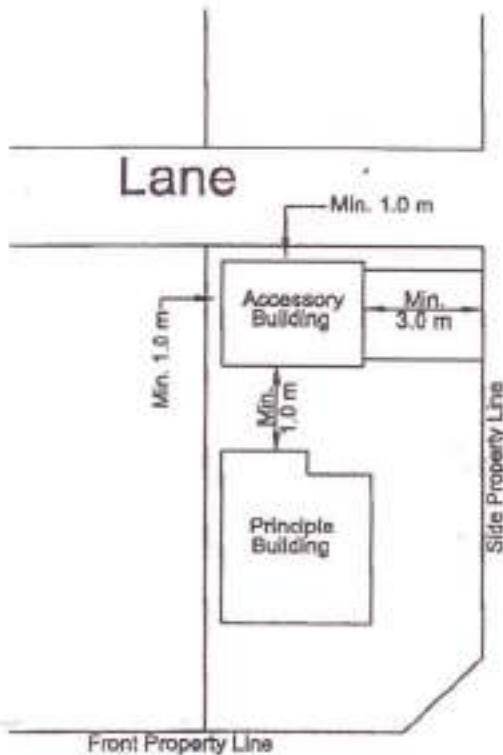
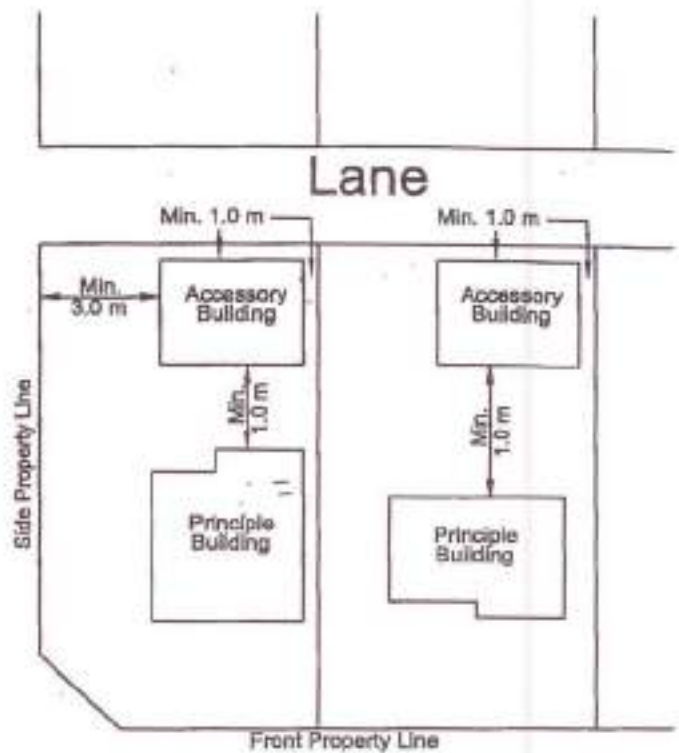
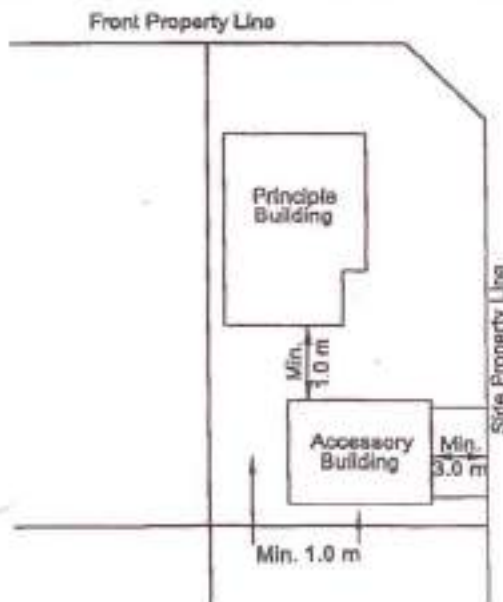
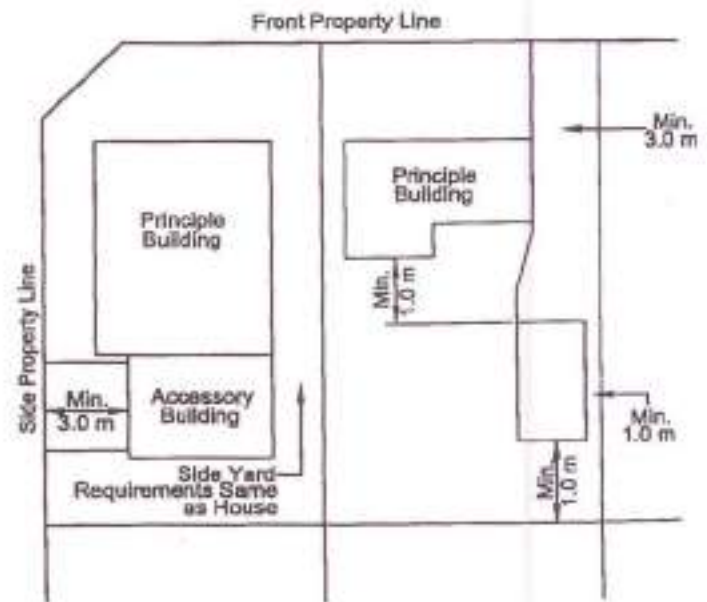
- (1) In a residential district, a fence or hedge located within a rear or side yard of a lot, shall not exceed 1.8 m (6 feet) in height;

