BYLAW NO. 2024-01

BEING A BYLAW OF BIRCH HILLS COUNTY IN THE PROVINCE OF ALBERTA TO REPLACE THE BIRCH HILLS COUNTY LAND USE BYLAW NO. 2024-01

WHEREAS Pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of a Municipality must enact a Land Use Bylaw to regulate and control the use and development of lands and buildings within the municipality, and;

WHEREAS The Council of Birch Hills County, in the Province of Alberta, deems it advisable to replace Birch Hills County Land Use Bylaw No. 2024-01, as amended, and;

WHEREAS The Council of Birch Hills County, in the Province of Alberta, deems it advisable to adopt a new Land Use Bylaw to conform to the County's Municipal Development Plan;

NOW THEREFORE Pursuant to Sections 230, 606 and 692 of the Province of Alberta Municipal Government Act, the Council of Birch Hills County, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the "Birch Hills County Land Use Bylaw".

SEVERABILITY

2. Any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed, and the remainder of the Bylaw is deemed valid.

SCHEDULES

3. The following schedules form a part of this Bylaw:
    a. Schedule "A" – Land Use Bylaw
    b. Schedule "B" – Land Use District Maps
    c. Schedule "C" – Land Use Overlay Map

REPEAL

4. Bylaw No. 2019-06, and any amendments thereto, are hereby repealed.

EFFECTIVE DATE

5. That this Bylaw shall take force and effect on the date of its final passage.

First reading given on the 9th day of January, 2024.

Albert Poetker, Reeve — Larry Davidson, Chief Administrative Officer

Second Reading given on the 26th day of March, 2024.

Albert Poetker, Reeve — Larry Davidson, Chief Administrative Officer

Third Reading and Assent given on the 26th day of March, 2024.

Albert Poetker, Reeve — Larry Davidson, Chief Administrative Officer

USER GUIDE

The "User Guide" is intended for information and clarity purposes only and is not a section of the Birch Hills County Land Use Bylaw. The Land Use Bylaw establishes rules and regulations for the use of land and buildings in Birch Hills County. It regulates location, intensity, type of land use, buildings, and also details the process for land use redesignations and the application process for permits to develop property.

Alignment with existing Birch Hills County policies is a key component of the rules and regulations outlined in the Land Use Bylaw. This Land Use Bylaw reflects the Municipal Development Plan and bylaws, regulations and Acts of the County and governments of Alberta and Canada. Wherever possible, these are referenced in the Land Use Bylaw, but the onus is on the individual landowner, developer and/or applicant to ensure that relevant laws are complied with.

Section 1 General

This section establishes the purpose of the Bylaw, and how it is to be used and administered on its effective date.

Section 2 Definitions

This section establishes the definitions of terms used in this Bylaw and in regards to land use, subdivision and development within the County.

Section 3 Duties of Development Authorities

This section addresses the roles of the authorities in the land use, subdivision and development permit approval process. It also outlines the roles of authorities in the subdivision and development permit appeal process.

Section 4 Development Permits

This section

- specifies when a development permit is required prior to development and what circumstances, activities, structures and/or developments do not require a Development Permit;
- outlines the requirements of a development permit application. It also lists public notification requirements, pre-application and formal review requirements and any additional requirements; and
- establishes the process by which a development permit application is accepted, reviewed and the decision is made.

Section 5 Enforcement
This section outlines the procedures for enforcing the provisions outlined in this Bylaw in accordance with the provisions of the *Act*.

Section 6 Appealing a Decision
This section outlines the procedures for enforcing the provisions outlined in this Bylaw in accordance with the provisions of the *Act*. This section of the Bylaw outlines the consequences and procedures for non-compliance for landowners in the County as well as the appeal process for land use and development applications.

Section 7 Amending this Bylaw
This section outlines the procedure and regulations for land use amendments including public notification requirements, pre-application meetings and formal reviews and timing for re-submission.

Section 8 General Regulations
This section outlines the general regulations applied throughout the County to all land use designations. Each land use district and development permit application is subject to the general regulations and district specific regulations.

Section 9 Specific Use Regulations
This section contains specific use regulations that outline additional regulations for particular uses that may occur in various districts. The regulations may include additional application requirements and conditions of a permit. The uses included in this section require additional regulations to the ones contained in the districts.

Section 10 Land Use Districts
This section establishes the land use districts that specify what uses are enabled within each area of the County, as well as establish site requirements specific to the districts.

Section 11 Land Use Overlays
This section establishes overlays that provide a means to alter or specify regulations for permitted and discretionary uses in otherwise appropriate districts in areas of significant interest to the County. Where there appears to be conflict between the provisions of the overlay and those of the underlying district, the provisions of the overlay take precedence.

Section 12 Land Use Districts and Overlays Maps
This section divides the County lands into land use districts and applies land use overlays to specific areas.

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SECTION 1 GENERAL

1.1 TITLE

1.1.1 This Bylaw may be cited as the "Birch Hills County Land Use Bylaw".

1.2 PURPOSE

1.2.1 The purpose of this Bylaw is to manage the use and development of land and buildings within the County to achieve the orderly, economical, and beneficial development of land. More specifically, this Bylaw:

a) Designates a land use district to all parcels of land within the County;
b) Sets out rules and regulations for each land use district, the purpose for which the land and buildings may be used;
c) Establishes the roles of the Approving Authorities;
d) Establishes the method of making decisions on applications for redesignation and Development Permits; and
e) Establishes procedures for enforcing the provisions of this Bylaw.

1.2.2 This Bylaw is in alignment with the County's Municipal Development Plan as amended from time to time and shall be applied in a manner that serves to implement statutory plans that have been adopted by the County.

1.2.3 This Bylaw shall be used in conjunction with the Guidelines, Standards, Policies, and Procedures as adopted and amended by Council from time to time.

1.3 REPEAL

1.3.1 Bylaw No. 02-08, and amendments thereto, are hereby repealed.

1.4 APPLICATION AND ADDITIONAL REQUIREMENTS

1.4.1 The provisions of this Bylaw apply to all land and buildings within the boundaries of the County.

1.4.2 Compliance with the requirements of this Bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial, or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

1.4.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such permits, approvals or licenses that may be required by the municipality or other Provincial and/or Federal Government departments and agencies. A person(s) who applies for, or is in possession of a valid Development Permit is responsible for complying with or carrying out development in accordance with:

a) Provincial and/or Federal legislation including, but not limited to the provisions of the *Environmental Protection and Enhancement Act*, R.S.A. 2000 Chapter E-12, the Public Health Act, R.S.A. 2000 Chapter P-37, the *Alberta Land Stewardship Act*. the *Alberta Agricultural Operations Practices Act* and the *Municipal Government Act*.
b) The conditions of any caveat, covenant, easement, instrument, or agreement affecting the land or building;
c) The requirements of other applicable County bylaws, policies and procedures as adopted by the County from time to time; and
d) Any successor or replacement legislation or regulation which may be enacted in substitution thereof.

1.5 CONFORMITY WITH BYLAW

1.5.1 No person shall commence any development unless it is in accordance with the terms and conditions of this Land Use Bylaw.

1.6 SEVERABILITY

1.6.1 If any provision of this Bylaw is found to be unenforceable or contradictory to superseding laws and regulations, it is the intention of the Council that such provision be severed from this Bylaw and that every other provision of this Bylaw continue in force and effect.

1.7 APPLICATIONS IN PROCESS

1.7.1 All applications for redesignation, subdivision and development which are received and deemed complete but not yet approved prior to the effective date of this Bylaw shall require alignment with this Bylaw and the provisions of this Bylaw shall be applicable to all decisions on these applications.

