

BYLAW 10-18 OF THE COUNTY OF VERMILION RIVER

Being a Bylaw to Amend the County of Vermilion River Land Use Bylaw

WHEREAS the Council for the County of Vermilion River deems it appropriate and expedient to amend the County of Vermilion River Land Use Bylaw, being Bylaw 07-13 and amendments thereto, to synchronize and seam together the planning policy and regulatory structure/framework for the lands contained within the Crossroads Area Structure Plan, being Bylaw No. 10-15 and any amendments thereto, helping to ensure 'development readiness' for investors and facilitate decision making at the municipal and senior government level.

NOW THEREFORE Under the authority of the Municipal Government Act, the Council of County of Vermilion River, in the Province of Alberta, duly assembled enacts as follows:

1. The Land Use Bylaw of the County of Vermilion River, being Bylaw No. 07-13 and amendments hereto, is hereby amended as follows:
 - (a) By inserting the following land use district under 6.3:

"6.3.23 CDC – CROSSROADS DIRECT CONTROL DISTRICT

(1) General Purpose and Intent

This land use district is intended specifically to provide for land use(s), subdivision(s) and development(s) in accordance with and as specified in the Crossroads Area Structure Plan (ASP), being Bylaw No. 10-15, and any amendments thereto. The CDC - District applies to the lands within the Crossroads ASP boundary as indicated on Figure 12 and will be assigned to these lands when the County considers it appropriate to do so, a prerequisite of which being the submission of subdivision and/or development permit applications deemed by the County to be in their complete form and consistent with this ASP. For reference, Figure 12 of the Crossroads ASP is shown on the following Page.

The purpose of the Crossroads ASP is to establish the future road layout, land uses and related provisions and highway access management in relation to Highway 41 for these lands. The vision is to create a realistic supply of unserviced, large-lot commercial/industrial land along Highway 41, Highway 16 and surrounding the Auction Mart. The ASP area also sets aside a small area for unserviced, large-lot country residential lots. The majority the ASP area south of Highway 16 is to remain agricultural. Lots adjacent to Highway 16 and Highway 41 will be expected to adhere to a reasonable standard of development and landscaping to maintain a positive visual image along these primary highway corridors and Highway 16.

This land use district, in tandem with the ASP on which it is based, provides the ways and means necessary to ensure that the future use, subdivision and development of the subject lands occurs in a planned manner and that the processing of subsequent subdivision and development permit applications can be carried out with efficiency and clarity. Council, at their discretion, who may delegate their discretion to the Subdivision Authority or Development Authority, may allow for the uses, subdivision and development provided for these lands within the Crossroads ASP.

(2) Definitions

For the purposes of this land use district, and notwithstanding any provisions to the contrary elsewhere in the County of Vermilion River Land Use Bylaw (LUB), the following definitions shall apply:

"ABATTOIR" - means the use of land or building in which animals are slaughtered and may include the packing, treating, storing and sale of the product;

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

"ACCESSORY USE" - means a use customarily incidental and subordinate to the principal use or building and which is located on the same parcel of land with such principal use or building;

"AGRICULTURAL SERVICE FACILITY" - means a use which provides non-industrial, agriculturally oriented services to the rural community. Without restricting the generality of the foregoing, this shall include the retailing, servicing and/or repairing of agricultural implements and goods such as farm machinery, grain elevators and fertilizer but does not involve salvaging;

"AUCTIONEERING ESTABLISHMENT" - means development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment;

"BED AND BREAKFAST OPERATION, MINOR" - means when overnight accommodation is provided in no more than two (2) rooms of a dwelling, as defined herein and in which the owner lives, for a fee, length of stay generally not to exceed two (2) weeks, and meals are provided for the guest;

"BOARDING/LODGING" - means a use accessory to a dwelling in which the owner lives and supplies sleeping unit accommodation, for remuneration, for not more than two (2) residents to whom they are not related. It may or may not include meal service;

"COMMERCIAL STORAGE" - means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature. This use does not include outdoor storage;

"CONTRACTOR SERVICE, MAJOR" - means premises used for the provision of building and road construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage and warehouse space but does not involve salvaging. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use only;

"CONTRACTOR SERVICE, MINOR" - means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities, no salvaging or fleet storage of more than four vehicles;

"DWELLING" - means a residence intended for permanent occupancy by one household and which meets the requirements of the Alberta Building Code. A dwelling does not include a holiday trailer or recreational vehicle;

