

SHORT TITLE; PURPOSE AND DEFINITIONS

1. **SHORT TITLE**

This Bylaw may be referred to or cited as "The County of Mountain View No. 17 Land Use Bylaw".

2. **INTERPRETATION**

In this Bylaw words used in the singular include the plural, and words using the masculine gender include the feminine gender.

3. **PURPOSE**

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of 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 the office of one or more development officers;
- (4) to establish a method of making decisions on applications for development permits including the issue of development permits;
- (5) to prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit.
- (6) to implement any municipal statutory plans.

4. **DEFINITIONS**

In this Bylaw,

- (1.1) **"ADMINISTRATIVE SUBDIVISION AND DEVELOPMENT APPROVING AUTHORITY- ADMINISTRATIVE AUTHORITY"** means the Chief Administrative Officer appointed by Council pursuant to the Act to render decisions on subdivision and development applications submitted to the County as established by Bylaw 06/07.(amended April 18, 2007)
- (1.2) **"AGRICULTURE"** means the use of land or buildings for the raising or producing of crops and/or livestock. For the purposes of this Bylaw, agriculture is divided into Extensive and Intensive Agriculture. (Amended Bylaw LU 06/07)
- (2) **"AGRICULTURAL - MANUFACTURING"** means the use of land or buildings for those manufacturing activities of an agricultural nature such as; agricultural equipment, broiler plant, saw mill and planer, tannery and similar agricultural manufacturing uses.

- (3) **"AGRICULTURAL - PROCESSING"** means the use of land or buildings for those processing activities of an agricultural nature such as; abattoir, cheese plant, distillery, brewery, winery, grain elevator, meat processing facility, hay or peat moss processing facility, seed cleaning plant (drying and milling) and similar agricultural processing uses.
- (4) **"AGRICULTURAL - SUPPLY AND SERVICE"** means the use of land or buildings for those supply and service activities of an agricultural nature such as; animal hospital, agricultural machinery sales and service, auction mart, bulk fuel and oil distribution facility, fertilizer sales and distribution facility, livestock sales yard, market garden, green house, plant nursery, veterinary clinic and similar agricultural supply and service uses.
- (5) **"AGRICULTURAL - SPECIALTY"** means the use of land or buildings for those specialty activities of an agricultural nature such as; bee keeping, game farm, fish hatchery, fur farm, mushroom farm, pheasant farm, sod farm, stripping of topsoil, tree farm, worm farm and similar agricultural specialty uses.
- (6) **"AIRPORT"** means
- (a) any area of land or other supporting surface used or intended to be used whether in whole or in part for the arrival and departure or servicing of aircraft, and
 - (b) includes any building, installation or equipment in connection therewith, for which an airport license has been issued by the Ministry of Transport;
- (7) **"ANCILLARY BUILDING AND/OR USE"** means a building or use of land which is separate, incidental and subordinate to the primary use of the land and/or building located on the same lot.
- (8) **"APPROVING AUTHORITY"** means the development officer or the MPC or both as the context requires;
- (9) **"BETTER AGRICULTURAL LAND"** means land having a farm land rating of 28 per cent or greater. When the accuracy of the farm land rating is questioned, the approving authority may review the accuracy of the information and decide that land that has a rating of 28 per cent or greater is in fact not better agricultural land. [Amended Bylaw 45/04]
- (10) **"BUILDING"** means any thing constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;
- (11) **"CATTERY"** means a premises where twelve (12) or more cats are kept, boarded, maintained, bred, trained, or cared for.
- (12) **"COMMERCIAL - BUSINESS"** means the use of land or buildings for business activities of a commercial nature such as; barber and hair styling shops, drugstore, grocery and convenience stores, retail and wholesale stores and similar commercial business uses.

