

RAY BRYANT
MAYOR

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FORWARDED: MAY 10, 2012

A PUBLIC HEARING REGARDING THE BYLAWS OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, TO BE HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON MONDAY, MAY 14, 2012 AT 5:00 PM.

ITEM NO. 1. CALL TO ORDER

The Chair will explain the general procedure for the hearing, which may include:

- i) Informing the public of the 10 minute time limit for a speaker that has been established.
- ii) Informing that anyone speaking shall state their name for the record.

ITEM NO. 2. LAND USE AMENDMENT BYLAW NO. 6-2012

- i) Explanation of Purpose of Proposed Bylaw No. 6-2012

That Bylaw 4-2006 (Land Use Bylaw) be amended to incorporate the text amendment as follows:

“Agricultural Machinery/Equipment Sales & Service”

to the list of discretionary uses in a Comprehensive Commercial (CC) District

- ii) Presentation of Written or Oral Briefs **Against** the Proposed Bylaw No. 6-2012.
- iii) Presentation of Written or Oral Briefs **For** the Proposed Bylaw No. 6-2012.

ITEM NO. 3. CLOSE OF MEETING

The Mayor shall declare the hearing closed and Council will deliberate the merits of the information and opinions provided at the Public Hearing.



TOWN OF TABER

Council Request For Decision

Subject: Land Use Bylaw Text Amendment	Date of May 14, 2012 Agenda:
Prepared By: Jillian Koroluk, Development Officer	
Attachments: Bylaw 6-2012 Public Notice of Bylaw Amendment Application for Bylaw Amendment Map of adjacent properties Business Proposal and Site Plan Agricultural Machinery/Equipment Sales & Service Definition Comprehensive Commercial (CC) District Requirements	
Topic: Administration Amendment to Bylaw 4-2006 Text Amendment to Comprehensive Commercial (CC) District to add "Agriculture Machinery/Equipment Sales & Service" as a discretionary use.	
Background:	The Town of Taber received an application (March 22 nd , 2012) to amend the text of Land Use Bylaw 4-2006, to include "Agricultural Machinery/Equipment Sales & Service" as a discretionary use in the Comprehensive Commercial (CC) District. This application is intended to accommodate a new agricultural sales and service business at the location of 4506-46 th Ave. Surrounding uses are Automotive/Recreation Vehicle Sales and Rental (Taber Ford), Truck/Transport Operation (Summit Motors) and Mixed Density Residential.
	Currently the applicant has a pending offer to purchase at 4506-45 th Ave, which is presently zoned Comprehensive Commercial (CC). This location is ideal for the applicant as the property/building currently sits vacant and is located along one of the main traffic corridors of town.
	It should be noted that similar agricultural businesses located within town limits are zoned Comprehensive Commercial, however these businesses were approved prior to the adoption of Land Use Bylaw 4-2006, therefore a Land Use Bylaw amendment was not necessary.
	The Land Use Bylaw defines " Agricultural Machinery/Equipment Sales & Service " as follows: "means the selling and service of agricultural machinery and equipment such as farm implements and supplies, and may include sales, repairs, storage, rentals, leasing, and service of such equipment, as well as offices, showrooms, and sales rooms. This includes "Dairy Industry Equipment", "Farmyard Maintenance Equipment", "Farm Machinery or Implements Sales and Service", "Farm Implement Dealerships", "Grain Bins Sales and Storage", Granaries Sales, Storage and Assembly", and "Irrigation Equipment Sales and Storage"
Cont'd	

Administration met with the applicant and advised that the only solution would be to add "Agricultural Machinery/Equipment Sales & Service" as a discretionary use and if the amendment is approved by Council, then their development permit could be considered.

The text amendment proposed is as follows:

Add: "Agricultural Machinery/Equipment Sales & Service" to the list of discretionary uses in the Comprehensive Commercial (CC) District.

