

TOWN OF TABER
BYLAW NO. 5 – 2023

**BEING A BYLAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING THE TOWN OF TABER LAND USE BYLAW 13-2020
WITHIN THE TOWN OF TABER.**

WHEREAS section (640) of the *Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) permits a Council to prohibit or regulate and control the use and development of land and buildings in a municipality by passing a land use bylaw;

AND WHEREAS the Council of the Town of Taber adopted Land Use Bylaw No. 13-2020;

AND WHEREAS Council deems that the purpose of proposed Bylaw No. 5-2023 is to undertake a series of amendments as identified in the attached 'Schedule A' in order to correct, clarify and add to existing Land Use Bylaw 13-2020 and any previous amendments to it;

AND WHEREAS these amendments include, but are not limited to, clarifying provisions of regulations, development standards, land uses and definitions;

NOW THEREFORE the Council of the Town of Taber in the Province of Alberta, duly assembled, hereby enact as follows:

1.0 NAME OF BYLAW

This Bylaw may be cited as the "Land Use Bylaw 5-2023 Amendment"

2.0 DEFINITIONS

Act means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

Bylaw means the Town of Taber Land Use Bylaw 13-2020 established by the Municipality;

Chief Administrative Officer means the Chief Administrative Officer for the Town, regardless of the specific title that may be conferred on the Officer by Council from time to time;

Council means the Council for the Town of Taber; and,

Municipality means the Town of Taber.

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3.0 GENERAL

3.1 That the attached 'Schedule A' provides a list of all the amendments to Land Use Bylaw 13-2020 for consolidation.

4.0 INTENTION OF TOWN COUNCIL

It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

5.0 RESCINDED OR AMENDED BYLAWS

5.1 Bylaw 13-2020 being the Land Use Bylaw is hereby amended as indicated in the attached 'Schedule A'.

5.2 The remainder of Bylaw 13-2020 being the Land Use Bylaw remains in full force and effect.

6.0 EFFECTIVE DATE

This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

RES. 147/2023 Read a first time this 8th day of May, 2023.

RES. 172/2023 Read a second time this 23rd day of May, 2023.

RES. 173/2023 Read a third time and finally passed this 23rd day of May, 2023.

TOWN OF TABER



MAYOR



CHIEF ADMINISTRATIVE OFFICER (C.A.O.)

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Schedule “A”

1.0 Administration of This Bylaw

1.1 Section 1.6.2.(1)(d) be revised to:

- “(d) The construction of a maximum of two Accessory Structures of less than 10 m² in area and not permanently attached to the ground within a Residential District, or the Urban Reserve District when:
- i) listed as a Permitted Use in the district;
 - ii) in conformity with Section 2.11 – Accessory Structures; and
 - iii) is considered an accessory to a dwelling unit.”

1.2 Section 1.6.2.(1)(g) be revised to:

- “(g) Works of maintenance, repair or alteration to a structure, both internal and external, if, in the opinion of the Development Authority, such work:
- i) does not include structural alterations;
 - ii) does not change the use or intensity of the structure; and
 - iii) to the exterior face of a structure facing a public road is required to be completed within 6 months or a permit is required.”

1.3 Replace Section 1.6.2.(1)(i) with:

- “(i) Structures for the, seasonal sale of agricultural and horticultural products, such as fruits and vegetables, trees, or greenhouse plants when:
- i) located on private property within agricultural, industrial, institutional, or commercial districts;
 - ii) the area used is not greater than 25 m² or site 5% of the site and the structure itself must be 10 m² or under;
 - iii) must not involve the installation, erection, or construction of any permanent structures;
 - iv) if located in a parking lot must not result in the loss of more than 2 parking spaces or a temporary reduction of more than 10% of the required parking whichever is less; and
 - v) will not be located on the property for more than a 4-month period.”

1.4 Section 1.6.2.(1)(s) be added after 1.6.2.1)(r):

“A garage sale located in a residential district.”

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1.5 Section 1.6.7.(2) be revised to:

“After approving a development permit application for a compliant permitted use, or non-compliant permitted use with a variance of 10% or less, the notice of decision shall be sent to the Applicant or made available for pickup.”

