



BYLAW

Bylaw Number:1338/20

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1246/13 BEING THE LAND USE BYLAW.

1. PURPOSE:

- 1.1 WHEREAS Pursuant to the provisions of the Municipal Government Act, Chapter M-26, Revised Statutes 2000, Council of the Town of Nanton in the Province of Alberta (hereinafter called the "Council") has adopted Land Use Bylaw No. 1246/13;
- 1.2 WHEREAS, Council deems it desirable to amend Land Use Bylaw No. 1246/13, and
- 1.3 AND WHEREAS the purpose of the proposed amendment is to broaden the current list of allowable uses in the C1, C2, C3, IN, PI and AT land use districts.
- 1.4 NOW THEREFORE, the Council of the Municipality of the Town of Nanton in the Province of Alberta duly assembled enacts as follows:

2. ENACTMENT:

- 2.1 THAT the bylaw be amended as identified in the attached "Schedule A" with the additions shown in red and the deletions shown in strikethrough. The amendment is authorized to include adjustments to formatting, page numbering and section numbering throughout the document.
- 2.2 THAT the amendments be consolidated to Bylaw 1246/13 to reflect the changes. Per attached Schedule 'A', Bylaw 1246/13 is hereby amended.

3. INTERPRETATION:

- 3.1 This Bylaw will be cited as amending bylaw 1338/20.

4. EFFECTIVE DATE AND READINGS:

- 4.1 This bylaw comes into effect upon the date of final reading and signing thereof.

4.2 Read a first time this ____ day of _____, 2020.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

4.3 Read a second time this ____ day of _____, 2020.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

4.4 Read a third time this ____ day of _____, 2020.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER



Schedule A

ADMINISTRATION

SECTION 28 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

- 28.1 A development officer shall, within 20 days after the receipt of an application in accordance with ~~Section 27~~ ~~Section 28~~ for a development permit, determine whether the application is complete.
- 28.6 If the development officer determines that the application is incomplete, the development officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by ~~Section 27~~ ~~Section 28~~. A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the development officer in writing to extend the deadline.

SECTION 33 TEMPORARY USE

- 33.1 Where in the opinion of the Development Authority, a proposed use is of a temporary nature, it may approve a temporary development permit valid for a period of up to one year for a use, provided the use is listed as a permitted use, discretionary use or deemed similar to a permitted or discretionary use in the applicable land use district.
- 33.2 Temporary use applications shall be subject to the following conditions:
(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;
(b) the ~~Development Authority~~ ~~Municipal Planning Commission~~ may require the applicant to submit an acceptable form of security guaranteeing the cessation or removal of the temporary use; and
(c) any other conditions as deemed necessary.
- ~~33.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections 30-33 of this bylaw. Notification of adjacent landowners and other persons likely to be affected, including the Municipal District of Willow Creek, government departments and referral agencies shall be in accordance with Section 35 of this bylaw.~~

SECTION 38 DEVELOPMENT PERMIT VALIDITY

- 38.2 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit in accordance with subsection ~~38.3.7~~, except for a permit for a temporary use which shall not be extended.



SCHEDULE 1 LAND USE DISTRICTS
SECTION 2 LAND USE DISTRICTS INTENT AND USE LISTING

In all applicable land use districts, modify the use “Farmer’s Market”.

2.6 Retail/General Commercial – C1

Add: Live work unit (to DO)

Add: Mobile business unit (to DO) - *NEW* (*see footnote*)

Add: Arts and crafts studio (to P) - *NEW*

Add: Auto sales and service (to D)

Add: Brewery, distillery, winery (to D) - *NEW*

Add: General warehousing and storage (to D)

Add: Outdoor storage (to D)

Add: Repair and service shop (to D) - *NEW*

Add: Shipping container, permanent (to D)

2.7 Highway Commercial – C2

Add: Mobile business unit (to DO) - *NEW*

Add: Auto repair shop (to D) - *NEW*

Add: Brewery, distillery, winery (to D) - *NEW*

Add: General warehousing and storage (to D)