The application and date/time of the public hearing was advertised according to the provisions of the Municipal Government Act. Administration recommends approval because the use is comparable to other discretionary uses that may be allowed in the Comprehensive Commercial District. Any development permit application made for this use in the future will be considered on a case by case basis as in any discretionary use and may be approved with conditions. This use may also be refused in some cases if the use is considered inappropriate for planning reasons at certain commercial locations.

Options:

1. That Council gives second Reading to Bylaw No. 6-2012, a text amendment to the Land Use Bylaw No. 4-2006, at this meeting.
2. That Council gives third and final Reading to Bylaw No. 6-2012, a text amendment to the Land Use Bylaw No. 4-2006, at this meeting.
3. That Council not proceed with second Reading for Bylaw No. 6-2012.

Recommendation: Options #1 and #2.

**Approval
Date:**

May 10, 2012

**ACTING
CAO:**



TOWN OF TABER
BY-LAW NO. 6-2012

**BEING A BY-LAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, TO AMEND
BY-LAW NO. 4-2006, THE LAND USE BY-LAW OF THE TOWN OF TABER**

Pursuant to Section 692(1)(f) of the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26.1, as amended, the Council of the Town of Taber, in the Province of Alberta, duly assembled enacts as follows:

1. By-Law 4-2006 is hereby amended to include the following:
2. That Section 21: Comprehensive Commercial (CC) District be amended by adding the following:
 - a) "Agricultural Machinery/Equipment Sales & Service to the list of discretionary uses".
3. The remainder of By-Law 4-2006 and its amendments thereof not amended by this By-Law remains in full force and effect.

RES. 90/12 **READ** a first time this 9th day of April, 2012.

RES. ____ **READ** a second time this ____ day of _____, 2012.

RES. ____ **READ** a third time and finally passed this ____ day of _____, 2012.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Public Notice
Amendment to Land Use Bylaw 4-2006
Proposed Bylaw 6-2012

Take notice that the Town of Taber has initiated a text amendment to Land Use Bylaw 4-2006 by introducing proposed Bylaw 6-2012.

A public hearing and discussion of the proposed amendment will be held on Monday, May 14th, 2012 at 5:00PM in the Town Council Chambers, Administration Building, 4900A – 50 Street, Taber, Alberta.

The bylaw proposes:

that Section 21 Comprehensive Commercial (CC) District be amended by adding the following:
a) **“Agricultural Machinery/Equipment Sales & Service”** to the list of discretionary uses

Copies of the proposed amendment to Bylaw 4-2006 will be available at the Town Office, 4900A – 50 Street, Taber, Alberta.

All those who are interested or who may be affected, are invited to attend the Public Hearing. Oral briefs may be put forward at the Public Hearing and those persons attending may ask questions about the proposed amendment to Land Use Bylaw 4-2006 or any other related matters.

Written briefs may be submitted to the Planning and Development Office. Such briefs should reach the Town Office no later than Monday, May 7th, 2012.

Jill Koroluk
Development Officer
Phone: 223-5500, ext 5527
Email: jkoroluk@taber.ca

**Land Use Bylaw Amendment
FORM F**



Planning Department
A4900-50 Street
Taber AB T1G 1T1
ph (403) 223-5500
fx (403) 223-5530
email planning@taber.ca

APPLICATION NO: _____ BYLAW NO: 6-2012
RECEIVED DATE: March 22, 2012 ROLL NO: 3744409
FEE RECEIVED: \$600

Applicant

I/We hereby make application to amend the Land Use bylaw:

Name: Andrew & Liane Gilan Phone: 403-223-1532
Address: 4305-48 Ave Taber T1G 1G1 Cell No: 403-317-6256
Postal Code

Legal Description of Land Subject to Amendment:

Municipal Address: 4500-46 Avenue Taber AB T1G 2A4
Legal Description: Lot: 43
Block: 1 Plan: 8710826