"DWELLING, DOUBLE-WIDE MANUFACTURED" - means a manufactured dwelling consisting of two sections separately towed, designed to be joined together, side by side, into one integral dwelling on site;

"DWELLING, MANUFACTURED" - means a transportable dwelling in single or multiple section(s) conforming to Canadian Standards Association and Alberta Labour certification standards at time of manufacture. It is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions. A manufactured dwelling does not include a holiday trailer or recreational vehicle;

"DWELLING, MODULAR" - means a finished section or sections of a complete dwelling built in a factory for transport to the site for installation. Finished means fully enclosed on the exterior and interior but need not include interior painting, taping, installation of cabinets, floor covering, fixtures, heating system, and exterior finishes;

"DWELLING, SINGLE-WIDE MANUFACTURED" - means a manufactured dwelling designed specifically to be towed in a single load and consisting of one integral dwelling placed on the site;

"DWELLING, SINGLE DETACHED" - means a dwelling constructed on site upon on a permanent foundation and/or basement.

"EQUIPMENT FABRICATION" - means the assembly and required storage of industrial equipment, trailers and other similar equipment and may involve a sales component;

"HEAVY VEHICLE AND EQUIPMENT STORAGE/PARKING" – means the outdoor on-site storage/parking of heavy vehicles (e.g. tractor-trailer unit, flatbed, grain truck, tanker, and so forth) and equipment (e.g. back/track hoe, grader, earth-moving equipment, and so forth);

"HOME OCCUPATION" - means any occupation, trade, profession or craft, other than a minor bed and breakfast operation as defined in this land use district, carried on by an occupant of a residential building as a use secondary to the residential use of the building or land. A home occupation does not include the keeping of stock-in-trade unless otherwise approved by the Development Authority. Home occupations are divided into two categories:

- (a) Minor - home occupations that do not employ any person who is not a resident of the home, do not generate more than four client/customer vehicle trips per day, do not extend beyond the confines of the residential unit, and which does not change the character thereof or have any exterior evidence of such secondary use other than a 1.0 m² (10.76 ft²) nameplate;
- (b) Major - home occupations that may employ persons who are not a resident of the home, may generate more than four client/customer vehicle trips per day, may utilize accessory buildings and may involve outside storage, and does not change the character of the residential unit or property;

"HOME OFFICE OR STUDIO" – means the use of up to 15% of the gross floor area of a dwelling as a professional or business office or home craft studio by a resident or residents of the dwelling. Any office equipment shall be limited to a desk, telephone, computer, facsimile and other basic office equipment. Typical uses include farm offices, home craft artisan, catalogue or internet sales, home representatives (other than a main supplier or distributor), consultants, accountants and other similar professionals. This use does not include warehousing of goods, outdoor storage, client visits to the dwelling or signage;

"NATURAL RESOURCE EXTRACTION" - means the extraction of natural resources, including oil and gas, peat, metallic minerals, non-metallic minerals (such as sand, gravel, coal, limestone, gypsum, granite and salt);

"NATURAL RESOURCE PROCESSING " - means the processing, storage and transmission of natural resources, including oil and gas, peat, metallic and non-metallic minerals (such as sand, gravel, coal, limestone, gypsum, granite and salt);

"OUTDOOR STORAGE" – means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be place outside of a building but does not involve salvaging. Typical uses include but are not limited to pipe yards or vehicle or heavy equipment storage compounds;

"PUBLIC UTILITY" - means a public utility as defined in the Act;

"PUBLIC UTILITY BUILDING" - means a building to house a public utility, its offices or equipment;

"RECREATION VEHICLE" - means a vehicle that is solely for the personal use and enjoyment of the individual and may include recreation homes, all terrain vehicles, holiday trailers and campers, dirt bikes and motorized boats;

"RECREATION VEHICLE STORAGE" - means the use of a building and/or site primarily for the storage of vehicles such as travel trailers, motorhomes, slide-in campers, chassis-mounted campers and tent trailers but does not include manufactured homes;

"RECYCLING DEPOT" - means development used for the buying, collection, sorting, and temporary storage of bottles, cans, beverage containers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include recycling drop-off centres;