1.8 FORMS AND NOTICES

1.8.1 For the purpose of administering the provisions of this Bylaw, the Development Authority shall prepare forms and notices as they may deem necessary.

1.9 RULES OF INTERPRETATION

1.9.1 Compliance with the policies in this Bylaw shall be interpreted and applied as follows:

a) "DISCRETIONARY USE" means the use of land or a building for which a Development Permit may be issued by the Development Authority, with or without conditions. Discretionary uses require the approval of the Municipal Planning Commission unless otherwise provided for in this Bylaw.
b) "EXEMPT" means development that does not require a Development Permit if it meets all requirements of this Bylaw.
c) "MAY" is a discretionary term, meaning the provision in question can be enforced by the County if it chooses to do so, dependent on the particular circumstances of the site and/or application.
d) "MUST" is a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion, by Administration, the Developer, and the Development Authority.

e) "PERMITTED USE" means the use of land or a building provided for in this Bylaw for which a Development Permit shall be issued with or without conditions by the Development Authority, unless Exempt under this Bylaw.

f) "SHALL" is a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion, by Administration, the developer/landowner, and the Development Authority.

g) "SHOULD" is a directive term that provides direction to strive to achieve the outlined action but is not mandatory. When the regulation is directed to the applicant, the onus is on the applicant to justify why the desired action/result is not proposed and/or will not be achieved.

h) When a regulation or district involves two (2) or more conditions, provisions or events connected by a conjunction, the following definitions shall apply:
   i. "And" means all the connected items shall apply in combination;
   ii. "Or" indicates that the connected items may apply singularly or in combination.

1.9.2 Words used in the singular include the plural and vice-versa. In the case of any conflict between the text of this Bylaw and any maps, drawings or the Land Use Matrix, used to illustrate any aspect of this Bylaw, the text shall govern.

1.9.3 When a word is used in the masculine or feminine terminology, it shall be deemed to be referring to either gender. In the case of any conflict between information expressed in metric units and in imperial units, the metric units shall govern.

1.9.4 The system of measurement used in this document is the metric system. Imperial conversions of metric measurements are provided in brackets but shall not be used in lieu of metric measurements.

SECTION 2 DEFINITIONS

2.1 The following words, terms and phrases included in this Bylaw shall have the meaning as assigned to them below:

Accessory building/structure means a development of a detached building or structure, the use of which is incidental or subordinate to the use of the principal building which is located on the same parcel but in no instance shall be used as a temporary or permanent dwelling unit.

Accessory dwelling means a subordinate dwelling unit created within or detached from the principal dwelling where both dwelling units are located on the same parcel. Accessory dwelling includes a garage suite, a garden suite, and an accessory suite.

Accessory use means a use that is coincidentally or normally incidental, subordinate, and exclusively devoted to the principal use or building on a parcel and located on the same parcel.

Act means the *Municipal Government Act*, RSA 2000 as amended.

Adjacent means land that is contiguous to another parcel of land, or would be contiguous if not for a river, stream, railway, road, or utility right of way, or reserve land. It includes land or a portion of land that would be contiguous if not for a public road, railway, reserve land, utility right-of-way, river, or stream.

Agriculture, extensive means the use of land for a commercial agricultural operation, other than a confined feeding operation, involving the raising or production of any cultivated crops, livestock or dairy products which utilizes relatively large areas of land and in which the use of buildings and confinement areas is accessory to the use of the land itself.

Agriculture, industry means the use of land for an industrial use related to an agriculture operation involving the storage or processing of agricultural products and without restricting the generality of the above may include a grain elevator, seed cleaning plant, abattoir, pelletizing plant, bulk storage tank or area, auction market, livestock holding station, anhydrous ammonia, bulk fertilizer or a use similar to those listed.

Agriculture, intensive means the use of land for a commercial agricultural operation, other than a confined feeding operation, which requires relatively small areas of land because of the concentrated nature of the operation. Includes, but not limited to, greenhouses, apiaries, and keeping of chickens.

Agriculture, minor means the non-commercial rearing of a limited number of livestock on a residential parcel.

Agricultural operation means an agricultural operation as defined in the *Agricultural Operation Practices Act* (AOPA).

Agriculture, sales and service means a development for the selling and servicing 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.

Airport means the use of any area of land or water, including the frozen surfaces thereof, or other supporting surface used or intended to be used either in whole or in part for the arrival and departure and servicing of aircraft; and includes any building, installation, or equipment in connection therewith, operated by the Department of National Defense or which is a registered or certified aerodrome with Transport Canada.

Airstrip means a structure, facility or use of land owned or operated by a corporation, association, person, or persons, to accommodate private aircraft use.

Appeal board means the Subdivision and Development Appeal Board.

Area structure plan (ASP) is a statutory plan, adopted by Bylaw which provides a long-term land use strategy for subsequent redesignation, subdivision, and development of a defined area of land (as per the *Act*).

Artisan studio means the use of a building for the creation and production of arts or crafts for sale to the general public and includes but is not limited to the small-scale production of pottery, sculpture, painting, garment makers, tailors, jewelers, shoe repair, soap or candle production and similar arts and crafts which do not include the use of toxic or hazardous materials, result in excessive noise or require the outdoor storage of materials.

Auction mart means a building or lands, or portion thereof used for the storage of goods, equipment, livestock, or other animals, which are to be sold on the premises by auction and for the sale of the said goods, equipment, livestock or other animals, by auction on a regular basis. Auction Mart includes both auctions for livestock and those for goods and equipment.

Automotive, retail means a use where the principal activity is the display and sale of automobile or recreational equipment and may also include accessory vehicle or equipment service.

Automotive, service means a use providing service and repair of motor vehicles and the retail sale of gasoline, lubricants, automotive accessories, and associated petroleum products, and may provide a towing service, and may include a building or site or part of a site where petroleum products are delivered into containers, tanks, vessels or cylinders. This use includes automotive washing facilities, and paint and body shops.

Basement means that portion of a building that is located wholly or partially below grade, but which has 0.6 m (2.0 ft.) of its height from finished floor to finished ceiling above grade.

Bed and breakfast means the use of a single detached dwelling to provide breakfast together with the rental of up to three (3) bedrooms and the bath facilities that is permanently occupied by the owner of the establishment.

Brewery, winery or distillery means a use where an alcoholic beverage(s) is manufactured, packaged and sold on-site. The development is licensed by the Alberta Gaming and Liquor Commission (AGLC). This use does not include developments that have a "Class E Licence - Manufacturer" from the AGLC. Developments with a "Class E Licence - Manufacturer" from the AGLC may be considered under the General Industrial use of this Bylaw.

Buffer means a row of trees, shrubs, or a berm, the construction of a fence or other barrier and/or the use of land to create a visual screen and/or noise and nuisance attenuation for separation between sites, districts, roadways, and differing uses.

Buildable area means the minimum area required on a lot to ensure there is adequate space for the building site, water well and sewage disposal system after setback requirements from the County, relevant agencies, provincial policies, and any other required setbacks are taken into account.

Building is defined as a relatively permanent enclosed structure over a plot of land, having a roof and usually windows used for activities ranging from residential dwelling to commercial or industrial operation.

Building grade means the ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Building height means the vertical distance of a building measured from the average grade adjacent to the building to the highest point of the roof.

Bus depot means a building and associated facilities used by bus operators for the loading and unloading of persons and goods and may be used to store buses and related equipment.

Cannabis means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

Cannabis production operation means a premise used for growing, producing, testing, destroying, storing, or distribution of cannabis authorized by a license issued by Health Canada.

This does not include the growing or processing of plants that are considered by federal legislation to be industrial hemp.

Cemetery means a parcel of land that is used as burial grounds and is licensed by the appropriate provincial government departments. This use may include burial grounds, columbaria, mausoleums, and memorial parks.

