

VILLAGE OF VILNA

LAND USE BYLAW

BYLAW NO. 392-98

1998

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BYLAW NO. 392-98

LAND USE BYLAW

Pursuant to the Municipal Government Act, 1994, as amended, the Council of the Village of Vilna duly assembled, hereby enacts as follows:

PART ONE - GENERAL

1.1 Title

The title of this Bylaw shall be the Land Use Bylaw of the Village of Vilna.

1.2 Purpose

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units permitted on a lot.

1.3 Interpretation

In this Bylaw

- (1) "Act" means the Municipal Government Act, 1994, as amended;
- (2) "accessory building: means a building separate and subordinate to the main building, the use of which is incidental to that of the main building, and which is located on the same parcel of land;
- (3) "accessory use" means a use customarily incidental and subordinate to the main use or building, which is located in the same parcel of land with such main use or building;

- (4) "apartment" means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;
- (5) "building" includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road;
- (6) "corner parcel of land" means a parcel of land with boundary lines on two separate roads or a single road that curves at an angle of sixty (60) degrees or more at the subject parcel of land. For the purposes of this definition, a road shall not include a lane;
- (7) "Council" means the Council of the Village of Vilna;
- (8) "development" means:
 - (a) an excavation or stockpile and the creation of either of them, or
 - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
 - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
 - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; or
 - (e) the demolition or removal of a building; or
 - (f) the placement of an already constructed or a partially constructed building on a lot;
- (9) "Development Authority" means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- (10) "development permit" means a document authorizing a development issued pursuant to this Bylaw;
- (11) "discretionary use" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
- (12) "duplex" means a dwelling containing two (2) dwelling units, which share a common wall, and which are located either side by side or one above the other;
- (13) "dwelling" means any building used exclusively for human habitation and which is supported on a permanent foundation or a base extending below ground level.

This definition shall include one household dwellings, duplexes, row housing, apartments, and lodging and boarding houses, but shall not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;

- (14) "dwelling unit" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms for the use of one (1) household living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities, and used or intended to be used as a permanent or semi-permanent residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;
- (15) "family care facility" means a facility which provides resident service in a dwelling to six (6) or fewer individuals. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes boarding homes for children, group homes and family homes;
- (16) "floor area" means the total area of all the floors within the main building a parcel of land;
- (17) "front line" means the boundary line of a parcel of land lying adjacent to a road. In the case of a corner parcel of land, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
- (18) "front yard" means a yard extending across the full width of a parcel of land from the front line of the parcel of land to the nearest wall of the main building situated on the parcel of land. In the case of a curved front line, the front yard will also form a curve;
- (19) "group care facility" means a facility which provides resident services to seven (7) or more individuals. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and boarding homes;
- (20) "group home" means a building or portion of a building used for the care or rehabilitation of children, adolescents or adults;
- (21) "home occupation" means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling or a manufactured home as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign not exceeding 2 sq. ft. in area. A home occupation does not include any outdoor storage of stock or equipment or any business, occupation, trade, profession, or craft in which more than one (1) employee, other than the occupant of the dwelling and the occupant's family, comes to or works in the dwelling;

- (22) "lot" means:
- (a) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
 - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (23) "main building" means a building in which is conducted the main or principle use of the parcel of land on which it is erected;
- (24) "manufactured home" means a dwelling that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as accommodation for a single household. This definition shall include a dwelling that would otherwise be considered to be a one household dwelling or a modular unit if the ratio of depth vs. width (or width vs. depth) were less than 3:1, or if the depth of eaves were greater than 1 foot. If the ratio is greater than 3:1 or if the depth of eaves is less than 1 foot, the dwelling shall be considered to be a manufactured home.
- (25) "modular unit" means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling and, when completed, has the appearance of a one household dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one or more complete dwelling units for year-round occupancy;
- (26) "municipality" means the Village of Vilna;
- (27) "non-conforming building" means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
 - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (28) "non-conforming use" means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and