- (13) **"COMMERCIAL - ENTERTAINMENT"** means the use of land and or buildings for entertainment activities of a business nature such as; amusement park, bingo barn, pool room, private campgrounds, theater and drive in theater, video arcades and similar entertainment uses.
- (14) **"COMMERCIAL - PROCESSING"** means the use of land and or buildings for processing activities of a commercial nature such as; bakery, dairy, locker and meat processing plant, machine and electrical shop, welding shop and similar commercial processing uses.
- (15) **"COMMERCIAL - SALES AND SERVICE"** means the use of land and or buildings for sales and service activities of a commercial nature such as; animal hospitals and veterinary clinics, agricultural chemicals and fertilizers, bulk oil sales, bus terminal, contractors and builders yards, dry cleaner, equipment sales and rental, trucking and freight terminal, garage, service station and gas bars, laundry mart, liquor store, lumber yard, plumbing shop, propane sales, second hand store, vehicular sales and service and similar commercial sales and service uses.
- (16) [Repealed, Bylaw 45/04]
- (17) **"CORNER LOT"** means a lot having a frontage on two or more road rights-or-way excluding lanes or service roadways at their intersection or junction;
- (18) **"COUNCIL"** means the Council of the County of Mountain View No. 17;
- (19) **"DEEMED APPROVED"** means any development or use of buildings or land that does not require any approval, if in compliance with the Land Use Bylaw.
- (20) **"DEVELOPMENT"** means;
- (i) an excavation or stockpile and the creation of either of them,
 - (ii) 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,
 - (iii) 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
 - (iv) 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;
 - (v) the removal, relocation or movement of top soil from a location on which a development requiring a Development Permit is required constitutes a Development. (Bylaw 11/06)
- (21) **"SUBDIVISION AND DEVELOPMENT APPEAL BOARD"** means a subdivision and development appeal board appointed pursuant to section 627 of the Act.
- (22) **"DEVELOPMENT OFFICER"** means;
- (i) a person appointed as a development officer pursuant to Section 624 of the Act,
 - (ii) if a municipal planning commission or a joint municipal planning commission or Administrative Subdivision and Development Approving Authority is authorized to

- act as a development officer, the municipal planning commission or the joint municipal planning commission, or Administrative Subdivision and Development Approving Authority as the case may be, or (Amended Bylaw LU 06/07)
- (iii) if a municipal planning commission or joint municipal planning commission or Administrative Subdivision and Development Approving Authority is authorized to act as a development officer in addition to a person appointed as a development officer, either or both of them; (Amended Bylaw LU 06/07)
- (23) **"DEVELOPMENT PERMIT"** means a document authorizing a development issued pursuant to a land use by-law;
- (24) **"DISCRETIONARY USE"** means the use of land or buildings provided for in a land use bylaw for which a development permit may or may not be issued upon an application having been made;
- (25) **"DWELLING UNIT"** means any Building or part of a Building used or to be used by one single family for human habitation, but does not include Dwelling Unit - Mobile, Dwelling Unit - Move In, or Dwelling Unit - Multi Plex.
- (26) **"DWELLING UNIT - MOBILE"** means a transportable building that is used or to be used by one single family for human habitation.
- (27) **"DWELLING UNIT - MOVE-IN"** means an existing building that is to be moved and used or be used by one single family for human habitation.
- (28.1) **"DWELLING UNIT MULTI-PLEX"** means a residential building which is designed to contain two or more dwelling units.[Amended Bylaw No. 30/08]
- (28.2) **"ENVIRONMENTALLY SIGNIFICANT AREA"** "means:
- a) lands which are unsafe for development in their natural state such as floodplains and steep and unstable slopes; or which post severe constraints on types of development such as Aeolian surficial deposits and permanent wetlands;
 - b) areas which perform a vital environmental, ecological or hydrological function such as aquifer recharge;
 - c) areas which contain a unique geological or physiographic features;
 - d) areas which contain significant, rare or endangered species;
 - e) area which are unique habitats with limited representation in the region or a small remnant of once large habitats which have virtually disappeared;
 - f) area which contain large and relatively undisturbed habitats and provide shelter habitat for species which are intolerant of human disturbance;
 - g) area which contain plants, animals, or landforms which are unusual or of regional, provincial or national significance; and
 - h) area which provide an important linking function and permit the movement of wildlife over considerable distance." [Amended Bylaw No. 30/08]
- (29) **"EXISTING LOT"** means a quarter section or part of a quarter section described on the current certificate of title as registered in the Land Titles Office.