Child care facility means a facility licensed by the Province to provide daytime personal care, supervision, and education, but does not include overnight accommodations. This use includes all day-care centers, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition. A license is required under the *Child Care Licensing Act* to operate a child care program.

Clerk means the Clerk to the Subdivision and Development Appeal Board.

Collective Agricultural means the development of a large farm site which includes a number of buildings in an integral part of an agricultural operation which is operated by an immediate or extended family and may include nonrelated farmhands; or, by an organized and recognized communal group such as a Hutterite Colony; or, by a group of individuals with mutual and/or joint interests in the land who may or may not operate an agricultural operation, such as a co-housing or 'eco-village' development. The buildings on site may include a wide variety of uses including educational and religious that are not normally developed on agricultural lands.

Community or Cultural Facility means development for social gatherings, club meetings or multi- purpose uses primarily intended to serve the local community; and development for the display, collection and storage of artistic, musical, historical and literary reference materials and for live theatrical, musical or dance performances. Typical facilities would include but are not limited to community halls, community centres, museums, libraries, art galleries, auditoriums, amphitheaters, concert halls and theatres.

Condominium means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by the owners on a proportional undivided basis.

Condominium, Bare land means a condominium in which the units are defined in relation to the land rather than in relation to a structure, created specifically through subdivision and registered as a condominium plan in accordance with the *Condominium Property Act*, RSA 2000, c.C-22.

Condominium, Strata means a strata plan that is imposed on a larger freehold plan, and represents a layered subdivision of title. The plan consists of strata lots, common property and common assets. Condominium Unit, Bare land means a bare land unit as defined in the *Condominium Property Act*, RSA 2000, c.C-22.

Condominium Unit means:

a) In the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, walls and ceilings within the building; and

b) In the case other than that of a building, land that is situated within a lot described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provisions of the *Surveys Act* respecting subdivision surveys.

Confined feeding operation means a confined feeding operation as defined in the *Agricultural Operation Practices Act* (AOPA) or its successor legislation.

Council means the Municipal Council of Birch Hills County.

Crown land means land of the Crown (provincially and federally owned) that includes the bed and shores of all permanent and naturally occurring water bodies and water courses.

Developer is defined as an individual(s), corporation or other form of organization that obtains or seeks to obtain improvements to a property through land use redesignation changes, subdivision and/or through development as defined in the *Act*. This term is typically used for the landowner of the subject property but may be applicable in other instances.

Development means any development as defined in the *Act*.

Development agreement means a legally binding contract between a developer and the County outlining the obligations of the developer with respect to a specific development.

Development authority means the person or entity established under by bylaw as the Development Authority and includes any person to whom powers, and duties of the Development Authority have been delegated to the extent of the scope of the delegation.

Development officer means the person appointed as a Development Officer by Council pursuant to Section 624 of the *Act*.

Development permit means a document which may include conditions, authorizing a development issued pursuant to this Bylaw.

Discretionary use means the use of land or a building which is listed in the column captioned "Discretionary Uses" in a table of uses for certain districts in this Bylaw, and for which a development permit may be issued subject to the provisions of this Bylaw and the discretion of the Development Authority.

Drinking establishment means an establishment licensed by the Alberta Liquor Control Board (AGLC) where alcoholic beverages are served for consumption on the premises and any preparation of serving food is accessory thereto.

Drive-In/Thru means a use that provides services to patrons who are remain inside a motor vehicle and that will always be approved with another use. Typical examples include but are not limited to a drive-thru restaurant or bank.

Dugout means the excavation of land that results in man-made features that entrap water and includes a private dam and/or excavation for general agricultural purposes, but does not include ornamental ponds, stormwater ponds, private lakes, or wastewater lagoons. A dugout is classified as having a depth of at least 1.0 m (3.28 ft.). All water bodies that have a depth of less than 1.0 m (3.28 ft.) may be considered an ornamental pond for landscaping purposes.

Dwelling unit means one or more rooms used as or designed to be used as a residence, containing sleeping, cooking and sanitary facilities with an independent entrance either directly from outside a building or from a common hallway inside a building.

Dwelling unit, apartment means a residential building containing three or more dwelling units, arranged in any horizontal or vertical configuration, each with an entrance either directly from the outside or to a common vestibule.

Dwelling unit, caretaker's suite means a dwelling that is secondary or accessory to a principal industrial, commercial or recreational use on the same lot and is used for the purpose of providing living accommodation for the individual who is primarily responsible for the maintenance and security of the principal use on that lot.

Dwelling unit, duplex means development consisting of a building containing only two dwellings, with one dwelling placed over the other in whole or in part. Each dwelling has separate and individual access, not necessarily directly to grade. This type of development is designed and constructed as two dwellings at the time of initial construction of the building.

Dwelling unit, garage suite means an accessory dwelling located above a detached garage (above grade) or a single-storey accessory dwelling attached to the side or rear of a detached garage (at grade). A garage suite is accessory to a building in which the principal use is a single-detached dwelling. A garage suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the site. A garage suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. This use does not include secondary suites or garden suites.

Dwelling unit, garden suite means an accessory dwelling located in an accessory building separate from the principal use which is a single-detached dwelling. A garden suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the

principal dwelling located on the site. This use does not include secondary suites or garage suites.

Dwelling unit, manufactured home means a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a steel chassis and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections of utilities, ready for year-round occupancy. This definition does not apply to recreational vehicles or industrial camp trailers. A manufactured home meets any one of the following design criteria:

a) is supported by a steel frame; and
b) the length to width ratio of the unit is more than 3:1.

Dwelling unit, row means one of three or more dwelling units constructed in a row and divided vertically along a common wall(s), and each of which has a separate front and rear entrance.

Dwelling unit, secondary suite means an accessory dwelling consisting of a dwelling located within, and accessory to, a structure in which the principal use is single detached dwelling. A secondary suite has cooking facilities, food preparation; sleeping and sanitary facilities which are physically separate from those of the principal dwelling within the structure. A secondary suite also has an entrance separate from the entrance to the principal dwelling unit, either from a common indoor landing or directly from the side or rear of the structure. This use class includes the development or conversion of basement space or above-grade space to a separate dwelling, or the addition of new floor space for a secondary suite to an existing single detached dwelling. This use class does not include duplex, semi-detached, or apartment dwelling units, and does not include garage suites, garden suites.

Dwelling unit, semi-detached means two attached dwelling units that share a common wall.

Dwelling unit, single detached means a residential building containing only one dwelling unit but does not include a manufactured home. This use may stick-built or modular (factory constructed) or another type of construction.

Easement means an interest or right to use land, generally for access to other property or as a right-of-way for a public utility.

Environmental reserve is determined in accordance with the *Act* and is land that is undevelopable because of its natural features or location, such as unstable slopes or flood-prone characteristics. It may contain environmentally sensitive aspects such as a gully, ravine, or coulee; or a strip of land abutting the bed and shore of a body of water or watercourse that a developer may be required to dedicate at the time of subdivision. Environmental Reserve must be maintained in its natural state or used as a park.

Environmental reserve easement is determined in accordance with the *Act* and is created under Division 8 of the *Act*. An environmental reserve easement allows lands to remain in their natural state while the title to the easement lands remains with land owner, but the County's easement interest is registered against title and binds present and future land owners.

Environmentally significant area means

a) Areas which perform a vital environmental, ecological or hydrological function;
b) Areas which contain a unique geological or physiographic feature(s);
c) Areas which contain significant, rare or endangered species;
d) Areas which are unique habitats with limited representation in the region or a small remnant of once large habitats which have virtually disappeared;
e) Areas which contain large and relatively undisturbed habitats and provide shelter habitat for species which are intolerant of human disturbance as determined by studies prepared by a qualified professional;
f) Areas which contain plants, animals, or landforms which are unusual or of regional, Provincial, or national significance; and/or
g) Areas which provide an important linking function and permit the movement of wildlife over considerable distance.