"RECYCLING DROP-OFF" - means a development used for the collection and temporary storage of recyclable materials. Recyclable materials include, but are not limited to, cardboard, newspapers, plastics, paper, metal and similar household goods. Recyclable material left at the drop-off centre shall be periodically removed and taken to larger, permanent recycling operations for final recycling. This does not include recycling depots;

"SCREENING" - means, without restricting the generality of the following, a row of trees, shrubs, earth berm or fencing that provides visual screening and separation and/or noise attenuation between parcels and/or between parcels and roadways. The term buffer has the same meaning;

"SMALL ANIMAL BOARDING/BREEDING" - means any development in which or any land on which four (4) or more dogs, cats or other small animals are maintained, bred, trained or cared for in return for remuneration or kept for purposes of sale;

"SPECIALTY AGRICULTURE" - means a commercial agricultural operation, other than a confined feeding operation, which requires smaller tracts of land due to the intensive nature of the operation. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, sod farms, mushroom farms, market gardens and apiaries;

"STOCKPILE SITE" - means an open land area where one or a combination of sand, gravel, soil, and rock fragments are stored for off site use;

"SURVEILLANCE SUITE" - means a manufactured/modular dwelling or a seasonal residence, all without basement, used solely to accommodate a person or persons comprising a household, or employee, whose official function is to provide surveillance, maintenance and/or security for a commercial or industrial development or developments provided for in this land use district. The dwelling shall form part of the development with which it is associated and clearly be a subordinate use of the lot on which it is located;

"TEMPORARY BUILDING" - means a structure for which approval may be granted for a maximum period of one (1) year upon the initial application with the length of approval of subsequent applications being at the Development Authority's discretion;

"TEMPORARY USE" – means a use for which approval may be granted for a maximum period of one (1) year upon the initial application with the length of approval of subsequent applications being at the Development Authority's discretion;

"TRANSPORTATION FACILITIES" - means the use of land or buildings for public transportation related activities;

"UNSERVICED INDUSTRIAL USE" - means an industrial use dependent on on-site servicing similar to and compatible with the other uses prescribed in the CDC – District requiring a relatively large lot where any actual or potential nuisance factor generated by the use/development is contained within the boundaries of the site;

"UNSERVICED INDUSTRIAL USE PARK" - means an area planned for the development of multiple lots for unserviced industrial uses which may include an internal public road;

"WAREHOUSE" - means a structure used for the storage and distribution of raw materials, processed or manufactured goods, and establishments providing servicing for those purposes;

"VETERINARY SERVICE" - means development used for the care and treatment of animals where the service primarily involves in-patient care and major medical procedures involving hospitalization for periods of time. This use includes animal hospitals, animal shelters, and animal crematoriums.

- (3) Section 6.3.23(3) applies to the lands designated Unserviced Commercial/Industrial on Figure 12 of the Crossroads Area Structure Plan, being Bylaw 10-15, and amendments thereto.

Permitted Uses

Accessory building.
All uses and development over which the County has jurisdiction and lawfully in existence on parcels existing at the time this land use district was assigned and came into effect.
Contractor service, minor.
Contractor service, major.
Heavy vehicle and equipment storage/parking.
Natural resource extraction.
Outdoor storage.
Public utility.
Public utility building.
Recreation vehicle storage.
Recycling depot.
Recycling drop-off.
Transportation facilities.
Warehouse.

Discretionary Uses

Accessory use.
Agricultural service facility.
Bus depot.
Car wash establishment.
Equipment fabrication.
Natural resource processing.
Retail establishment with retail floor space not exceeding 190.0 m² (2,045.0 ft²) associated with a permitted or discretionary use.
Small animal boarding/breeding.
Specialty agriculture.
Stockpile site.
Surveillance suite.
Temporary building.
Temporary use.
Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the Crossroads Area Structure Plan upon which it is based.
Veterinary service.

- (4) Section 6.3.23(4) applies to the lands designated Unserviced Industrial on Figure 12 of the Crossroads Area Structure Plan, being Bylaw 10-15, and amendments thereto.

Permitted Uses

Accessory building.
Agricultural service facility.
All uses and development over which the County has jurisdiction and lawfully in existence on parcels existing at the time this land use district was assigned and came into effect.
Auctioneering establishment.
Contractor service, minor.
Contractor service, major.
Equipment fabrication.
Heavy vehicle and equipment storage/parking.
Natural resource extraction.
Outdoor storage.
Public utility.
Public utility building.
Recreation vehicle storage.
Recycling depot.
Recycling drop-off.
Small animal boarding/breeding.
Stockpile site.
Transportation facilities.
Veterinary service.
Warehouse.