- (2) In a residential district, a fence or hedge located within the front yard of a lot, shall not exceed 1 m (3.3 feet) in height;
- (3) In a residential district, a fence or hedge located within a corner lot shall not exceed 1 m (3.3 feet) in height from the building facing the streets;
- (4) Swimming pools shall be fenced with a minimum height of 1.5 m (5 feet) to the satisfaction of the Development Officer.
- (5) The material used in fence construction shall be appropriate to the land use district in which it is located and shall be in general conformity with adjacent properties.

30. Accessory Building & Uses

- (1) A structure which is attached to the principle building by a roof, a floor or a foundation is not an accessory building, it is to be considered part of the principal building;
- (2) An accessory building shall not be used as a dwelling;
- (3) An accessory building or use shall be located at least 1 m (3.2 feet) from any principal building;
- (4) The total combined floor area of an accessory building shall not exceed 15% of the site area;
- (5) On corner lots, the distance between an accessory building and the street flanking the lot shall not be less than the side yard requirement for the principal building in that particular land use district;
- (6) No accessory building or use shall be located in the front yard of a residential district;
- (7) Accessory buildings exceeding a floor area of 9.3 m² (100 sq. ft.) shall be constructed upon a permanent concrete foundation;
- (8) The siting of an accessory building shall be in accordance with Exhibit 1.

Village of Munson Land Use Bylaw No. 98-365

EXHIBIT 1**SITING OF ACCESSORY BUILDINGS****Lane Subdivision****Street or Avenue****Laneless Subdivision**

31. Off-Street Loading & Unloading for Commercial & Industrial Development

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

- (1) The space shall not be less than 2.4 m (8 feet) wide and shall provide no less than 3.7 m (12 feet) overhead clearance;
- (2) The space shall be hard surfaced if the access is from a street or lane which is hard surfaced;
- (3) Access to the space shall be such that no backing and turning movements of vehicles causes interference with traffic on the adjoining or abutting streets or lanes;
- (4) Off-street loading and unloading spaces should be provided in accordance with the following:

<u>Use of Building or Site</u>	<u>Total Gross Floor Area</u>	<u>Spaces Required</u>
(a) Retail, industry warehousing or similar use	Less than 464.5 m ² (5,000 sq. ft.)	1
	464.5 m ² (5,000 sq. ft.) to 2322.5 m ² (25,000 sq. ft.)	2
	Each additional 2322.5 m ² (25,000 sq. ft.) or fraction thereof	1 additional
(b) Office Building, Up to 2787 m ² (30,000 sq. ft.) hospitals, public school or similar use		1
	Each additional 2787 m ² (30,000 sq. ft.) or fraction thereof	1 additional

- (5) The above standards can be modified at the discretion of the Development Officer / Municipal Planning Commission.