Environmental Site Assessment means an investigation in relation to land to determine the environmental condition of property consistent with the standards established by the *Environmental Protection and Enhancement Act* and regulations.

Equestrian centre means public or private facilities (buildings, shelters, and structures) at which horses are exercised or trained, boarded, or participate in equestrian shows and activities.

Essential public service means a development that is necessary for the continued health, safety and/or welfare of the residents of the County. This includes, but is not limited to, fire stations, post offices, police stations, emergency medical stations, hospitals, buildings, and structures essential to the operation/maintenance of public utilities, and infrastructure.

Exempt means development that does not require a Development Permit if it meets all requirements of this Bylaw.

Farm building means any building used in connection with the raising or production of crops, livestock, or poultry, and situated on land used in connection with such agricultural operations. This does not include any kind of dwelling, airplane hangar or garage.

Farm gate sales means the sale of farm products that are produced on the same parcel of land from which the intended sales take place. This is limited to the sale of perishable goods. An example would include a fruit stand on the side of a road where the landowner is selling fruit from their garden.

Farmers market means a market which has a principal use of selling goods produced in farming operations within the County or neighboring municipalities. A farmers market should operate on a regular, but temporary basis and can include the use of a building, structure, lot, portable washrooms and displays for the purpose of selling any or all the following: produce, meat, fish, seafood, grains, flowers, and crafts. A farmers market may also include temporary retail of other goods and the sale of food to be consumed within the premises of the farmers market.

Fence means a physical barrier constructed to prevent unauthorized access, provide sound attenuation, delineate property boundaries, control animal movements, or minimize sightlines.

First parcel out means a single parcel created from a previously unsubdivided quarter section of land.

Floor area means the total floor area of every room and passageway contained in a building but not including the floor area of basements, attached garages, sheds, open porches or breezeways.

Foundation means the lower portion of a building or structure, usually concrete, masonry, or preserved wood and includes footings that transfer the weight of, and loads on, a building or structure to the ground.

Foundation, permanent means: (a) a foundation meeting CSA Z240.10.1 standard; or (b) an engineered approved wood foundation; or (c) a poured reinforced concrete basement; or (d) a concrete block basement.

Frontage means the lineal distance measured along the front lot line. On corner lots, all sides of a lot adjacent to a road or highway shall be considered frontage.

Garage means an accessory building that is used primarily for the storage of motor vehicles. A garage does not include a farm building.

Hamlet means any settlement declared to be a hamlet by an order of the Minister of Municipal Affairs or designated as a hamlet by Council pursuant to the *Act*.

Health services means development intended to provide health care services to the public. This use class includes but is not limited to dental clinics, medical clinics, and paramedical services such as massage, physiotherapy, chiropractic services, dietetics, mental health, services and the like.

Highway means a provincial highway under the *Highways Development and Protection Act.*

Home occupation, major means the use of a building and/or site which is incidental to the principal residential use of the building and/or site and that is not limited to the confines of the dwelling unit.

Home occupation, minor means the use of a building and/or site which is incidental to the principal residential use of the building and/or site and that is limited to the confines of the dwelling unit.

Hotel means a building providing accommodation for the public containing guest rooms served by a common entrance as well as general kitchen and dining or other public rooms.

Industrial, heavy means the use of land, buildings and/or structures for an industrial activity that creates significant adverse impacts beyond the boundaries of the site for which the associated activity takes place due to appearance, emission of contaminants, noise, odor, traffic volume, fire, explosive hazards, or dangerous goods. Characteristics of Industrial, Heavy may include:

a) outdoor storage or stockpiling of raw materials, vehicles and machinery that may be partly or wholly visible off the site, and may impact the soil;
b) significant noise in the general operations of the use;
c) potential exposure of the environment to chemicals and other forms of pollution from the general operations of the use; and
d) hazardous industry.

Industrial, light means the use of land, buildings and/or structures for an industrial activity that creates no adverse impacts beyond the boundaries of the site for which the associated activity takes place due to appearance, emission of contaminants, noise, traffic volume, odor and fire. The activities and uses are carried on within an enclosed building. Characteristics of Industrial, Light:

a) outdoor storage which does not impact adjacent properties or the soil;
b) may have a retail or wholesale component that is subordinate to the principal use;
c) nuisance factors do not extend outside of an enclosed building; and
d) no hazardous industry present.

Kennel means a premise which is used for the commercial breeding, raising, or boarding of cats or dogs.

Landfill, industrial means a site used for the disposal of non-domestic or industrial solid wastes which may not be disposed of at a sanitary landfill and is not intended for use of the public at large. For the purpose of this Bylaw this includes contaminated soil remediation operations.

Landscaping means the enhancement of a site using any or all of the following elements:

a) "soft landscaping" consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover;
b) "hard landscaping" consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, excluding monolithic concrete and asphalt.

Lane means a public thoroughfare with a right-of-way which provides a secondary means of vehicle access from the rear or side of a Lot or Lots.

Livestock means poultry, bees, donkeys, mules, oxen, birds, horses, cattle, sheep, swine, goats, bison, specialty livestock, and/or fur-bearing animals raised in captivity, sheep, elk, deer, wild boar, turkeys, ducks, geese, and game production animals within the meaning of the *Livestock Industry Diversification Act*.

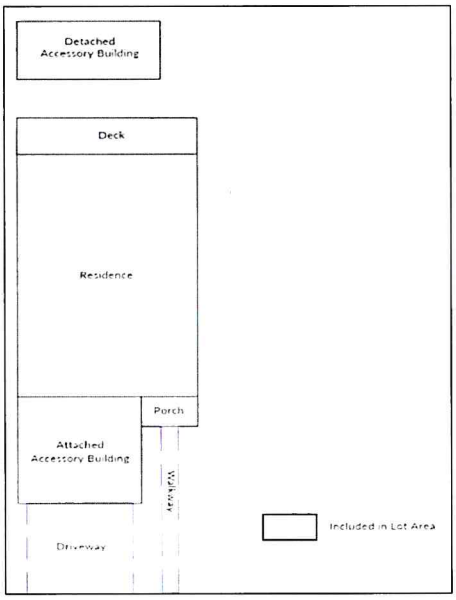
Loading space means an off-road space on the same parcel as a building or group of buildings for the temporary parking of a commercial vehicle to unload commodities for a business on that parcel.

Lot is defined in accordance with the *Act* and includes:

a) a quarter section;
b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
c) a settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
d) 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
e) 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.

Lot area means the total surface area of a lot.

Lot coverage means the percentage of the lot area, which is covered by all buildings on that lot, including all accessory buildings and decks and excluding at-grade hard surface areas including patios, walkways, and driveways.



Lot line means a legally defined limit of any lot.

Lot line, front means the boundary dividing the lot from an abutting public roadway. In the case of a corner lot the shorter lot line shall be the front lot line.

Lot line, rear means the lot line of a lot that is directly opposite to the front line.

Lot line, side means any lot line other than the front or rear lot line.

Lot width means the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

Lot, corner means a lot having a frontage on two or more streets at their intersection or junction.

May is as defined in Section 1.9.1 of this Bylaw.

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 a single dwelling unit. A manufactured home is sometimes referred to as a trailer or mobile home

Modular building means a construction type where a building is built in a factory in multiple sections and transported to the site for installation. For the purpose of this Bylaw, a modular building includes residential, commercial, industrial, and institutional developments but does not include a manufactured home.

Motel means a building or group of buildings designed for the accommodation of the travelling public, containing guest rooms, each of which has a separate entrance directly from outside the building.