- (30) **"EXISTING RESIDENCE AND OTHER RELATED IMPROVEMENTS"** means a dwelling unit that:
- (a) in the opinion of the Development Officer and/or the Municipal Planning Commission is habitable, based on the comments of the applicable Health Authority, and
 - (b) has legal and physical access satisfactory to the Municipality, or
 - (c) has legal and physical access satisfactory to the Municipality and
 - (d) has been issued a location or development permit complete with posting of a bond (if required) to the satisfaction of the Municipal Planning Commission, and
 - (e) utilities installed to the satisfaction of the Development Officer and/or the Municipal Planning Commission.
- (31) **"EXTENSIVE AGRICULTURE"** means the use of land or buildings for the raising or producing of crops and/or livestock but does not include intensive agriculture as a primary use.
- (32) **"FARM SUBSIDIARY OCCUPATION"** means an occupation or business carried out on the farm unit by the operator thereof as a use secondary and subordinate to the primary agricultural use of the land;
- (33) **"FLOOR AREA"** means the total floor area of every room and passageway contained but not including the floor areas of basements, attached garages, shed, open porches, patios, open decks or verandahs, or breezeways;
- (34) **"FRONT YARD"** means a yard extending across the full width of a lot from the front line of the parcel to the front wall of the main building situated on the lot;
- (35) **"MUNICIPAL DEVELOPMENT PLAN"** means the County of Mountain View No. 17 Municipal Development Plan, and amendments thereto;
- (36) **"HIGHWAY"** means a primary highway and a secondary road numbered between 900 and 999, as defined in the Public Highways Development Act;
- (37) **"HOLIDAY TRAILER AND/OR RECREATION VEHICLE"** means a transportable unit, including tents and related structures, designed, constructed or re-constructed to be used or intended to be used for camping purposes;
- (38) **"HOLIDAY TRAILER PARK"** means any lot of land on which four or more holiday trailers are located, without regard as to whether a fee or charge is paid or made and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such holiday trailer park and which complies with relevant Government Regulations.
- (39) **"HOME OCCUPATION"** means any business, trade, profession or craft carried on by the occupant of a dwelling or on the lot as a use secondary to the residential use of the building or lot; (example; Bed & Breakfast) and employing three or fewer full-time

employees, including the owners; this may also include a contractor's business, which is a small light industrial or service-oriented business. [Amended Bylaw 45/04]