- (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (28) "one household dwelling" means a dwelling consisting of one (1) dwelling unit, and which may include a modular unit but does not include a manufactured home;
- (29) "owner" means:
 - (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - (b) in the case of any other land, the owner of the land according to the municipality's assessment roll.
- (30) "parcel of land" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (31) "permitted use" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the requirements of this Bylaw are satisfied;
- (32) "public utility" means a public utility, as defined in the Act;
- (33) "rear line" means the boundary line of a parcel of land lying opposite to the front line of the parcel of land and/or farthest from a road;
- (34) "rear yard" means a yard extending across the full width of a parcel of land from the nearest wall of the main building situated on the parcel of land to the rear line of the parcel of land;
- (35) "road" shall mean a "road" as defined in the Act;
- (36) "row housing" means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment";
- (37) "side line" means the boundary line of a parcel of land lying between a front line and a rear line of a parcel of land. In the case of a corner parcel of land, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- (38) "side yard" means a yard extending from the nearest wall of the main building situated on a parcel of land to the side line, and lying between the front and rear yards on the parcel of land;
- (39) "Subdivision and Development Appeal Board" means the Subdivision and Development Appeal Board established by the Council by the Subdivision and

Development Appeal Board Bylaw adopted pursuant to the Act;

- (40) "yard" means a part of a parcel of land upon or over which no main building is to be erected;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

1.4 Establishment of Districts

*** 433-03**

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

R1	-	Residential District
R2	-	Residential District
C	-	Commercial District
M	-	Industrial District
P	-	Community District
I	-	Institutional District
UR	-	Urban Reserve District

- (2) The boundaries of the districts listed in Subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto.

- (3) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:

Rule 1. Where a boundary is shown as following a road, lane, or water course, it shall be deemed to follow the centre line thereof.

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

Rule 3. In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:

(a) where dimensions are set out on the Land Use District Map, by the dimensions so set, or

(b) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

- (4) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the

degree of detail as to measurements and directions as the circumstances may require.

- (5) After the Council has fixed a District boundary pursuant to the provisions of Subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.

- (6) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

1.5 Establishment of Land Use District Regulations

Land Use District regulations shall be as set forth in the Schedule of Land Use District Regulations, being Schedule B hereto, which Schedule is hereby adopted to be part of this Bylaw, and which may be amended in the same manner as any other part of this Bylaw.

PART TWO - AGENCIES

2.1 Development Authority

***433-03**

- (1) For the purposes of this Bylaw, the Development Authority shall be the person or persons appointed to be the Development Authority pursuant to the municipality's Development Authority Bylaw.
- (2) The Development Authority shall perform such duties and responsibilities that are specified in Part Three and in the Schedules of this Bylaw.
- (3) The Development Authority shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; and keep a register of all applications for development, including the decisions thereof and the reasons therefore.
- (4) For the purposes of Section 542 of the Act, the Development Authority is hereby declared to be the designated officer.

2.2 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.

PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1 Control of Development

No development other than that designated in Section 3.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

3.2 Development Not Requiring a Development Permit

The following development shall not require a development permit:

- (1) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation.
- (2) The completion of a building which was lawfully under construction at the date of the adoption of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of adoption.
- (3) The use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in Section 1.5 of Part 1 of Schedule B hereof.
- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.
- (6) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (7) An accessory building or structure with a gross floor area of under 120 sq. ft., unless the accessory building or structure does not satisfy the regulations indicated in Section 1.10 of Part 1 of Schedule B hereof.
- (8) Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in the Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport.
- (9) The demolition or removal of any building or structure for which erection a

development permit would not be required pursuant to Subsections (4) through (7) above, both inclusive.