Amendment Proposed: From: _____
To: _____

If applying for a text amendment, please provide the proposed text, the relevant Section, if any, and an explanation of the proposed amendment

ADD AGRICULTURAL MACHINERY/EQUIPMENT
SALES & SERVICE TO CC (COMPREHENSIVE
COMMERCIAL USE) - AS A DISCRETIONARY USE

Reasons in Support of Application (in order to properly evaluate an application for amendment, the Town must be provided with a complete concept for the land. Please indicate everything which is presently built on the land, and any use or development proposed for that land and provide whatever maps, diagrams, and text you feel are needed)

SEE ATTACHED

Date: March 22 2012 Signed: [Signature]


The personal information requested on this form is being collected for the processing of a land use bylaw amendment application, under the authority of the Municipal Government Act (MGA) and is protected by the Freedom of Information and Protection of Privacy (FOIP) Act. If you have any questions about the collection, contact our FOIP Coordinator at (403) 223-5500.

Registered Owner(S) Or Person Acting On Their Behalf

I, Cobie Gilan hereby certify that I/We:

am the registered owner, or
 am authorized to act on behalf of the registered owner(s)

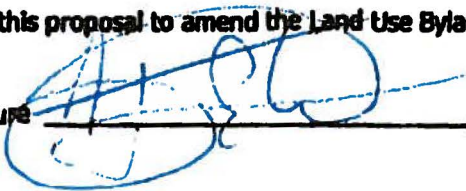
and that the information given on the form is complete and is, to the best of my knowledge, a true statement of the facts relating to this application for approval. I/We hereby give my/our consent to allow Council or a person appointed by it the right to enter the above land with respect to this application only.

Signed 
Phone (hm): 403-317-4256

Date March 22 2012
Phone (wk): _____

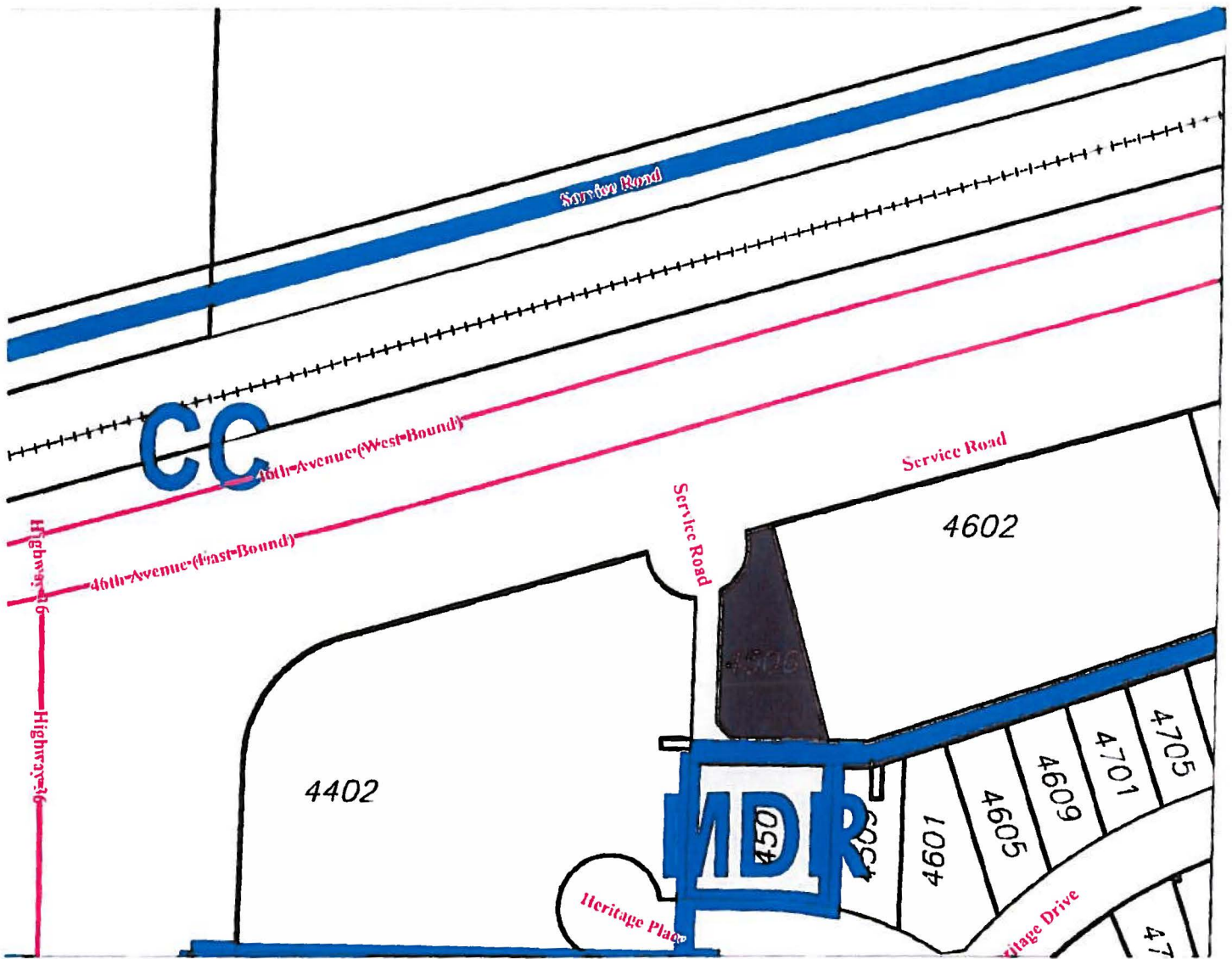
Authorization From Registered Owner(S) Of Land Subject To Amendment