Motor vehicle means a motor vehicle that, at the point of its original manufacture, meets the definition as defined in the *Traffic Safety Act*.

Municipality means Birch Hills County.

Municipal planning commission (MPC) means the Municipal Planning Commission established under Division 3 of the *Act.*

Municipal development plan (MDP) means a statutory plan adopted by Council as a municipal development plan in accordance with the *Act.*

Municipal Government Act (MGA) means the *Municipal Government Act* as adopted by the Province of Alberta.

Must is as defined in Section 1.9.1 of this Bylaw.

Natural resource extraction / processing means development for the purpose of the removal, extraction, excavation, stock piling, processing, and transmission of raw materials off the subject property. Resources and raw materials may include peat, sand, silt, shale, gravel, clay, marl, limestone, gypsum, other minerals precious or semi-precious, timber and coal. Facilities and uses that would be typical include gravel pits (and associated crushing operations), sand pits, clay, or peat extraction, stripping of topsoil, sawmills and related timber/wood processing.

Nuisance means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health and safety, or is offensive to the senses. This could include that which creates or is liable to create a nuisance through emission of noise, smoke, dust, odour, heat, light, fumes, vibration, fire, or explosive hazard; results in the unsightly or unsafe storage of goods, salvage junk, waste or other material; or poses a hazard to health and safety.

Office means a development that provides space for professional, management, administrative, consulting, and similar office and business support services, and financial/investing services. Typical uses would include the offices of lawyers, accountants, engineers, architects and real estate, insurance, clerical, secretarial, telephone answering and office support services.

Park or playground means an area of land used for public recreation that may include play structures.

Parking means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located for the purpose of storing motor vehicles, recreational vehicles or trailers for transportation of freight.

Parking stall means a single space set aside for the parking of one motor vehicle.

Permanent building or structure means a building or structure that is lawfully constructed, anchored, or fixed to a secure and long-lasting foundation or attached to another permanent building or structure.

Permitted use means the use of land or a building provided for in this Bylaw for which a Development Permit shall be issued with or without conditions by the Development Authority, unless exempt under this Bylaw. There shall be no more than one principal use on a parcel, except as otherwise indicated by this Bylaw.

Personal service means a development used for the provision of services to an individual or a household which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, beauty parlors, nail salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments (pick-up and drop-off only), laundromats, photographic studios, small appliance repair and service shops, personal fitness activity, instructional classes and may include accessory retail sales.

Principal building or use means the main purpose for which, in the opinion of the Development Authority, a building or site is ordinarily used.

Public use means a building, structure, or site used for public administration and services by a municipality, by any board or agency of a municipality, by any department, commission or agency of the Government of Alberta or Canada.

Public utility means a public utility as defined in the *Act*, with the except for a landfill, industrial, a waste management facility, minor and a waste management facility, major, which are separately defined in this Bylaw.

Qualified professional means an individual who has specialized knowledge of a particular subject area and is licensed to practice in the Province of Alberta under a professional designation. Examples of qualified professionals include but are not limited to Agrologists, Architects, Engineers, Geologists, Hydrologists, Landscape Architects and Surveyors.

Real property report means a legal document prepared by a qualified professional Surveyor that illustrates the location of significant visible improvements relative to property boundaries that takes the form of a plan or illustration of the various physical features of the property, including a written statement detailing the surveyors opinion or concerns.

Recreational cabin means a building used on a seasonal or periodic basis as a secondary place of residential occupancy and generally lacking in one or more of the components, conveniences or utilities required for year-round occupancy. This use includes cottages, chalets and the like. This use does not include dwelling units, recreational vehicles, motel, or hotel. The maximum floor area of the cabin shall not exceed 74.32 m^2 (800 ft^2).

Recreational, extensive means a development on large tracts of land located in a rural area to take advantage of natural physical features to provide for the non-facility oriented recreational activities such as skiing, hunting, trail riding, snowmobiling, hiking, and similar activities. A clubhouse, ski chalet, or the like may be allowed as an accessory use.

Recreational, intensive means a development on small tracts of land providing outdoor facilities for recreational activities such as campgrounds, resorts, recreational vehicle parks, fishing lodges, beach areas, marinas, riding stables, race tracks, sports fields, arenas, swimming pools, tennis courts, amusement parks, mini-golf, and other similar activities.

Recreational vehicle means a vehicular product, typically constructed in accordance with CSA Z249 RV series, to provide seasonal accommodation for travel and recreational purposes. It includes vehicles such as a motor home, a camper, a travel trailer, or a tent trailer, but does not include a mobile home, sea-can or any vehicle or trailer over eight (8) feet (not including slide-outs) in width. This includes park model trailers constructed in accordance with CSA Z2421.

Recreational vehicle lot means a development for the purpose of placing a recreational vehicle on a single lot to be used on a seasonal or periodic basis as a secondary place of residential occupancy.

Recreational vehicle park means an intensive recreational use of land for keeping of recreational vehicles on a temporary basis and for transient use in an organized setting. The park may include accessory amenities, including washrooms and showers, laundry facilities, a playground, recreational cabins, a dwelling unit, caretaker and the like. This type of land use is associated with recreation or tourist facilities. This use does not include a recreational vehicle lot.

Recreational vehicle storage means a development for the purpose of storing recreational vehicles, boats, trailers, and vehicles. No onsite occupancy, repair, or maintenance of recreational vehicles is permitted.

Recycling collection facility means an operation or facility in which recoverable resources such as but not limited to newspapers, glassware, plastics, and metal cans are conveyed through both automated and traditional sorting processes, stored and/or prepared for transfer off-site. This does not include the processing of hazardous recyclables.

Regulation means the Subdivision and Development Regulation.

Religious use facility means a development including any meeting halls used for spiritual worship and related religious activities. It may include a minister's residence, manse, parsonage or rectory; provided it is accessory to the principal use.

Residential support home means a development within a dwelling unit authorized, licensed or certified by a public authority where support staff provides care, guidance or supervision for persons with mental or physical disabilities in a residential setting.

Restaurant means an establishment where food is prepared and served on the premises for sale to the public. Accessory activities may include entertainment and the serving of alcoholic beverages when licensed by the Alberta Gaming and Liquor Commission (AGLC). This use class includes drive-in/thru restaurants.

Retail sales means a building where goods, wares, merchandise, substances, articles, or things are offered or kept for sale, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store.

Retail sales, cannabis means a retail store licensed by the Alberta Liquor and Gaming Commission (AGLC) where cannabis and cannabis accessories are sold to individuals who attend at the premises.

Retail sales, liquor means a retail store licensed by the Alberta Liquor and Gaming Commission (AGLC) where liquor and liquor accessories are sold to individuals who attend at the premises.

Road means a road as defined in the *Act*.

School means a public school, a separate school, a university, a college, or a private school authorized by the authority having jurisdiction.

Screening means a fence, earth berm, hedge or trees used to visually and/or physically separate areas or functions.

Seasonal when referring to a development means a development that recurs on an annual basis but for which the use of building or site is discontinued for a portion of the year not less than 5 months.

Service station means a commercial establishment for the sale of automotive fuels, lubricating oils and associated automotive products for vehicles. It may also include services such as the minor repair of motor vehicles and routine servicing, excluding automotive specialty and auto body and paint shop uses. Accessory uses may include a convenience store, towing service, car wash or the sale of automotive accessories. This use class includes Gas Stations and Truck Stops.

Servicing standards means the County's technical requirements that govern site access, infrastructure design, inspection, testing, construction, and transfer of public works.

Shall is as defined in Section 1.9.1 of this Bylaw.

Shelterbelt means a row or rows of plantings made up of trees and/or shrubs that are positioned in such a manner as to provide shelter from the wind, snow and to protect soil from erosion.