3.3 Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (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, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (3) 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 upon the lot while the non-conforming use continues.
- (4) 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,
 - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
 - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.4(9) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (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 may not be repaired or rebuilt except in accordance with this Bylaw.
- (6) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

3.4 Permission for Development

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
 - (a) a site plan showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site;

- (b) a statement of the proposed uses;
 - (c) a statement of ownership of the land and the interest of the applicant therein;
 - (d) the estimated commencement and completion dates; and
 - (e) the estimated cost of the project or contract price.
- (2) Each application for a development permit shall be accompanied by a fee as established by resolution of Council.
- (3) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include floor plans, elevations and sections of any proposed buildings; grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building on a lot, information relating to the age and condition of the building and its compatibility with the District in which it is to be located.
- (4) The Development Authority shall receive, review, consider and decide on all applications for a development permit.
- (5)***433-03** In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
- (6) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy imposed by bylaw, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (7) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority may or may not, at his sole discretion, accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- (8) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use

prescribed for a particular District in Schedule B.

- (9) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
 - (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (10) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this Subsection.

3.5 Development Permits and Notices

- (1) A development permit for a permitted use where the provisions of this bylaw were neither relaxed nor varied in the decision of the Development Authority comes into effect immediately after its issuance.
- (2) All other development permits granted pursuant to this Part do not come into effect until fifteen (15) days after the date a decision on a development permit is publicized as described in Subsection (4). Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (3) Where an appeal is made pursuant to Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (4) When a permit has been issued, the Development Authority shall immediately:
 - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) mail a notice in writing to all adjacent land owners who, in the sole

opinion of the Development Authority, may be affected; and/or

- (c) publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
- (5) Notwithstanding Subsection (4) above, no notice shall be given in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed or varied in the decision of the Development Authority.
- (6) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- (7) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (8) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

PART FOUR - APPEALS

4.1 Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board (the Board) where a Development Authority
 - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under Section 5.1 of this Bylaw.
- (2) ***433-03** Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of the Development Authority may appeal to the Board.
- (4) An appeal shall be made by serving a written notice of appeal, together with reasons, to the Secretary of the Board within fourteen (14) days after
 - (a) the date the order, decision or permit issued by the Development Authority was publicized in accordance with Section 3.5(4); or
 - (b) the forty (40) day period referred to in Subsection (1)(a) has expired.

4.2 Public Hearing

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the public hearing to:
 - (a) the appellant;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made;
 - (c) those adjacent land owners who were notified under Section 3.5(4)(b) and any other person who, in the opinion of the Board, are affected by the order, decision or permit; and

- (d) such other persons as the Board specifies.
- (3) The Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
- (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Authority under Section 5.1,
- as the case may be.
- (4) At the public hearing referred to in Subsection (1), the Board shall hear:
- (a) the appellant or any other person acting on behalf of the appellant;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on behalf of any such person; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on behalf of any such person.

4.3 Decision

- (1) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
- (a) to a judge of the Court of Appeal; and
 - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

PART FIVE

ENFORCEMENT AND ADMINISTRATION

5.1 Contravention

(1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with

- (a) the Act or the regulations made thereunder, or
- (b) a development permit or subdivision approval, or
- (c) this Bylaw,

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

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
- (ii) demolish, remove or replace the development, and/or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

as the case may be.

(2) Where a person fails or refuses to comply with an order directed to him under Subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.

(3) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.

(4) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

5.2 Application to Amend Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Section 5.3.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

5.3 Form of Application

- (1) All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
 - (a) an application fee as established by resolution of Council; and
 - (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
 - (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable.

5.4 Amending Bylaws

All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.

5.5 Schedules

Schedules A and B are part of this Bylaw.

5.6 Date of Commencement

This Bylaw comes into effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THIS 13TH DAY OF JULY, A.D. 1998