I/We, Andrew Gilan, the registered owner(s) of the land subject to this amendment, do hereby authorize _____ to act on our behalf with respect to this proposal to amend the Land Use Bylaw.

Registered Owners' Signature  Date _____

The personal information requested on this form is being collected for the processing of a land use bylaw amendment application, under the authority of the Municipal Government Act (MGA) and is protected by the Freedom of Information and Protection of Privacy (FOIP) Act. If you have any questions about the collection, contact our FOIP Coordinator at (403) 223-5500.

Proposed Location of new Agricultural Machinery/Equipment Sales & Service business



BUSINESS DESCRIPTION

Sales, Service and Parts for Baselier

- **Rototillers – agriculture / commercial**
- **Specialty Rototillers – agriculture**
- **Vine Shredders – agriculture**
- **Flail Mowers – agriculture /commercial**

Service and Repairs

- **Agriculture equipment**
- **Construction equipment**

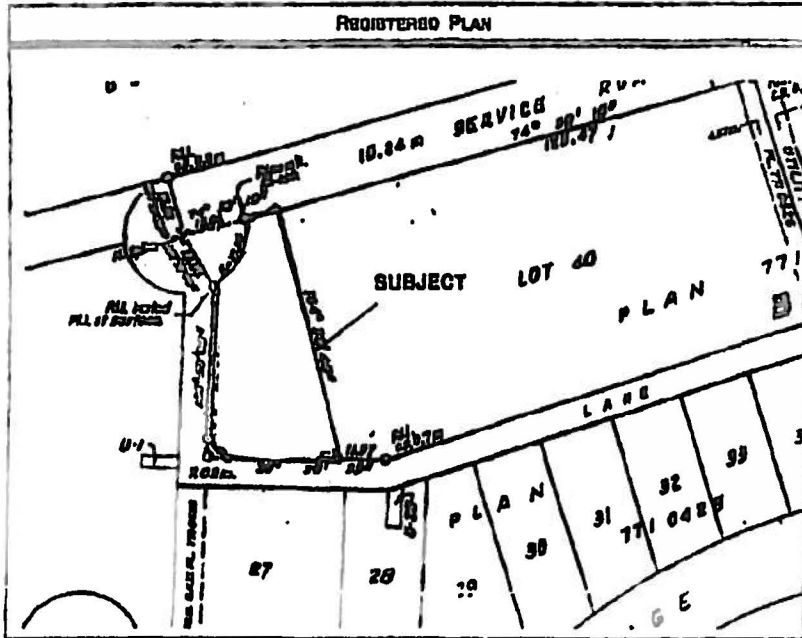
Parts, Service and Repairs

- **Hydraulic components**

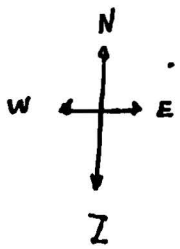
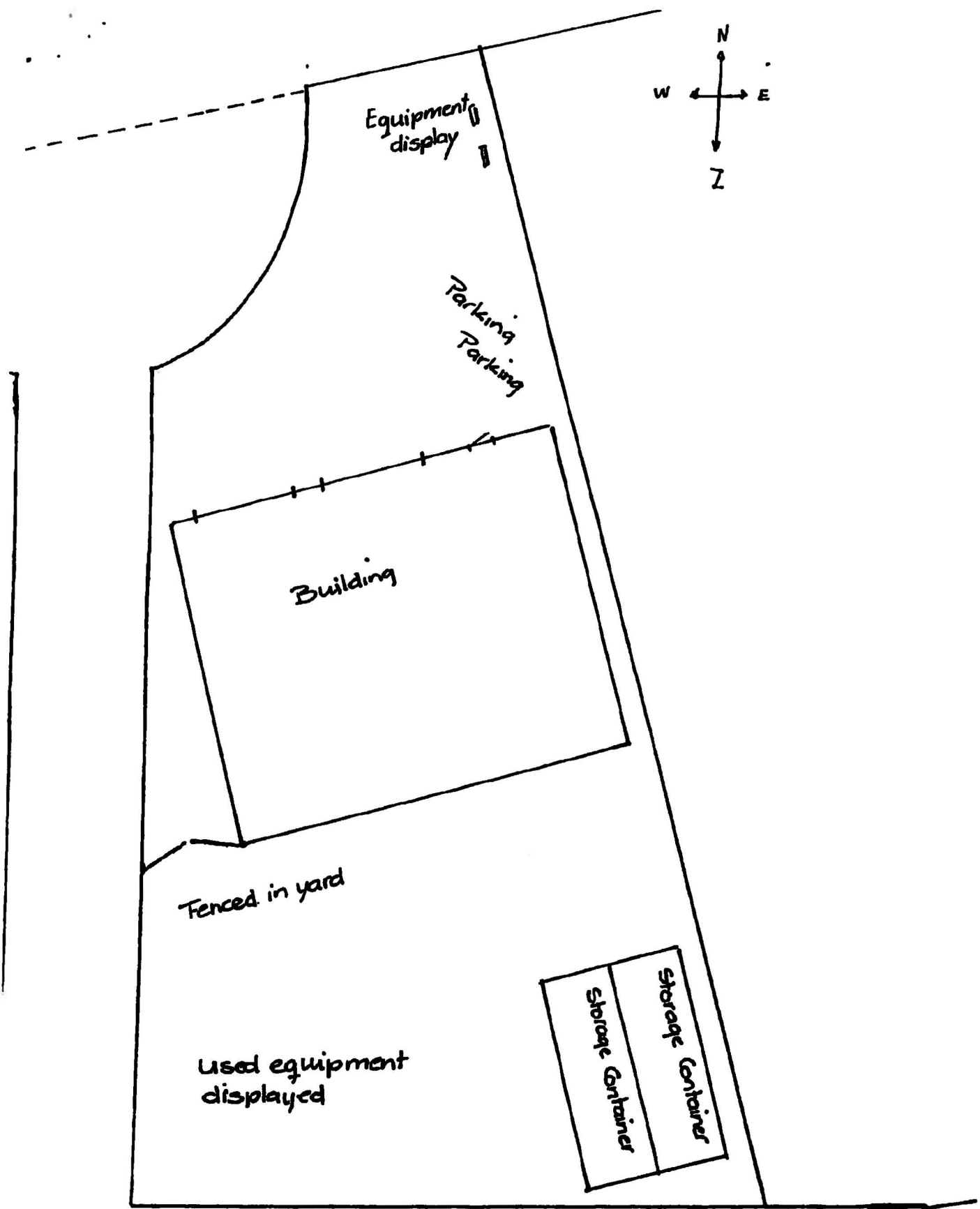
Onsite Service