Add: Repair and service shop (to D) - *NEW*

2.8 Neighbourhood Commercial – C3

Add: Arts and crafts studio (to P) - *NEW*

2.9 Industrial – IN

Add: Brewery, distillery, winery (to D) - *NEW*

Add: Waste Management Transfer Station (to D)

2.11 Public Institutional – PI



Add: Seniors Citizens Housing (to P)

Add: Mobile business unit (to DO) - *NEW*

~~Waste transfer site~~ Waste management transfer station

2.12 Agricultural Transitional – AT

Move: Extensive Agriculture (to D)

SECTION 3 LAND USE DEFINITIONS

ARTS AND CRAFTS STUDIO means development used for the purpose of small scale, on-site, production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, woodworking shops, and sculpture and artist studios.

AUTO REPAIR SHOP means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts, including transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops.

BREWERIES, DISTILLERIES AND WINERIES means a development that manufactures beer, wine, spirits or other alcoholic beverages. This Use may include the sale of alcoholic beverages to the public for consumption within the premises. Retail sales of alcoholic beverages for consumption off site shall only be manufactured within the premises. Accessory activities may include the preparation and sale of food, and storage, packaging, bottling, canning and shipping of products manufactured within the premises. This use may have a private non-sale hospitality area where products manufactured within the premises are provided to private individuals or groups for tasting and sampling.

Dwelling, Mixed-use means a separate dwelling unit located ~~on the upper floor(s) of~~ within a commercial establishment building.

EXTENSIVE AGRICULTURE means a development used for the production of crops ~~or livestock or both~~ by expansive cultivation ~~or open grazing only~~. ~~Barns, quonsets and other similar b~~ as the principal use of the site. Buildings associated with extensive agriculture are classified as accessory structures. This use does not include agricultural-related industry buildings or uses such as packaging plants, processing plants, agricultural support services or any other similar uses or structures.

~~**FARMER'S MARKET** means the use of land or buildings where fresh farm or garden produce is sold in retail or wholesale setting and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and nonfood products such as handicrafts, provided that the sale of fresh food products remains the primary function~~ means a development indoors or outdoors which provides to vendors, stalls or other similarly restricted areas for the demonstration of products and services, disposal and sale of goods, wares or merchandise to the public, at a single location or premises, including but not limited to Farmers Markets, Flea Markets, Craft Shows or Trade Fairs.



MOBILE BUSINESS UNIT means a development that uses a motorized vehicle, temporary structure or display or stand from which business is carried on and which is not permanently in a fixed location.

RECREATION, PUBLIC means a development used for sports or recreational or retreat activities, uses or facilities, including associated eating and retail areas, for public use which are public-owned or operated (i.e. municipal, provincial, or federal including local boards, agencies or commissions of the Town). Such uses include, but are not limited to, gymnasiums, athletic/sports fields shooting ranges, paint-ball, go-cart tracks, golf courses and ranges, outdoor min-golf, recreation centres, **rodeo grounds**, indoor/outdoor ice rinks, campground, retreats, and country clubs.

REPAIR AND SERVICE SHOP means a development offering the repair of, or service of, goods, equipment or products. Sales of repair or service goods, equipment or products and limited sales of related goods, equipment or products are permitted as an ancillary part of this land use.

SCHEDULE 5 GENERAL AND USE SPECIFIC STANDARDS OF DEVELOPMENT

Section 16 SECURITY *NEW*

The Development Authority may require an approved form of financial security to be provided to ensure the satisfactory completion of the approved development. Should security be required the following shall apply:

16.1 The form of security shall be to the satisfaction of the Development Authority;

16.2 The amount of the security required is included in Appendix A: Fees;

16.3 The security either in part or as a whole shall be returned to the security provider upon inspection of the completed development by the Development Officer, and depending on whether deficiencies have been identified;

16.4 Should it be determined that any portion of the approved development was not completed in accordance with the requirements of this bylaw, conditions of an approved permit, and/or any approved plans, the Development Authority shall withhold a part or all of the Security until the deficiencies have been rectified to the satisfaction of the Development Officer; and

16.5 Should the identified deficiencies be outstanding two (2) years after the issue date of the approved permit, the security deposit will be considered forfeited.