PUBLIC HEARING HELD THE 17TH day of AUGUST, 1998

READ A SECOND TIME IN COUNCIL THIS 14TH DAY OF SEPTEMBER, A.D. 1998

READ A THIRD TIME IN COUNCIL THIS 14TH DAY OF SEPTEMBER, A.D. 1998

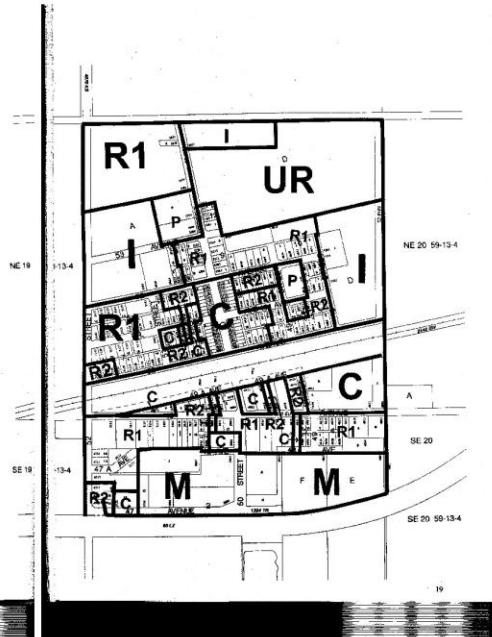
Mayor

Chief Administrative Officer

VILLAGE OF VILNA
LAND USE BYLAW
SCHEDULE A
LAND USE DISTRICT MAP

LEGEND

- R1 - Residential District
- R2 - Residential District
- C - Commercial District
- M - Industrial District
- P - Public District
- I - Institutional District
- UR - Urban Reserve District



SEE AM LEGEND

SCHEDULE B

SCHEDULE OF LAND USE DISTRICT REGULATIONS

PART 1 - GENERAL PROVISIONS

1.1 Subdivision of Land

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.

1.2 Dwelling Units on a Parcel of Land

In any one household residential district, or any district permitting a one household dwelling, no permit shall be granted for the erection of more than one (1) dwelling unit on a single parcel of land.

1.3 Minimum Parcel of Land Area

With the approval of the Development Authority the minimum area of a parcel of land may be less in the case of existing substandard lots.

1.4 Top Soil Excavation

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon the occupancy of a development, a minimum topsoil coverage of 6 inches and the affected area shall be landscaped to the satisfaction of the Development Authority.

1.5 Fences and Walls

- (1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
- (2) No fence, wall or hedge in any Residential District shall be:
 - (a) higher than 6 ft. in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
 - (b) higher than 3 ft. in front yards, except in the case of a corner parcel of land, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this Subsection; or
 - (c) higher than 3 ft. within 20 ft. of the intersection of lanes, roads, or any combination of them.

1.6 Landscaping

As a condition of the approval of a development permit, all required landscaping and planting must be carried out, to the satisfaction of the Development Authority, within one (1) year (weather permitting) of the occupancy or the commencement of operation of the proposed development.

1.7 Objects Prohibited or Restricted in Yards

- (1) No person shall keep or allow in any part of any yard in any Residential District:
 - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
 - (c) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and 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; or
 - (d) a commercial vehicle loaded or unloaded of a maximum weight in excess of 9000 lbs.
- (2) No person shall keep or allow in any part of any front yard in any Residential District:
 - (a) a commercial vehicle or a recreational vehicle, or
 - (b) an accessory building, use or parking space, without the specific approval of the Development Authority.

1.8 Projection into Yards

If fireplaces or balconies are developed, yard requirements shall be measured from the leading edge of the fireplace or balcony.

1.9 Site Development

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 satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings.

1.10 Accessory Buildings

- (1) An accessory building shall not be used as a dwelling.
- (2) Accessory buildings other than fences shall be located such that the minimum distances shown on Figure "A" between the accessory buildings and main buildings, lot lines, and other buildings, structures, and uses are provided.
- (3) The siting of an accessory building on an irregularly-shaped parcel of land shall be as required by the Development Authority.
- (4) No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.
- (5) No accessory building, other than a fence, deck or patio, shall be located closer than 7 ft. to a main building.
- (6) The height of an accessory building shall not exceed 15 ft. nor one (1) storey.
- (7) Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.

1.11 Historical and Archaeological Sites

Historical sites or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with guidelines established under that Act.