Discretionary Uses

Abattoir.
Accessory use.
Car wash establishment.
Natural resource processing.
Retail establishment with retail floor space not exceeding 190.0 m² (2,045.0 ft²) associated with a permitted or discretionary use.
Specialty agriculture.
Surveillance suite.
Temporary building.
Temporary use.
Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the Crossroads Area Structure Plan upon which it is based.
Unserviced industrial use.
Unserviced industrial use park.

- (5) Section 6.3.23(5) applies to the lands designated Country Residential on Figure 12 of the Crossroads Area Structure Plan, being Bylaw 10-15, and amendments thereto.

Permitted Uses

Accessory building.
All uses and development over which the County has jurisdiction and lawfully in existence on parcels existing at the time this land use district was assigned and came into effect.
Bed and breakfast operation, minor.

Discretionary Uses

Accessory use.
Home occupation, major.
Public utility building.
Temporary building.
Temporary use.
Those uses which, in the opinion of the Development Authority or Subdivision

Boarding/lodging.
Dwelling, double-wide manufactured.
Dwelling, modular.
Dwelling, single-wide manufactured.
Dwelling, single detached.
Home office or studio.
Home occupation, minor.
Public utility.

Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the Crossroads Area Structure Plan upon which it is based.

(6) Minimum Site Provisions – Specific to Unserviced Commercial/Industrial and Unserviced Industrial

For the lands within the Unserviced Commercial/Industrial designation on Figure 12 of the Crossroads Area Structure Plan, being Bylaw 10-15, and amendments thereto:

- (a) The minimum site area shall be 1.0 ha. The minimum site area may be increased at the discretion of the Subdivision or Development Authority, as the case may be, who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent land uses and buildings, the safe and efficient movement of pedestrians and motor vehicles and the landscaping, parking and loading requirements of this land use district and as prescribed elsewhere in this Bylaw. In the case of the areas within the Unserviced Industrial designation on Figure 12, minimum site area is 2.0 ha.
- (b) The minimum front yard distance shall be 15.0 m from the front yard property line adjacent to an internal subdivision road and 30.0 m from the property line adjoining any other road.
- (c) The minimum side yard distance shall be 6.0 m, except for a corner parcel where the side yard requirement shall be at least 15.0 m for a side yard bounded by an internal road and 30.0 m bounded by any other road.
- (d) The minimum rear yard distance shall be 7.6 m, except where the rear yard is adjacent to a road other than an internal subdivision road in which case the minimum distance shall be 15.0 m.
- (e) All development within the lot shall not exceed 0.5 times the site area provided that provision has been made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Authority.

(7) Minimum Site Provisions – Specific to Country Residential

For the lands within the Country Residential designation on Figure 12 of the Crossroads Area Structure Plan, being Bylaw 10-15, and amendments thereto:

- (a) The minimum site area shall be 2.0 ha.
- (b) The minimum front yard distance shall be 15.0 m from the front yard property line adjacent to an internal subdivision road and 30.0 m from the property line adjoining any other road.
- (c) The minimum side yard distance shall be 15.0 m, except where a side yard is adjacent to a road other than an internal subdivision road in which case the minimum distance shall be 30.0 m.
- (d) The minimum rear yard distance shall be 15.0 m, except where the rear yard is adjacent to a road other than an internal subdivision road in which case the minimum distance shall be 30.0 m.
- (e) All development within the lot shall not exceed 0.2 times the site area.
- (f) No more than one dwelling shall be allowed per lot.
- (g) No fur-bearing animals, fowl or livestock other than domestic pets and horses may be kept.

(8) Building Height

The height of a building shall be at the discretion of the Development Authority who shall take the following into account in determining height:

- (a) The topography of the parcel upon which the building is or is to be situated as well as the topography of immediately adjacent parcels and the surrounding area shall be considered to ensure that the sight lines and view angles of the subject parcel and adjacent parcel are not unduly obstructed by the height of the building.
- (b) The height of a building shall be in proportion with the principal and accessory buildings on immediately adjacent parcels as well as in keeping with the surrounding area.
- (c) The fire safety provisions of the Alberta Safety Codes Act and regulations thereto, as may be amended from time to time, and the capacity and availability of fire fighting equipment and personnel.