Customers

- **Agriculture**
- **Construction**



- UPDATE BUILDING**
- Electricity
 - Floor
 - Heating



Section 1: Definitions and Operative Clauses

- (8) "AGGREGATE STOCKPILING, TEMPORARY" means the temporary use of land for the storage of processed aggregates or other raw materials for a particular project or contract of road construction.
- (9) "AGGREGATE STORAGE AREA" means the use of land for the temporary storage of aggregates for sale or use in the production of cement or asphalt.
- (10) "AGRICULTURAL MACHINERY/EQUIPMENT SALES AND SERVICE" means the selling and service of agricultural machinery and equipment such as farm implements and supplies, and may include sales, repairs, storage, rentals, leasing, and service of such equipment, as well as offices, showrooms, and sales rooms. This includes "Dairy Industry Equipment", "Farmyard Maintenance Equipment", "Farm Machinery or Implements Sales and Service", "Farm Implement Dealerships", "Grain Bins Sales and Storage", "Granaries Sales, Storage and Assembly", and "Irrigation Equipment Sales and Storage".
- (12) "AGRICULTURAL OPERATION(S)" means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:
- (a) the cultivation of land
 - (b) the raising of livestock, but excluding 'Confined Feeding Operations' as defined by the Agricultural Operations and Practices Act (AOPA),
 - (c) the production of agricultural field crops,
 - (d) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,
 - (e) the production of milk and eggs,
 - (f) the production of honey,
 - (g) the operation of agricultural machinery and equipment including irrigation pumps and the application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides including application by ground and aerial spraying for agricultural purposes.
- This use is not a 'Confined Feeding Operation'.
- (13) "AGRICULTURAL PROCESSING" means a small scale facility, employing 50 or fewer people where agricultural produce such as grains, legumes, honey, etc. – is collected, sorted, washed, cleaned, dusted, waxed, cooked, or otherwise prepared or processed into finished or semi finished products and from which

SECTION 21: Comprehensive Commercial (CC) DISTRICT

1. Purpose

This district is intended to provide areas for a comprehensively designed and attractive mix of highway commercial, service commercial and general commercial uses located on high visibility highway/arterial road corridors and in other areas planned as major commercial centres as part of new community/neighbourhood development. Due to the intensity of commercial development anticipated, appropriate transitions are to be provided between these areas and residential development.

2. Uses

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

Permitted Uses

- (a) Automotive/Recreation Vehicle Sales and Rental
- (b) Banks/Financial Institution
- (c) Clinic
- (d) Convenience Food Store
- (e) Dry Cleaning and Laundry Depot
- (f) Eating Establishment
- (g) Florist Shop
- (h) Funeral Home
- (i) Gas Bar
- (j) Hotel
- (k) Laundromat
- (l) Motel
- (m) Office or Office Building
- (n) Office, Medical/Dental
- (o) Personal Service Shop
- (p) Pharmacy
- (q) Restaurant
- (r) Restaurant, Drive-through
- (s) Retail Store
- (t) Shopping Centre
- (u) Supermarket
- (v) Theatre
- (w) Theatre, Movie