Figure "A" - Siting of Accessory Buildings

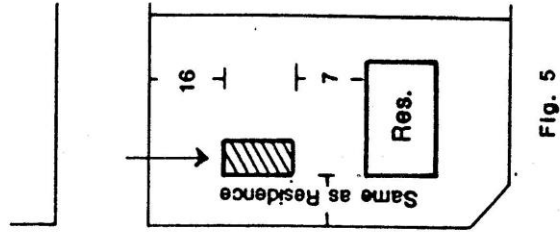


Fig. 5

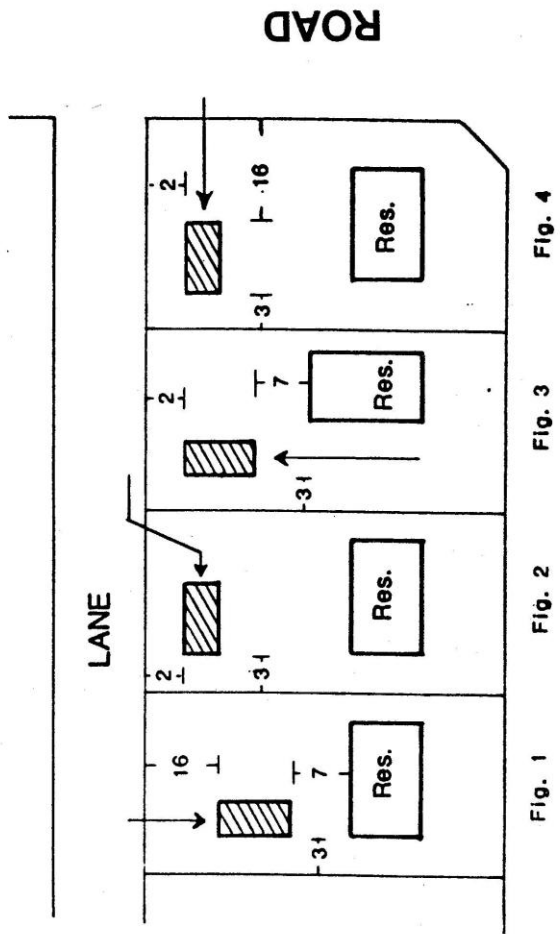


Fig. 4

Fig. 3

Fig. 2

Fig. 1

ROAD

PART 2 - SPECIAL PROVISIONS

2.1 Home Occupations

- (1) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in his opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.
- (2) A home occupation shall comply with the following regulations:
 - (a) A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 300 sq. ft., whichever is less, of the dwelling unit for business usage. There shall be no exterior display, but there may be a limited volume of on-premises sales.
 - (b) The home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
 - (c) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
 - (d) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
 - (e) The home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
 - (f) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
 - (g) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
 - (h) Notwithstanding any other provisions of this By-law to the contrary, a dwelling in which a home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 2 sq. ft. in area.

- (i) Home occupations shall not involve:
 - (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - (ii) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

2.2 Industrial Development

- (1) An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by those Provincial agencies or authorities whose interest or jurisdiction may be affected. The Development Authority shall request that such comments be made in writing.
- (2) Each application for an industrial use shall be accompanied by the following information related to the application, in addition to the information required pursuant to Section 3.4(1), (2), and (3) of this Bylaw:

- Type of industry
- Size of buildings
- Number of employees
- Estimated water demand and anticipated source
- Type of effluent and method of treatment
- Transportation routes to be used (rail and road)
- Reason for specific location
- Any accessory works required (pipeline, railway spurs, etc.)

and/or any such other information as may be reasonably required by the Development Authority.

- (3) All regulations and requirements shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Authority, in accordance with the District in which the site is located.

2.3 Manufactured Homes

- (1) Manufactured homes shall have Canadian Standard Association Certification.
- (2) All accessory structures, such as patios, porches, additions and skirtings, shall be
 - (a) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes,
 - (b) considered as part of the main building, and
 - (c) erected only after obtaining a Development Permit.

- (3) A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
- (4) The floor area of porches and additions shall be proportionate to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.
- (5) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home.
- (6) The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the manufactured home parcel of land or communally, and said storage shall conform to the Building, Fire, Electrical and Plumbing Codes.
- (7) The hitch and wheels are to be removed from the manufactured home.
- (8) All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
- (9) The parcel of land is to be fully landscaped within one (1) year from the date of issuance of the development permit.
- (10) Minimum parcel of land area may be less in the case of existing registered substandard lots, with the approval of the Development Authority.