(9) Design, Character and Appearance of Buildings

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 all be to the satisfaction of the Development Authority, so there is conformity with adjacent buildings, and adequate protection afforded to the amenities of adjacent properties. As a condition of a development permit, the Development Authority may require a letter of guarantee or an irrevocable letter of credit in order to secure compliance with any requirements imposed.

(10) Other Provisions

- (a) In areas designated Unserviced Commercial/Industrial or Country Residential on Figure 12 of the Crossroads Area Structure Plan, being Bylaw 10-15, and amendments thereto, no activity may be undertaken that would, in the opinion of the Development Authority, unduly interfere with the amenities or materially interfere with or affect the use, enjoyment or value of neighbouring properties by reason of noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.
- (b) In areas within the Unserviced Industrial designation on Figure 12 of the Crossroads Area Structure Plan, being Bylaw 10-15, and amendments thereto, no activity may be undertaken that would, in the opinion of the Development Authority, unduly interfere with the amenities or materially interfere with or affect the use, enjoyment or value of neighbouring properties by reason of excessive/unreasonable noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.
- (c) To determine if the subject land is suitable for and can physically support/sustain the proposed use or development in question, the Development Authority may require, before accepting an application as complete, any geotechnical analysis or any other engineering, environmental or technical assessment/information it considers necessary to properly evaluate the application. The Development Authority will ensure that the analysis/assessment/information they require is prepared/substantiated by qualified persons licensed to practice in the Province of Alberta.
- (d) To the level of detail determined by the Development Authority, applicants shall fully disclose the precise nature and extent of the proposed use, subdivision and/or development, including intended hours of operation, so that their applications can be thoroughly evaluated in accordance with this land use district.

- (e) Upon receipt of a completed application, the Development Authority may, prior to making a decision, refer the application to any municipal department or any other external agency for comment and may require a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to any existing/proposed building or other improvement that is the subject of the application.
- (f) The Development Authority may:
 - i) as a condition of approval, require that the applicant enter into a development agreement with the County pursuant to the Municipal Government Act. To ensure compliance with the conditions in the agreement, the County may be protected by caveat registered in favour of the Town;
 - ii) as a condition of approval, require financial guarantees, in a form and an amount acceptable to the Town, from the applicant to secure performance of any of the conditions of the approval; and/or,
 - iii) revoke an approval in the case where satisfactory arrangements have not been made by a developer for the supply of water, disposal of sewage and road access, or any of them.
- (g) In the case of new construction, the Development Authority shall require, as a condition of approval, that a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer upon completion of the building foundation and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and any other relevant provisions of the Bylaw.
- (h) The Development Authority may stipulate the times of the day or week during which an approved use or development may operate as well as the length of time its approval remains in effect.
- (i) As a condition of approval, the Development Authority may require that an approved use or development be screened from public thoroughfares and adjacent residential uses by a solid wall, fence or other means in a manner and to a height satisfactory to them.
- (j) The Development Authority may issue a temporary development permit where the Development Authority is of the opinion that the proposed use is of a temporary nature.

(k) If at any time, in the opinion of Development Authority, any of the provisions of this land use district have not been complied with, the Development Authority may utilize the enforcement mechanisms available under the Municipal Government Act.

(l) Unless contrary to any provisions of this land use district or the Crossroads Area Structure Plan to which this land use district is tied, or if this land use district or the Crossroads Area Structure Plan to which this district is tied already specifies provisions, in which case, this land use district and the Crossroads Area Structure Plan to which this district is tied shall prevail, all other provisions in the Land Use Bylaw shall apply.

2. Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.

3. That this Bylaw becomes effective upon the date of the final passing thereof.

READ A FIRST TIME THIS 25 DAY OF May A.D. 2010
Richard V. Lee

REEVE

D. Thomas

COUNTY ADMINISTRATOR

AND ADVERTISED the 2 day of June, 2010 AND the 9 day of June,

2010 in the Vermilion Standard.

PUBLIC HEARING held the 14 day of June, 2010.

READ A SECOND TIME THIS 27 DAY OF July A.D. 2010
Richard V. Lee

REEVE

Rhonda King

COUNTY ADMINISTRATOR

READ A THIRD TIME THIS 27 DAY OF July, A.D. 2010

Richard W. Lee

REEVE

Rhonda King
COUNTY ADMINISTRATOR