SCHEDULE 7 COMMERICAL / INDUSTRIAL STANDARDS OF DEVELOPMENT

SECTION 11 REGULATIONS FOR MIXED-USE BUILDINGS

11.1 A building may be occupied by a combination of one or more of the uses listed ~~for in the a~~ ~~Retail/General or Neighborhood Commercial~~ **particular land use** district. Each use shall be considered as a separate use, and shall obtain a Development Permit. A Development Permit may include a number of units within a building.

11.2 The minimum size of a mixed-use dwelling unit shall be ~~65.00 m² (699.65 ft²)~~ **46.5 m² (500 ft²)**.

11.3 **In a multi storey building**, mixed-use dwelling units and commercial premises shall not be permitted on the same ~~storey of a building level~~.

11.4 **Notwithstanding section 11.3, a mixed-use dwelling unit may be located in the rear of a non-residential use in a single storey building.** ~~Mixed-use dwelling units must not be located on the ground floor of a building.~~

11.5 The mixed-use dwelling units shall have at grade access that is separate from the access for commercial premises. ~~Direct access from a residential dwelling unit to a commercial premise shall not be permitted.~~

11.6 A minimum of 4.00 m² (43.06 ft²) of private amenity area shall be provided for each mixed-use dwelling unit in the building.

11.7 No use or operation within a building shall cause air contaminants, visible emissions, particulate emissions of odorous matter or vapor, or create the emission of toxic matter beyond the building that contains it. The handling, storage and disposal of any toxic or hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction.

SECTION 14 BREWERIES, DISTILLERIES AND WINERIES REGULATION *NEW*

14.1 That the developer or applicant provide copies of all approved Alberta Gaming and Liquor Commission licenses as a condition of the development permit.



14.2 Breweries, distilleries and wineries shall not generate odour, dust, waste or delivery traffic in excess of that which is characteristic of the district in which it is located. Developer or applicant may be requested to provide a water and wastewater use analysis to determine peak water demand and whether effluent discharged complies with municipal sewer regulations and wastewater treatment plant capabilities.

14.3 There shall be no outdoor manufacturing activities, or unenclosed outdoor storage of material or equipment associated with the business.

14.4 Any public entrances, outdoor public spaces and outdoor private hospitality areas shall not be located next to an abutting residential use.

SECTION 15 MOBILE BUSINESS UNITS *NEW*

15.1 Mobile business units shall occupy vacant or under-utilized sites, with owner or leaseholder's written consent provided at time of permit application, and conform to all of the regulations of the district in which they are located.

15.2 A development permit for a Mobile business unit may be approved for a maximum of six (6) months, pursuant to Section 33 (Temporary Use).

15.3 The business must obtain and maintain a current Town of Nanton business license.

15.4 Signage for seasonal or mobile business units shall be subject to the same signage regulations for that land use district.

SCHEDULE 8 SIGN REGULATIONS

SECTION 1 SIGNS PERMITTED BY LAND USE DISTRICT

1.1 In the Retail/General Commercial – C1, Neighbourhood Commercial – C3 and Public Institutional – PI districts one sign fronting each street bounding the property is permitted subject to the provisions of this Schedule. Such sign may be either a business or an identification sign, and may be selected from the following types:

- (a) canopy,
- (b) fascia,
- (c) projecting, or
- (d) freestanding sign.

Temporary signs not exempted in Section 4 or mural signs must be applied for separately on a case by case basis.

Note:

**NEW* - added for reader's benefit – will not be added to the wording of the Bylaw.*