1.6 Section 1.6.7.(3) be revised to:

“After approving a development permit application for a non-compliant permitted use with more than a 10% variance or a discretionary use, the Development Authority must:”

2.0 General Land Use Regulations

2.1 Section 2.5.(2)(f) to be replaced with:

“A patio, deck or balcony provided the projection is constructed compliant with Section 2.12.3. (Accessory Uses – Decks and Patios)”

2.2 Section 2.7.(1) to be replaced with:

“(1) All moved-in buildings over 10 m² are to be considered discretionary buildings and shall be subject to all relevant district requirements in this Bylaw. Any of these buildings that are to be used on a site as a principal or accessory use shall require an application for a development permit. The application shall:

- (a) Provide photographs of the building showing each elevation and the general condition of the building;
- (a) State the present location and use of the building;
- (b) Meet all relevant provisions of the Alberta Building Code and Fire Code; and
- (c) Include a building inspector’s report regarding the condition of the building, at the applicant’s expense.”

2.3 Section 2.9.(3) to be replaced by:

“(3) For a Secondary Suite (Attached):

- (a) The floor area must be less than that of the principal dwelling. Area’s required for access and common areas shall be excluded from the floor area calculation for the secondary suite; and
- (b) The minimum setbacks for a Secondary Suite (Attached) must comply with the same minimum setbacks for the primary Dwelling Unit.”

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2.4 Section 2.12.3.(1) to be replaced by:

- “(1) The maximum height of a Deck shall be:
- (a) When the deck is adjoining, attached or accessed from the principal building:
 - i) no higher than the first storey floor; or
 - (b) When the deck is not adjoining, attached or accessed from the principal building:
 - i) it shall not be higher than 1.5 metres; or
 - ii) 0.3 metres above the first storey level of the nearest principal building on the parcel, whichever is the lesser.”

2.5 Section 2.15.3.(5) add the following to the parking requirements table in alphabetical order:

Use	Minimum Parking Stalls
Aggregate Facility/Stockpiling	1/200m ²
Anhydrous Ammonia Storage	1/200m ²
Arts and Craft Studio	1/35m ²
Auto Body and Repair Shop	1/35m ²
Brewery, Distillery, and/or Winery	1/10 m ² of public use area, plus 5 for employee parking
Cannabis Lounge	1/25 m ² of public use area, plus 3 for employee parking
Cannabis Retail Sales	1/25 m ² of public use area, plus 3 for employee parking
Cannabis Production and Distribution	1/100m ²
Construction Yard	1/100m ²
Commercial Patio	1/10 m ²
Convenience Food Store	1/25 m ² of public use area, plus 3 for employee parking
Craft Brewery, Distillery, and/or Winery	1/25 m ² of public use area, plus 3 for employee parking

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Drive-through	1/25 m ² of public use area, plus 3 for employee parking
Gaming or Gambling Establishment	1/25 m ² of public use area, plus 3 for employee parking
Grain Elevator	1/100m ²
Group Care	1.3 spaces for every 3 spaces of capacity
Institutional Use	1/55 m ²
Live/Work Unit	As per the Primary Use plus 1 stall per bedroom
Manufacturing Firm	1/100m ²
Mixed Use Development	As per the Primary Use plus 1 stall per bedroom
Museum	1/55 m ²
Parking Garage	As per the design/or associated use
Parking Lot	As per the design/or associated use
Performing Arts Centre	1/55 m ²
Post-Secondary School	1/15 m ²
Propane Transfer Facility	1/100m ²
Railroad Yard	1/200m ²
Recreational Amusement Park	1/25m ²
Social Care	1.3 spaces for every 3 spaces of capacity
Social Organization	1/55 m ²
Tanker Truck Washing Facility	1/3 Stalls
Truck Depot	1/100m ²
Truck Stop	1/35 m ² of public use area, plus 5 for employee parking

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2.6 Add Section 2.15.3.(7) after Section 2.15.3.(6) as follows:

- “(1) All commercial development in the Downtown District (DT) may provide for half the total required parking identified without a waiver of parking required.
- (2) A change in use in the Downtown District (DT), whether or not it meets the parking standards in The Minimum Parking Stall Requirements Table, shall not require parking waivers if the parking areas and stalls associated with the previous use of the building continue to be available to the new use.”

2.7 Remove from Section 2.15.4. the following:

- “(13) All commercial development in the Downtown District (DT) may provide for half the total required parking identified without a waiver of parking required.
- (14) A change in use in the Downtown District (DT), whether or not it meets the parking standards in The Minimum Parking Stall Requirements Table, shall not require parking waivers if the parking areas and stalls associated with the previous use of the building continue to be available to the new use.”

2.8 Section 2.21.14.(5) to be replaced by:

- “(5) Portable Signs may not contain or be fitted with any flasher, animator or revolving beacon.”