2.4 Signs

- (1) No signs or advertising structures of a commercial, directional 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) above, nor the provisions of Subsections (2) and (3) above, the following signs may be erected on land or affixed to the exterior surface of a 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 or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to a hotel, an apartment, a club, or a similar institution, not exceeding 12 sq. ft. and limited to one (1) sign per parcel of land.
 - (b) Temporary advertisements relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcements of any local event of a religious, educational, cultural, political or similar character not exceeding 20 sq. ft., provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisements relate.
 - (c) Advertisements or signs in relation to the function of local authorities, utility boards, or other public or quasi-public bodies.
- (5) No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
 - (6) All advertisements shall be kept in a safe, clean and tidy condition, and may be resolution of Council be required to be renovated or removed.
 - (7) No signs or advertising structures other than those specified under Subsection (4) above shall be permitted in the Residential District.

PART 3 - DISTRICT SCHEDULES

3.1 RESIDENTIAL DISTRICT - R1

The General Purpose of this District is to allow for the development of a variety of low, medium, and higher density residential development together with other uses which may be compatible with the neighbouring residences, but not manufactured homes.

1. Permitted Uses

- (a) One household dwellings
- (b) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Apartments
- (b) Churches
- (c) Community halls
- (d) Duplexes
- (e) Family care facilities
- (f) Group care facilities
- (g) Home occupations
- (h) Modular units
- (i) Public or quasi-public buildings and uses
- (j) Public utilities
- (k) Row housing
- (l) Small parks and playgrounds
- (m) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (n) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) Relating to one household dwellings and modular units
 - (i) Minimum parcel of land area - 4000 sq. ft.
 - (ii) Minimum front yard - 25 ft.
 - (iii) Minimum rear yard - 20 ft.
 - (iv) Minimum side yard - 3 ft., except, on a Corner Lot, 10 ft. on the side yard abutting the road
 - (v) Minimum floor area - 840 sq. ft.
- (b) All other uses - as required by the Development Authority

3.2 RESIDENTIAL DISTRICT - R2

The General Purpose of this District is to allow for the development of a variety of low, medium, and higher density residential development together with other uses which may be compatible with the neighbouring residences, including manufactured homes.

1. Permitted Uses

- (a) One household dwellings
- (b) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Apartments
- (b) Churches
- (c) Community halls
- (d) Duplexes
- (e) Family care facilities
- (f) Group care facilities
- (g) Home occupations
- (h) Manufactured homes
- (i) Modular units
- (j) Public or quasi-public buildings and uses
- (k) Public utilities
- (l) Row housing
- (m) Small parks and playgrounds
- (n) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (o) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) Relating to one household dwellings, manufactured homes and modular units
 - (i) Minimum parcel of land area - 4000 sq. ft.
 - (ii) Minimum front yard - 25 ft.
 - (iii) Minimum rear yard - 20 ft.
 - (iv) Minimum side yard - 3 ft., except, on a Corner Lot, 10 ft. on the side yard abutting the road
 - (v) Minimum floor area - 840 sq. ft.
 - (vi) Minimum width of manufactured homes - 14 ft.
- (b) All other uses - as required by the Development Authority

3.3 COMMERCIAL DISTRICT - C

The General Purpose of this District is to permit commercial development in the Central Business District and other appropriate locations within the municipality. The District allows for the development of retail service businesses as permitted uses and warehousing/secondary commercial businesses as discretionary uses at approved locations. Uses and operations which may cause or permit any external objectionable or dangerous conditions shall not be permitted to locate in this District.