SECTION 21: Comprehensive Commercial (CC) DISTRICT

- (x) Utilities
- (y) Vehicle Wash
- (z) Warehouse Store

Discretionary Uses

- (a) Accessory Uses, Structures, and Buildings
- (b) Automobile Repair Garage
- (c) Automobile Service Station
- (d) Automobile Supply Store
- (e) Boarding or Lodging House
- (f) Caterer
- (g) Data Processing Establishment
- (h) Day Care Facility
- (i) Dry Cleaning and Laundry Plant
- (j) Dry Cleaning Establishment
- (k) Duplicating Shop
- (l) Equipment Rental/Repair
- (m) Farmers'/Flea Market
- (n) Food and/or Beverage Service Facility
- (o) Gaming or Gambling Establishment
- (p) Greenhouse, Commercial
- (q) Institutional Use
- (r) Museum
- (s) Nursery and Garden Store
- (t) Park
- (u) Printing Establishment
- (v) Public Assembly
- (w) Public Use
- (x) Railway
- (y) Recreation Facility, Commercial
- (z) Recreation Facility, Indoor
- (aa) Religious Assembly*
- (bb) Signs
- (cc) Taxi/Bus Depot
- (dd) Tourist Information Facility
- (ee) Truck Stop
- (ff) Veterinary Clinic

*Note Section 3(26) of this Bylaw.

SECTION 21: Comprehensive Commercial (CC) DISTRICT

3. District Requirements

In addition to the General Land Use Provisions contained in Section 3, the following regulations shall apply to every development in this district.

Minimum Lot Area:	2,000m ²
Minimum Lot Width:	20 metres
Minimum Front Yard:	10 metres
Minimum Rear Yard:	7.5 metres
Minimum Side Yard:	3 metres
Building Height:	Discretion of the Development Authority.
Maximum Coverage:	40%
Minimum Landscaped Area:	10%

4. Special Requirements: Landscaping

Further to the landscape requirements contained in Section 3 – General Provisions, landscaping shall be determined as follows:

- (a) All areas not covered by buildings and parking shall be landscaped. Protective barriers with a minimum height of 15 cm (6 inches) shall be placed around all landscaped areas.
- (b) The minimum landscaped area shall be concentrated in front yards, but additional landscaping may be required in other yards to separate uses or to provide buffers or screening from other uses or roads. All landscaping shall be identified on the site plan.
- (c) Final landscaping plans shall be approved by the Development Officer prior to installation of plant materials.

5. Special Requirement: Storage Areas

All storage areas shall be appropriately fenced or screened. All sites abutting residential districts shall be screened from view of the residential district to the satisfaction of the Development Authority. All storage shall be accessory to the main use of the land or main building on the site and shall comply with the yard and setback requirements of this Section. "Outdoor storage" may be allowed only as an accessory use; exclusive or primary use of lots for "outdoor storage" is not permitted in this District.

SECTION 21: Comprehensive Commercial (CC) DISTRICT

6. Special Requirements: Parking

Further to the parking requirements found in Section 3 – General Regulations, all required parking, circulation, and access areas shall be paved with a hard, durable, weather resistant surface.

7. Special Requirement: Building Location and Front Yard

Notwithstanding any other provision in this Bylaw, the yard of any lot abutting a highway shall be deemed to be the front yard. The front of all buildings should face the front yard. Where, in the opinion of the Development Authority, this is not possible or practical for the effective development of a site, those exterior walls of buildings that must face the highway shall have special facade treatment. This treatment shall be to the satisfaction of the Development Authority.

8. Special Requirements: Site Plan and Development Agreement

All applications for a development permit shall provide a detailed site plan for the proposed development. The site plan shall include all information required on 'Form A' and Section 2.7 of this Bylaw. For those applications approved, the proponents shall enter into a Development Agreement with the Town to ensure that the conditions of the Development Permit are fulfilled to the satisfaction of the Town.