- (40) **"HOTEL" or "BOARDING HOUSE"** means a building or group of buildings which provide rooms for temporary sleeping accommodation on a daily, weekly or monthly rental basis but does not include a public, private or time share campground, or any other structure that contains units which are leased or sold on a permanent or time share basis, nor does it include an apartment building;
- (41) **"INDUSTRIAL - MANUFACTURING"** means the use of land or buildings for manufacturing activities of an industrial nature such as; assembly of electric and electronic equipment, brick tile or terra cotta processing, chemical products, fertilizer products, industrial laboratory, machine and sheet metal shops, mobile and modular home plants, packaging, bottling and boxing plants, paper products, plastic products, welding shops and similar industrial manufacturing uses.
- (42) **"INDUSTRIAL - PROCESSING"** means the use of land or buildings for processing activities of an industrial nature such as; abattoir, meat processing and locker plants, brewery, distillery and winery, coal tipple, concrete and asphalt plants, dairy, feed mill, food and beverage processing, grain elevator, grain mill, sand and gravel processing, peat moss processing, petroleum and gas processing facilities, tannery and similar industrial processing uses.
- (43) **"INDUSTRIAL - SALES AND DISTRIBUTION"** means the use of land or buildings for sales and distribution activities of an industrial nature such as; auction mart and stockyard, automobile, truck and recreational vehicle dealership, bingo barn, bottling and distribution plant, bulk oil and gas sales, farm machinery sales and repair centers, fertilizer sales, lumber yards, petroleum industry servicing including pipe and equipment storage and similar industrial sales and distribution uses.
- (44) **"INDUSTRIAL - SERVICE AND REPAIR"** means the use of land or buildings for service and repair activities of an industrial nature such as; animal hospitals and veterinary clinics, automobile and vehicular service and repair, auto wreckers, equipment repair and rentals, garage, service station and gas bars, plumbing and electrical shops and similar industrial service and repair uses.
- (45) **"INTENSIVE AGRICULTURE"** means the use of land and/or buildings for an intensive livestock operation or other economically viable and self supporting intensive use of an agricultural nature.
- (46) **"INTENSIVE LIVESTOCK OPERATION"** means any land used or intended to be used for livestock operations which exceed the following minimum sizes:

LIVESTOCK TYPE	THRESHOLD #
Beef Feeder (500 - 1200 lbs)	300
Dairy Cows (milking)	all

Piggery (sows farrow to finish)	30
Piggery (sows farrow to wean)	50
Piggery (feeders only)	300
Veal	100
Horses (PMU)	75
Poultry (broilers)	10,000 ft 2
Poultry (breeders)	500
Poultry (layers)	5000
Poultry (turkey broilers)	3000
Sheep (ewes)	650
Other	discretionary

Such operations shall be at a density of at least one animal unit per 3,000 square feet (278.7 m²) and be occupied or be intended to be occupied for a total of at least six months in the year;

- (47) **"INTERIOR LOT"** means any lot other than a corner lot;
- (48) **"KENNEL"** means a premises where six (6) or more dogs, being over six (6) months of age, are kept, boarded, maintained, bred, trained, or cared for.
- (49) **"LANE"** means a public right-of-way not exceeding thirty feet in width which provides a secondary means of access to a lot or lots and which is registered in the Land Titles Office;
- (50) **"LOCATION PERMIT"** means a document authorizing a development or use of buildings or lands that are not deemed approved or requiring a Development Permit.
- (51) **"LOT"** means;
 - (i) a quarter section,
 - (ii) a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office,
 - (iii) a settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office,
 - (iv) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
 - (v) 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;
- (52) **"MAIN BUILDING"** means a building within which is conducted the main or principal use of the site.
- (53) **"MINIMUM STANDARDS"** means those minimum requirements relating to parcel area, floor area, yards, landscaping, design, character and appearance of buildings, etc., for the

permitted or discretionary uses of land or buildings, or both listed in the land use district regulations of this Bylaw and where these are not specified are as determined by the M.P.C.;

- (54) **"MOBILE HOME PARK"** means any lot on which three or more occupied mobile homes are located or are permitted to be located without regard as to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for uses as a part of the equipment of such mobile home park and which complies with the Provincial Department of Public Health Regulations governing mobile home parks except that the expression "mobile home park" shall not be deemed to include industrial and construction camps of a temporary nature;
- (55) **"MULTI-PLEX DWELLING"** means a residential building which is designed to contain two or more dwelling units.
- (56) **"MUNICIPAL GOVERNMENT ACT (...ACT)"** means the Municipal Government Act, S.A., 1994, and amendments thereto.
- (57) **"MUNICIPALITY"** means the County of Mountain View No. 17;
- (58) **"MUNICIPAL PLANNING COMMISSION" . . . M.P.C."** means a municipal planning commission established by a council pursuant to the Act;
- (59) **"NATURAL RESOURCE EXTRACTION USES AND RELATED FACILITIES"** means the use of land, buildings, equipment and facilities for the extraction, production, processing and transmission of natural resources off site, including coal, sand and gravel, timber, peat moss and similar uses. [Amended Bylaw No. 30/08]
- (60) **"PERMITTED USE"** means the use of land and/or buildings provided for in a land use bylaw for which a development permit shall be issued upon an application having been made where such development would otherwise conform with the bylaw;
- (61) **"PLANNING ADVISOR"** means professional staff of the County of Mountain View No. 17; or any outside contract company consulting for the County of Mountain View No. 17.
- (62) **"PUBLIC ROADWAY"** means;
 - (i) in a city, town, new town, village or summer village, the right of way of all or any of the following:
 - (A) a local road,
 - (B) a service road,
 - (C) a street,
 - (D) an avenue, or
 - (E) a lane,