2.9 Add Section 2.23. Mixed-Use Development after Section 2.22. as follows:

“2.23.1. Mixed-Use Development

- (1) The commercial or industrial portion of a mixed-use development must:
 - (a) Be a listed permitted or discretionary use in the district; and
 - (b) Provide designated parking for the residential portion of the development.
- (2) When the Mixed-Use Development is located in an industrial district the residential portion shall be limited to 1 unit and should be occupied by the proprietor, or an employee of an associated business.”

3.0 Land Use Districts

3.1 Section 3.1.(1) change Neighbourhood Commercial District (NC) to:

“ Residential Commercial District (RC)”

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- 3.2 Add to Section 3.8.2.(2) the following uses:
“Arts and Craft Studio”
“Craft Breweries, Distilleries and/or Wineries”
- 3.3 Add to Section 3.9.2.(2) the following use:
“Craft Breweries, Distilleries and/or Wineries”
- 3.4 Rename Section 3.10. from Neighbourhood Commercial District (NC) to:
“Residential Commercial District (RC)”
- 3.5 Add to Section 3.11.2.(2) the following uses:
“Animal Shelter”
“Arts and Craft Studio”
“Craft Breweries, Distilleries and/or Wineries”
- 3.6 Add to Section 3.12.2.(2) the following uses:
“Animal Shelter”
“Arts and Craft Studio”
“Breweries, Distilleries and/or Wineries”
“Craft Breweries, Distilleries and/or Wineries”
“Mixed-Use Development”
- 3.7 Add to Section 3.14.2.(2) the following use:
“Cultural Centre”
- 3.8 Add to Section 3.22.2.(2) the following uses:
“Semi-Detached Dwelling”
“Row House Dwelling”
“Multi-Unit Residential”
“Duplex Dwelling”

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3.9 Add Section 3.22.3.(3) Contextual Building Requirements after Section 3.22.2.(2):

- “1) All setback requirements for any use listed as a discretionary use shall be as Council deems necessary.
- 2) The maximum building height for any use listed as a discretionary use shall be as Council deems necessary.”

4.0 General Definitions

4.1 Remove from Part 4.0. General Definitions the following definitions:

“**Live Work Unit** - means a development containing, in separate areas of the building, one dwelling unit and one of the following uses:

- Arts and Crafts Studios;
- Medical Offices;
- Office Support Services;
- Offices; and
- Personal Service Shops

A Live Work Unit may contain ancillary retail of any products made on the premise or directly related to the service provided.

Ancillary retail floor space shall be limited in size at the discretion of the Development Authority.”

“**Mixed-use Development** -means a mixed-use Building consisting of at least two (2) different uses which may include residential, commercial, retail, office, or other similar uses.”

“**Multi-unit Residential Development** - means a use consisting of a more than three (3) or more dwelling units that:

- may or may not share a common entrance
- may or may not have direct access to the outside grade
- share common party walls
- may or may not directly front onto a public street or private condominium road.
- may be an Apartment, Condominium, Four-Plex, 8-Plex, etc.
- is not Row Housing”

“**Row Housing** -means a building on a lot or lots that consist of at least three (3) dwelling units:

- with a separate entries and direct access to the outside grade
- located side-by-side and separated by common party walls extending from foundation to roof;
- that front onto a public street or private condominium road;
- may be located on a separate lot if the lot is registered after construction of the row house dwelling;
- but shall not mean Apartment or Four-Plex.”

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“**Shipping Container** -means any container that is or was use for transport of goods by means of rail, truck, or by sea. Also, generally referred to as a C-Container, Sea Cargo Container, Sea Can, or Cargo Container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and may require a permit.”

4.2 Part 4.0. replace the following General Definitions with:

“**Deck** - Deck means an unenclosed amenity area or platform that is at a height of 0.61 metres or greater above grade at any point, but generally no higher than the first story floor level, and is intended for use as a private outdoor amenity space.”

“**Temporary** – means for a limited period of 6 months or another specific time period granted by the Development Authority”

4.2 Part 4.0. add the following General Definitions:

“**Automotive Detailing** - means cleaning of the interior and/or exterior of a vehicle and the application of protective coatings that is often an ancillary service offered by automotive service, repairs or sales uses.”

“**Balcony** - means a horizontal structure adjoining the exterior of a building above the first storey floor level with access from a window or door without any external stairs and is intended to be used as a private outdoor amenity space.”