32. Parking

- (1) The number of off-street parking spaces for any development shall be according to requirements set out for the land use district in which the space is located;
- (2) For a multiple use site, parking requirements shall be based on the calculation of parking required for each individual use;

- (3) Parking spaces for multi-unit dwellings shall not be less than 14.9 m² (160 sq. ft.) in area and not be less than 2.4 m (8 ft.) wide.

33. Objects Prohibited or Restricted in Yards

No person shall keep or permit in any part of a yard in any residential district:

- (1) Any dismantled or wrecked vehicle for more than 14 successive days;
- (2) Any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district;
- (3) Any excavation, storage of material required during the construction stage unless all necessary safety measures are undertaken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

34. Site Development

- (1) The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs and any reconstruction shall be to the satisfactions of the Development Officer / Municipal Planning Commission in order that these shall be general conformity in such matters with adjacent buildings.

35. Home Occupations

- (1) All development permits issued for home occupations shall be revocable at any time by the Municipal Planning Commission, if in its opinion, the use is or has become detrimental to the amenities of the neighborhood;
- (2) The Municipal Planning Commission may issue a temporary permit for a home occupation;
- (3) Where the applicant for the home occupation is not the registered owner of the dwelling unit proposed to be used for a home occupation, the applicant shall provide to the Municipal Planning Commission written authorization from the registered owner(s);
- (4) A development permit issued for a home occupation shall remain valid unless:
 - (a) the applicant fails to purchase a valid business license as set out in the Village's current business bylaw;
 - (b) the Municipal Planning Commission revokes the development permit as set out in subsection (1);

- (5) A home occupation shall not include any use or operation which will cause or create a nuisance by way of dust, noise, smell, smoke or traffic generation;
- (6) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference in radio or television reception.

36. Utilities

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

37. Drainage

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

38. Signs

- (1) No signs or advertising structures of a commercial, direction or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this

purpose has been approved and a development permit has been issued;

- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant;
- (3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body;
- (4) Notwithstanding the generality of subsection (1) nor the provisions of subsections (2) and (3), the following signs may be erected on land or affixed to the exterior surface of building or structure without application for a Development Permit provided that no such signs shall be illuminated.
 - (a) Signs for the purpose of identification, direction and warning, not exceeding 1.0 m² (10.8 ft.²) and limited to one sign per parcel;
 - (b) Signs relating to a person, partnership or company carrying on a profession, business or trade, not exceeding 0.3 m² (3.3 ft.²) and limited to one sign per parcel;
 - (c) Signs relating to an institution of a religious, educational, cultural, recreational, or similar character or to a residential motel, apartment block, club or similar institution, not exceeding 1.0 m² (10.8 ft.²) and limited to one sign per parcel; and
 - (d) Advertisements in relation to the function of Local Authorities Utilities Boards or other public or quasi-public bodies.
- (5) No signs or advertisement shall resemble or conflict with a traffic sign;
- (6) All advertisements shall be kept in a safe, clean and tidy condition and may, by resolution of Council, be required to be renovated or removed;
- (7) No signs or advertising structures other than those specified under subsection (4), shall be permitted in a residential district; and
- (8) All signs shall comply with the requirements set out for the land use district in which the sign is located.

39. Relocation of Buildings

- (1) An application for a "moved in" building shall be accompanied by:
 - (a) A recent colour photograph showing the complete exterior structure; and
 - (b) Written approval showing conformance to the Alberta Uniform Standards Act and Health & Fire Regulations.