Shipping container is a steel and/or wood structure that is portable in nature, used for storage and not on an axle. These containers were originally designed for use as a means of storing and transporting cargo via ship, rail or truck and are considered an accessory structure when used as storage.

Should is as defined in Section 1.9.1 of this Bylaw.

Sign means any device or structure used for the display of advertisements, pictures and/or messages.

Similar use means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the Development Authority has determined to be similar in character and purpose to a use listed as a permitted or discretionary use in the district in which the use is proposed.

Solar park is an installation of solar panels to collect solar energy that are stand-alone assemblies mounted on racking on the ground. The total combined area of ground coverage is 0.40 ha (1.0 ac) or greater and may be located on one or more parcels of land.

Solar panel means a device or combination of devices, structures, or part of a device or structure that transforms direct sunlight into thermal, chemical, or electrical energy and which will be used primarily to reduce on-site consumption of utility energy/power. A solar panel may be mounted to a roof or wall of a building or be free-standing.

Stripping and grading means any work, operation or activity that results in a disturbance of the earth including the removal of top soil or borrow, borrow pits, berming, excavating, trenching, backfilling, filling, re- contouring, and, grading other than for building purposes. Stripping and grading does not include aggregate extraction, commercial logging, tree clearing, dugouts/private dams, ornamental ponds, stormwater ponds, lagoons for the purpose of processing wastewater or landscaping.

Subdivision authority means the authority established by Council by bylaw to make decisions on subdivision applications and other subdivision-related matters in accordance with the *Act*.

Storage yard means a use of land which may or may not be associated with a building where construction materials and equipment, solid fuels, lumber, new building materials, monuments and stone products, public service and utility equipment or other materials, goods, products, vehicles, equipment, or machinery are stored, baled, piled, handled, sold or distributed, whether as a principal or an accessory use. A storage yard shall not include an automobile wrecking yard, a display yard, or a junk yard.

Telecommunication tower means a structure that is used to convey communication, radio or television signals and may include other structures necessary for the carrying out of this function.

Temporary is defined for the purposes of this Bylaw as lasting for only a limited period and not permanent for which an approximate or definitive end date is known. A time-limited development permit that is temporary in nature should have the maximum time that it is allowed to operate as a condition of that application. The development authority may determine the length of time for a temporary development depending on the nature of the proposed building or use up to a maximum of three (3) years, unless otherwise prescribed in this Bylaw.

Unsubdivided quarter section means a unsubdivided quarter section as defined in the Regulation.

Variance means a relaxation of the requirements or regulations of this Bylaw in accordance with this Bylaw and the *Act*.

Veterinary clinic means a development for the medical care and treatment of animals.

Warehouse means a building for the indoor storage of equipment, goods, motor vehicles, recreation vehicles, materials, or products.

Waste management facility, major means a site used primarily for the storage, processing, treatment, and disposal of solid and/or liquid wastes, which may have adverse environmental impact on adjacent sites by virtue of potential emissions and/or appearance. Typical uses include sanitary landfills, garbage transfer and compacting stations, recycling facilities, incinerators, wrecking and scrap metal yards, and similar uses. This use class does not include a landfill, industrial.

Waste management facility, minor means a site used for the storage, recycling, disposal and filling of clean clay, waste concrete and paving materials, non-noxious scrap building materials, and similar non-hazardous wastes which normally do not generate any environmental pollution to the site and surrounding lands. This use class does not include a landfill, industrial.

Wind energy conversion system (WECS) means the towers, structures, or systems required to convert the power in wind to electrical or mechanical energy, where the total combined output is 0.00005 megawatts (0.5 kilowatts) or more.

Wind energy conversion system (WECS), micro means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure, where the total combined output is less than 0.00005 megawatts (0.5 kilowatts).

Work camp means a development with one or more buildings to accommodate persons who are employed in logging, construction, resource exploration or any other similar industry. An industrial work camp is typically made up of several mobile units to provide sleeping, eating, recreation and other basic living facilities in a remote location. A work camp includes a development for the duration of a specific project or an open camp to provide accommodation for numerous projects.

Yard, front means that portion of land extending across the full width of a lot and situated between the front lot line and nearest exterior wall of the principal building.

Yard, rear means that portion of land extending across the full width of a lot from the rear property line to the closest wall of the principal building.

Yard, exterior side means a side yard immediately adjoining a road or highway.

Yard, side means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest exterior wall of the principal building.

SECTION 3 DUTIES OF DEVELOPMENT AUTHORITIES

3.1 COUNCIL

3.1.1 Applications which shall be referred to Council for consideration and decision shall include:

a) Any planning application for which a bylaw is required.

b) Any applications for discretionary uses within a Direct Control district unless otherwise specified within the Direct Control district.

3.2 ESTABLISHMENT OF SUBDIVISION AUTHORITY

3.2.1 The Subdivision Authority for the County is established by separate bylaw in accordance with Section 623 of the *Municipal Government Act*.

3.3 ESTABLISHMENT OF DEVELOPMENT AUTHORITIES

3.3.1 The Development Authority for the County is established by separate bylaw in accordance with Section 624 of the *Municipal Government Act*.

3.4 DUTIES AND POWERS OF DEVELOPMENT AUTHORITIES

3.4.1 The Development Officer shall:

a) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments thereto;
b) keep a register of all applications for development, including the decisions therein and the reasons therefore, for a minimum period of seven years;
c) refer all applications to neighbouring municipalities, consistent with the direction of the Municipal Development Plan and any Intermunicipal Development Plans;
d) receive, consider, and decide on development permit applications for those uses listed as "Permitted Uses"; and
e) refer development permit applications to the Municipal Planning Commission for those uses
   (i) listed as "Discretionary Uses under the Municipal Planning Commission's Authority"; and
   (ii) which the Development Officer wishes to refer to the Municipal Planning Commission.

3.4.2 The Municipal Planning Commission shall:

a) issue decisions for development permit applications for those uses listed as Discretionary Uses in the subject land use district and determine the method of notification;
b) issue decisions for those uses which the Development Officer refers to the Municipal Planning Commission; and,
c) perform such other duties as described in this Bylaw or as may be assigned to it by Council.

3.5 DEVELOPMENT AUTHORITY'S DECISIONS AND DISCRETION

3.5.1 A development permit application for a use which is not listed as a "Permitted Use" or a "Discretionary Use" in the subject District shall be refused.

3.5.2 In making a decision on an application for a "Permitted Use", the Development Officer shall:

a) approve with or without conditions, an application for a development permit where the proposed development conforms with this Bylaw; or
b) refuse an application for a development permit if the proposed development does not conform to the Bylaw.

3.5.3 In making a decision on an application for a "Discretionary Use", the Municipal Planning Commission:

a) may approve, either permanently or for a limited period of time, a development permit application which meets the requirements of this Bylaw, with or without conditions; or
b) may refuse a development permit application even though it meets the requirements of this Bylaw; or
c) shall refuse a development permit application if the proposed development does not conform with this Bylaw.

3.5.4 In reviewing a development permit application for a Discretionary Use, the Municipal Planning Commission shall have regard for:

a) the purpose and intent of the *Act*;
b) any statutory plans adopted by the municipality; and
c) the circumstances and merits of the application, which may include such items as

(i) impact of such nuisance factors as smoke, airborne emissions, odors and noise on nearby properties;
(ii) the design, character and appearance of the development shall be compatible with and complementary to the surrounding area; and
(iii) the servicing requirements for the proposed development.