“**Exterior Side Yard**- means the area between a building and the property line adjacent to a road”

“**Garage/ Yard Sale** - means a sale of used household goods, which takes place in a residential district at a residential property for which, the duration of the of the sale is no more than 3 consecutive days and does not occur more that 3 times in one year.”

“**Interior Side Yard**- means the area between a building and the property line adjacent another property”

“**Landing**- means a platform used solely for the purpose of entering and exiting a building and is not large enough to be used as an amenity space. This area shall not be larger 3 m²”

5.0 Use Definitions

5.1 Add to Part 5.0. Use Definitions the following definitions in alphabetical order:

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“**Arts and Craft Studio** - means development used for the purpose of small scale, onsite, production, display and sale of goods produced by simple processes or hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewellery, toy manufacturing, can also include acting, dance, architecture, painting, pottery (ceramics), sculpture, origami, woodworking, scrapbooking, photography, graphic design, filmmaking, animation, industrial design, radio or television production broadcasting or the making of music.”

“**Cultural Centre**- means a development for the display, collection and storage of artistic, musical, historical, scientific, archaeological and literary reference materials. It may also include buildings used for live theatrical, musical, or dance performances. Facilities that would fall under this definition include museums, libraries, art galleries, auditoriums, amphitheatres, concert halls, interpretive centres and live performance theatres. This use may incorporate Restaurants and Retail Stores as Accessory Uses, but does not include a theatre for the exhibition of movies for public entertainment.”

“**Craft Breweries, Distilleries and/or Wineries** – means a development licensed by the Alberta Gaming and Liquor Commision (AGLC) where up to 7 million litres a year of beer, spirits, wine or other alcoholic beverages are manufactured and may include the storage, packaging, bottling, canning and shipping of products manufactured within the premises as well as:

- Sale of alcoholic beverages manufactured on the premises to the public for consumption within the premises;
- Private hospitality area where products manufactured on premise are provided to private groups for tasting and consumption;
- Associated offices;
- Limited accessory retail sales of products or merchandise directly associated with the principal use;
- May be combined with a restaurant, drinking establishment or retail store when one of these uses is also a listed use in the same district as a brewery, distillery, and winery.”

“**Live Work Unit** - means a development containing, in separate areas of the building, one dwelling unit and one of the following uses (the use must be either a permitted or discretionary use in the district):

- Arts and Crafts Studios;
- Medical Offices;
- Offices, and;
- Consumer Service Shops

A Live Work Unit may contain ancillary retail of any products made on the premise or directly related to the service provided. Ancillary retail floor space shall be limited in size at the discretion of the Development Authority. The Live Work Unit shall be operated by a permanent resident of the dwelling unit, and is not a home-based business or a home enterprise.”

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“**Mixed-use Development** - means a mixed-use building consisting of at least two (2) different uses which may include residential, commercial, retail, office, or other similar uses.”

“**Multi-unit Residential Development** - means a use consisting of more than three (3) or more dwelling units that:

- may or may not share a common entrance
- may or may not have direct access to the outside grade
- share common party walls
- may or may not directly front onto a public street or private condominium road
- may be an Apartment, Condominium, Four-Plex, 8-Plex, etc.
- is not Row Housing”

“**Shipping Container** - means any container that is or was used for transport of goods by means of rail, truck, or by sea. Also, generally referred to as a C-Container, Sea Cargo Container, Sea Can, or Cargo Container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and may require a permit.”

5.2 Part 5.0. Use Definitions revise the following definitions to:

Breweries/Distilleries to “Breweries, Distilleries and/or Wineries – means a development licensed by the Alberta Gaming and Liquor Commission (AGLC) where more than 7 million litres a year of beer, spirits, wine or other alcoholic beverages are manufactured and may include the storage, packaging, bottling, canning and shipping of products manufactured within the premises as well as:

- sale of alcoholic beverages manufactured on the premises to the public for consumption within the premises;
- private hospitality area where products manufactured on premise are provided to private groups for tasting and consumption;
- associated offices;
- limited accessory retail sales of products or merchandise directly associate with the principal use;
- may be combined with a restaurant, drinking establishment or retail store.”

“**Supermarket** - means a use for the sale of food and associated small household items and may include instore restaurants. This also includes stand alone shops such as bakeries, patisseries, butcher shops, cultural food markets, bulk food stores, and delicatessens.”

“**Theatre** – means a use for the presentation of the performing arts and/or a use for the exhibition of movies for public entertainment.”

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“Vehicle Wash – means a use for washing vehicles either by production line methods employing mechanical devices or by hand and includes automotive detailing.”