1. Permitted Uses

- (a) Banks
- (b) Barber shops, beauty parlours
- (c) Coin laundries
- (d) Dry cleaners
- (e) Grocery stores
- (f) Household appliance sales
- (g) Laundromats
- (h) Offices
- (i) Repair shops (household goods)
- (j) Restaurants
- (k) Retail stores
- (l) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Agricultural equipment sales and service
- (b) Auto, light truck and recreational vehicle sales and service
- (c) Building supply sales
- (d) Clinics
- (e) Clubs or lodges
- (f) Dance halls
- (g) One household dwellings existing as of the date of the approval of this Bylaw
- (h) Hotels
- (i) Industrial workshops
- (j) Machinery supply
- (k) Parking lots
- (l) Parks and other similar uses
- (m) Public or quasi-public buildings and uses
- (n) Public utilities
- (o) Service stations and gas bars
- (p) Shopping centres
- (q) Dwelling units in a building used for any of the above mentioned permitted or discretionary uses
- (r) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (s) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) Regulations for one household dwellings shall be as provided for in the R1 District.
- (b) All regulations for all other uses shall be as required by the Development Authority on a site specific basis

3.4 INDUSTRIAL DISTRICT - M

The General Purpose of this District is to provide opportunities for light industrial and manufacturing, and secondary commercial uses. Heavier industry may be permitted in approved locations at the discretion of the Development Authority. Uses and operations with this District shall not cause or permit any external objectionable or dangerous conditions apparent beyond any building housing the processes which may produce the effects, including but not limited to: noise, vibration, smoke, dust and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity and glare.

1. Permitted Uses

- (a) A workshop used by any of the following:
 - Carpenter
 - Painter
 - Electrician
 - Plumber
 - Gas Fitter
 - Pipe Fitter
 - Metal worker
 - Tinsmith
- (b) Light industrial manufacturing
- (c) Warehousing; storage, and distribution of raw materials, processed or manufactured goods
- (d) Servicing establishments
- (e) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Industrial uses that may be obnoxious by reason of emission of odours, dust, smoke, gas noise or vibration
- (b) Agricultural, municipal, and recreational uses that are not restrictive and are compatible with an industrial area
- (c) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (d) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) All regulations shall be as required by the Development Authority on a site specific basis

3.5 COMMUNITY DISTRICT - P

The General Purpose of this District is to permit the use of land for services, mainly of a public nature, which have a primary orientation toward the community.

1. Permitted Uses

- (a) Parks, playgrounds, recreation areas, and other similar public or quasi-public buildings and uses
- (b) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Cemeteries
- (b) Federal, provincial and municipal buildings and uses
- (c) Public utilities
- (d) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (e) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) All regulations shall be as required by the Development Authority

3.6 INSTITUTIONAL DISTRICT - I

The General Purpose of this District is to permit development of uses of either a public or private nature which provide services to the community.

1. Permitted Uses

- (a) Churches
- (b) Community halls
- (c) Hospitals and nursing homes
- (d) Libraries
- (e) Parks and playgrounds
- (f) Schools
- (g) Senior citizens homes and similar buildings
- (h) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Cemeteries
- (b) Private clubs and lodges
- (c) Public or quasi-public buildings and uses
- (d) Public utilities
- (e) Recreational uses
- (f) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (g) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) All regulations shall be as required by the Development Authority

3.7 URBAN RESERVE DISTRICT - UR

The General Purpose of this District is to reserve those lands on the periphery of the municipality which, by their relationship to existing land uses, the main road system, and the established utility systems, will in time become suitable for general urban uses.

1. Permitted Uses

- (a) One household dwellings only on lots existing as of the date of the approval of this Bylaw
- (b) Farming and cultivation of land, but not including such agricultural uses as feed lots, hog barns, poultry farms and fur farms
- (c) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Any strictly temporary use or building which in the opinion of the Development Authority will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future
- (b) Manufactured homes only on lots existing as of the date of the approval of this Bylaw
- (c) Public or quasi-public buildings and uses
- (d) Public utilities
- (e) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (f) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) If required by the Development Authority, no subdivision or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish a subdivision design, the proposed land use classifications, public reserve dedications and utilities policies.
- (b) Relating to one household dwellings and manufactured homes:
 - (i) Minimum requirements shall be as required by the Development Authority

3.8 *433-03