3.5.5 Subject to Section 3.5.6 and 3.5.7 the Development Authority may approve an application for a Development Permit notwithstanding that the proposed development does not comply with this Bylaw 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 properties;
b) the proposed development conforms with the use prescribed for the land or building in this Bylaw;
c) the proposed variance is minor in nature and would not alter the spirit and intent of this Bylaw; and

d) the proposed variance, if not granted, would cause undue hardship to the applicant characterized by location, use and character of the land or building.

3.5.6 The Development Officer may allow a minor variance of less than or equal to 10% of any or all of the numerical regulations subject to Section 3.5.5.

3.5.7 The Municipal Planning Commission may allow a variance of greater than 10% of any or all of the numerical regulations subject to Section 3.5.5.

3.5.8 Notwithstanding any provisions or requirements set out in the Bylaw, the Municipal Planning Commission may establish a more stringent standard for uses listed under the "Discretionary Uses" column when it is deemed necessary to do so.

3.5.9 A variance will not be allowed if the granting of the variance results in a development which does not meet the requirements of the Subdivision and Development Regulation.

3.5.10 In the event that a variance is granted pursuant to Section 3.5.6 or Section 3.5.7, the Development Authority shall indicate the type and extent of any variance granted to any development permit approval.

3.5.11 Notwithstanding Sections 3.5.1, 3.5.2(b), and 3.5.3(b), if a proposed use of land or a building is not listed as a "Permitted Use" or "Discretionary Use" in the Bylaw and is not defined within Section 2 of this Bylaw, the Municipal Planning Commission may determine that such a use is similar in character and purpose to a use listed under that land use district and consider and decide on a development permit application.

3.6 ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

3.6.1 The Subdivision and Development Appeal Board for the County is established by separate bylaw in accordance with Section 627 of the *Municipal Government Act*.

3.6.2 The Subdivision and Development Appeal Board for the County shall perform such duties as are specified in the *Act*.

SECTION 4 DEVELOPMENT PERMITS

4.1 WHEN DEVELOPMENT PERMITS ARE REQUIRED

4.1.1 Except as provided in Section 4.2, no person shall undertake any development unless:

a) a development is exempted by the *Act* or its regulations.
b) a development permit has first been issued pursuant to this Bylaw and the development is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.

4.1.2 Development completed on behalf of the County and / or on County-owned land shall be required to obtain a Development Permit unless it is not required as per section 4.2 of this Bylaw.

4.2 WHEN DEVELOPMENT PERMITS ARE NOT REQUIRED

4.2.1 A development permit is not required for the following developments provided the development complies with the provisions and regulations of this Bylaw and is carried out in accordance with all other applicable Federal, Provincial and County legislation, regulations, and bylaws:

a) the construction, completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement undertaken to connect the same with any lawful use of buildings or land.
b) work or maintenance or repair to any building including interior and exterior repairs provided that:
    i. such works do not include additions to buildings and/or impact the existing building footprint and change setbacks from property lines;
    ii. such works do not constitute a change in the use or the intensity of the use of a building or lands; and
    iii. such works do not create an additional dwelling unit.
c) the completion of a building which is lawfully under construction at the date this Bylaw comes into full force and effect provided that the building is completed in accordance with the terms of any permit granted in respect of it, subject to the conditions of that permit;
d) the agricultural, extensive use of a lot which is assessed as farmland and used for extensive agricultural operations excluding permanent buildings and structures exceeding 9.29m^2 (100 ft^2) in area and one storey.
e) the development of an accessory building that is less than 9.29m^2 (100 ft^2) in area and one storey. In the Hamlet General District, up to two, single-storey accessory buildings less than 9.29m^2 (100 ft^2) are exempt provided that the building is placed in conformance with the required yard setbacks and Section 9.1 of this Bylaw.
f) the construction or maintenance of accessory gates, fences, walls, or other means of enclosure less than 1.8 metres (6 feet) in height in the rear and side yards and less than 1.2 metres (4 ft.) in the front yard;

g) one temporary on-site sign which does not exceed 3 metres squared (32 feet sq.) in area nor 2.1 metres (7 feet) in height and is intended for:
   i. advertising the sale or lease of a dwelling unit or property;
   ii. identifying a construction or demolition project for which a development permit has been issued for such a project; or
   iii. identifying a political or charitable campaign;
h) one permanent on-site sign where the sign face does not exceed 1 metre squared (10 feet sq.) in area nor 0.5 metres (3.2 feet) in height which is intended for use as
   i. a commemorative plaque of a non-advertising nature;
   ii. the identification of a farm residence; or
   iii. the advertising of farm products or a home occupation;
i) home occupation, minor, where the use is listed as a permitted use in the district.
j) solar panels, where the use is listed as a permitted use in the district and conforms to section 9.15.
k) the use of an existing building for the purpose of a farmers market that occurs on a temporary and/or recurring basis.
l) farm gate sales.
m) dugouts, where the use is listed as a permitted use in the district.
n) demolition of a building or structure where a development permit has been issued for a new development on the same site.
o) WECS, micro, where the use is listed as a permitted use in the district.

4.3 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

4.3.1 A development permit application shall be made by submitting the following to the Development Officer in writing:

a) a completed development permit application signed by the applicant or their agent;
b) in accordance with Section 11.1(1) of the Subdivision and Development Regulation, information provided by the AER identifying the location or confirming the absence of any abandoned wells within the parcel, and
c) the application fee as prescribed by the County's Fees Bylaw.

4.3.2 The Development Officer may require the following information as deemed necessary with the application:

a) a site plan with dimensions showing the legal description, front, rear, and side yards, if any, and any provision for off-street loading and vehicle parking and access and egress to the site;
b) a floor plan and elevations;
c) a statement of uses;
d) a statement of ownership of land and interest of the applicant therein;
e) the estimated commencement and completion dates;

f) the estimated cost of the project or contract price;
g) the extent of existing treed areas shall be indicated on the site plan accompanying the application for development together with an indication of the trees proposed to be removed during development;
h) utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines;
i) all development must be provided with sanitary facilities pursuant to Alberta Safety and Health Codes;
j) a temporary building or structure is only permitted on a site during the construction phase of permanent buildings or structures;
k) a temporary building or structure requires a development permit to a maximum time period of two years. The temporary building or structure is to be removed from a property within one month after an occupancy permit has been granted for the site;
l) a Roadside Development Permit from Alberta Transportation for development within 1600 metres of a Provincial highway, unless otherwise indicated by Alberta Transportation; and
m) any additional information that may be required to evaluate the application, including but not limited to water testing, soil testing, a geotechnical report, an environmental site assessment, a traffic impact assessment, a stormwater management plan, a biophysical assessment, a hydrological study, site topography and drainage patterns and survey information including elevations.

4.3.3 An application is incomplete until the information required by the Development Officer under Section 4.3.1 and 4.3.2 is submitted to the Development Officer.

4.3.4 The approval of any application, drawing, or the issuing of a development permit shall not prevent the Development Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this Bylaw.

4.3.5 In the event of a discrepancy between any written description or measurement and the drawings, the written description or measurement shall prevail.

4.3.6 Where an application for a development permit is determined to contain incorrect information, the development permit shall not be issued until such information is corrected by the applicant.

4.3.7 Any development permit issued based on incorrect information contained in the application shall be invalid.

4.3.8 When a permit for a temporary use expires a new application is required. Such application shall be dealt with as a new application and there shall be no obligation to approve it on the basis that a previous permit has been issued.

4.4 COMPLETED DEVELOPMENT PERMIT APPLICATION

4.4.1 The Development Authority shall, within twenty (20) days after receipt of a development permit application, determine whether the application is complete or incomplete.

4.4.2 Notwithstanding Section 4.4.1, the Development Authority can extend the time period for determining the completeness of a development permit application, based on a written agreement between the Development Authority and the applicant.