that is publicly used or intended for public use,

- (ii) in a county, municipal district, improvement district or special area, the right of way of all or any of the following:
 - (A) a controlled street or rural road as defined in the Public Highways Development Act, or
 - (B) a service road or a lane that is intended for public use, or
 - (iii) a road, street or highway designated as a secondary road pursuant to the Public Highways Development Act, except those secondary roads numbered between 900 and 999, and includes a public right of way on which no motor vehicle, as defined in the Motor Vehicle Administration Act, is permitted to operate;
- (63.1) **"PUBLIC BUILDINGS AND FACILITIES"** means a use or a building which is owned or leased by a department or agency of the federal, provincial, or municipal government for purposes of public administration and services.
- (63.2) **"QUASI - PUBLIC BUILDINGS AND FACILITIES"** means a use or a building which is owned or leased by a non-government entity for the purposes of administration and services and shall include for the purpose of assembly, instruction, culture, enlightenment or for a community activity. (amended Bylaw LU 15/07
- (64) **"PUBLIC UTILITY BUILDING"** means a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility;
- (65) **"REAR YARD"** means a rear yard extending across the full width of a lot from the rear wall of the main building situated on the lot to the rear line of the lot;
- (66) **"RECREATION FACILITY"** means parks, playgrounds, public campgrounds, war games and rifle and archery ranges, lodges, resorts, church camps.
- (67) **"SECONDARY ROAD"** means a highway designated as such by the Minister pursuant to the Public Highways Development Act.
- (68) **"SIDE YARD"** means a yard extending from the front wall of the main building situated on a lot to the rear wall of the main building and lying between the side line of the lot and the side wall of the main building;
- (69) **"SIGNS AND ADVERTISEMENTS"** means any object or device intended for the purpose of identification, advertisement or direction.
- (70) **"SITE PLAN"** means a sketch and or drawing laying out dimensions and setbacks.
- (70.1) **"TEMPORARY DEVELOPMENT"** means a development for which a development permit has been issued for a limited time not exceeding (1) one year unless mutually extended by

the Municipal Planning Commission or the Administrative Subdivision and Development Approving Authority. (amended Bylaw LU 15/07)

- (71) **"TRUCKING AND FREIGHT TERMINAL"** means a facility for the storage and distribution of freight shipped by air, rail or highway transportation;
- (72) **"UTILITIES"** means any one or more of the following:
- (i) systems for the distribution of gas, whether artificial or natural;
 - (ii) systems for the distribution of electrical power;
 - (iii) facilities for the storage, transmission, treatment, distribution or supply of water;
 - (iv) facilities for the collection, treatment, movement or disposal of sanitary sewage;
 - (v) storm sewer drainage facilities;
 - (vi) any other things prescribed by the Lieutenant Governor in Council by regulation, but does not include those systems or facilities referred to in subclauses (i) to (v) that are exempted by the Lieutenant Governor in Council by regulation.
- (73) **"YARD"** means a part of a lot upon which or over which a main building is erected.

And in this Bylaw any or all other words and expressions have the meanings respectively assigned to them in the Municipal Government Act or other applicable regulations or legislation.