- (2) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Municipal Planning Commission may require the applicant to provide a Performance Bond or letter or credit in the amount of \$10,000.00 (\$1,000.00 where the building to be relocated is accessory to a dwelling) to ensure completion of any renovations set out as a condition of approval of a permit. In addition, the Municipal Planning Commission shall require the applicant to provide proof of insurance during and after the relocation of the building.
- (3) All renovations to a relocated building are to be completed within one (1) year of the issuance of the Development Permit.
- (4) A "moved in" building shall be subject to an inspection by the Albert Buildings Standards Branch prior to transportation and/or before occupancy to ensure compliance.

40. Projection Over Yards

- (1) Front Yards:
- (a) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks, may project a maximum of 0.6 m (2 ft.) over or onto a required front yard;
 - (b) Un-enclosed steps may project a maximum of 1.8 m (6 ft.) over or onto a required front yard.
- (2) Side Yards:
- (a) Eaves, shade projections, chimneys, may project a distance not exceeding one half of the minimum side yard requirement for the lot;
 - (b) Un-enclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Un-enclosed steps and landings above grade shall be at the discretion of the Municipal Planning Commission;
 - (c) Residential buildings with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves.
- (3) Rear Yards:
- (a) Eaves, balconies, bay windows, shade projections, chimneys, un-enclosed decks and steps may project a maximum of 1.5 m (5 ft.) over or onto a required rear yard.

41. Daytime Child Care Services

- (1) The Municipal Planning Commission shall, in deciding whether to approve or refuse a Daytime Child Care Service, consider among other matters, potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their

properties by nearby residents, and consistency in terms of intensity of use with other development in the area.

- (2) The maximum number of children for which care may be provided in a Daytime Child Care Service may be established by the Municipal Planning Commission.

42. Topographic Features

- (1) Slopes greater than 20% shall not be developed unless otherwise approved by the Development Officer / Municipal Planning Commission.

43. Dwelling Units on a Parcel

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

44. Physical Environment

- (1) The Development Officer / Municipal Planning Commission may consider the environmental impact of any proposed development. The Development Officer / Municipal Planning Commission may refer the proposal to a relevant provincial department for comments on the nature of the environmental concern. Where a development is considered to have a significant environmental impact, the Development Officer / Municipal Planning Commission may request the developer to have an environmental evaluation prepared and submitted by an appropriate professional, or undertake its own environmental evaluation regarding the proposed development. All costs associated with an environmental evaluation are the responsibility of the developer.

VILLAGE OF MUNSON
BYLAW NO. 2009-534

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 98-365 FOR
THE VILLAGE OF MUNSON IN THE PROVINCE OF ALBERTA

WHEREAS, pursuant to the provision of Section 639 of the Municipal Government Act, RSA 2000, Chapter M-26, the Village of Munson (hereinafter called the Council), has adopted Land Use Bylaw No. 98-365;

AND WHEREAS, Council deems it desirable to amend Land Use Bylaw 98-365; and

NOW THEREFORE the Council hereby amends Land Use Bylaw No. 98-365 as follows:

1. Part VI Section 20. The Residential District Subsection 4 paragraph (f) (i) (ii) (iii) (iv) Gross Floor Area.
2. Part VI Section 22. Manufactured Home Residential District Subsection 4 paragraph (f) (i)

Gross Floor Area minimum areas are

- (i) Single family dwellings 93 m2 (1000 sq. ft.)
- (ii) Each unit in a two-family dwelling semi-detached single family dwelling and attached housing 74.3 m2 (800 sq. ft.)
- (iii) Manufactured homes 74.3 m2 (800 sq. ft.)
- (iv) Other uses at the discretion of the Municipal Planning Commission

Read a first time on this 22 day of July, 2009.

Read a second time on this 22 day of July, 2009.

Read a third time and passed on this 22 day of July, 2009.

VILLAGE OF MUNSON


Mayor Dave Vanderkolk


Administrator Lyle Cawiezel