4.4.3 When, in the opinion of the Development Authority

a) sufficient details of a proposed development have been included with the application for a development permit, the Development Officer shall issue a notice of complete application to the applicant within the time period provided for in Section 4.4.1 or 4.4.2.

b) sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer shall issue a notice of incomplete application to the applicant within the time period provided for in Section 4.4.1 or 4.4.2. The notice shall outline any outstanding information and/or documents that must be provided by the applicant for the application to be considered complete by a date stated in the notice or as agreed upon between the Development Authority and the applicant.

4.4.4 If the Development Authority does not make a determination on the completeness within twenty (20) days of the receipt of the application, or the alternative time period as agreed upon in Section 4.4.2, the application is deemed to be complete by the Development Authority.

4.4.5 If an applicant who has been issued a notice of incomplete application under Section 4.4.3(b)

a) submits all the required information and or documents by the date given Section 4.4.3(b), the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, if satisfied that the application is now complete.

b) fails to submit all the required information and documents by the date given in Section 4.4.3(b), the application shall be deemed refused by the Development Authority.

4.5 APPLICATION PROCESSING TIME

4.5.1 The Development Authority shall consider and decide on development permit applications within forty (40) days of the receipt of the application in its complete and final form. If a decision is not made within forty (40) days of receipt of the application, the application shall at the option of the applicant be deemed refused.

4.5.2 If a decision is not made within the forty (40) days, the applicant may enter into an agreement with the Development Authority to extend the forty (40) day period.

4.6 APPLICATION REFERRALS

4.6.1 The Development Authority may refer a development permit application to any agency in order to receive comment and advice.

4.6.2 Upon receipt of a complete application for a discretionary use development permit, the Development Officer:

a) shall mail a notice in writing to any landowners that are within 1.6 km of the parcel containing the proposed development if it is located outside of Hamlet boundaries.

b) shall mail a notice in writing to any landowners that are immediately adjacent to the subject parcel and one parcel over (adjacent + one) containing the proposed development if it is located within Hamlet boundaries.

c) a greater notification distance may be applied, if in the opinion of the Development Authority, such notification is warranted or it is required for specific land uses as required in the land use districts, Standards of Development or Specific Use Provisions of the bylaw.

d) in all cases, notification shall:

(i) describe the nature of the use.

(ii) detail the location of the proposed use.

(iii) define the period for providing written comments to be considered by the MPC; and

(iv) define the time and location of the MPC meeting in which the application will be considered by the MPC.

4.6.3 Where a proposed discretionary use is located within 800 m of an intermunicipal boundary, the application will be referred to the neighbouring municipality for review and comments. The neighbouring municipality will be provided with up to 21 days to provide comments.

4.7 CONDITIONS OF A DEVELOPMENT PERMIT

4.7.1 The Development Authority may impose conditions to a Development Permit for either a permitted or a discretionary use, including but not limited to the following considerations:

a) that the Developer enters into a development agreement in accordance with Section 4.7.2;
b) ensuring that the purpose and intent of the Land Use District is met;
c) ensuring that the development is constructed and maintained in accordance with the approved plans;
d) ensuring that the development is constructed and maintained in accordance with the County's Servicing Standards;
e) landscaping;
f) lighting;

g) the reduction of noise, odour, dust, smoke, or other nuisances;
h) conformance to recommendations from any professional studies required as part of the permit application, relating to matters such as slope, stability, soil, traffic, flood plain, hydrology, topography, environment, traffic, utilities, stormwater, etc.;
i) the compatibility of proposed traffic patterns and characteristics with those existing in the affected neighbourhood;
j) natural vegetation;
k) environmental contamination;
l) public safety;
m) existing structures;
n) easement(s), back sloping, road acquisition, road use and encroachment agreements;
o) any measures to ensure compliance with applicable federal, provincial and/or other County legislation approvals;
p) the timing of completion of any part of the proposed development;
q) parking;
r) the provision and standard of accesses and/or approaches to the parcel in accordance to County standards;
s) repairs or reinstatement of original condition of road, streets or approaches which may be destroyed or otherwise altered by development or building operations upon site, to the satisfaction of the Development Officer;
t) the size, location, orientation, appearance, and character of a building or other structure;
u) hours of operation including hours of the day, days of the week, or parts of the year;
v) the number of patrons;
w) site grading;
x) to provide security in the form of an irrevocable letter of credit or cash to ensure the terms of the permit approval are carried out;
y) security deposit for completion of exterior finishes on moved on structures;
z) the consolidation of parcels;
aa) completion of detailed plans and construction drawings illustrating the site layout, landscaping, parking, and building elevations, signs, stormwater management or utility servicing;
bb) the provision of a current Real Property Report (within 2 years);
cc) enter into an agreement for temporary residency during construction of a principal dwelling;
dd) and any other condition to ensure the proposed development is compatible with surrounding land uses.

4.7.2 Pursuant to section 650 (1) of the *Act*, the Development Authority may require that as a condition of issuing a development permit, the applicant enter into a development agreement with the County to do any or all the following:

a) to construct or pay for the construction of a road required to give access to the development;

b) to construct or pay for the construction of
   (i) a pedestrian walkway system to serve the development, or
   (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;
d) to construct or pay for the construction of
   (i) off-street or other parking facilities, and
   (ii) loading and unloading facilities;
e) to pay an off-site levy or redevelopment levy imposed by bylaw;
f) to give security to ensure that the terms of the agreement under this section are carried out.

4.7.3 The Development Authority may require, as a condition of a Development Permit approval, a guaranteed security to ensure that all the required conditions are met. The security shall be in the form of an irrevocable letter of credit or cash having the value equivalent to 125% of the established cost of the condition.

4.7.4 The Development Authority may approve a time-limited Development Permit for a specified limited time period where it is the opinion of the Development Authority that the use is of a temporary nature or should only be approved on a temporary basis.

4.7.5 Prior to imposing conditions upon the issuance of a development permit, the Development Authority may consult with the Council in specifying the terms and content of the agreement in the conditions of the development permit.

4.7.6 The County may register a caveat pursuant to the provisions of the *Act* and the *Land Titles Act* in respect of an agreement under this section against the Certificate of Title for the land that is the subject of the development. Said caveat shall be discharged when the agreement has been complied with.

4.7.7 A development permit comes into effect twenty-one (21) days after its issuance. Where an appeal has been lodged with the Appeal Board, no development shall be commenced pursuant to the development permit until all appeals are finally determined and the issuance of the development permit has been upheld.

4.7.8 All development is to be commenced within one year of receiving a development permit and completed within two years of receiving a development permit.

4.7.9 When an appeal has been made in respect to a development permit that has been approved, the permit which has been issued shall not come into effect until the appeal has been determined, at which time the permit may be modified or nullified thereby.

4.8 NOTICE OF DECISION

4.8.1 When an application for a development permit is approved, the Development Officer shall provide a notice of a decision to the applicant or their agent by electronic or standard mail specifying the date on which the decision was made and including any additional information relevant to the decision.

4.8.2 Where a development permit has been issued for a discretionary use, the Development Officer shall provide a notice of decision to the landowners as described in Section 4.62 by electronic or standard mail specifying the date on which the decision was made and including any additional information relevant to the decision.

4.8.3 When an application for a development permit is refused, the Development Officer shall provide a notice of a decision to the applicant or their agent by electronic or standard mail specifying the date on which the decision was made and stating the reasons for refusal.

4.8.4 When a development permit application for a single detached dwelling or a manufactured home is approved in the Agriculture (A) or Agriculture Restricted (AR) District, the Development Officer shall include in the written notice an advisory that the approved residence is located adjacent to an agricultural operation. In addition, the Municipality shall provide printed notice respecting the presence of agricultural operations to all landowners in accordance with Council policy.

4.9 REAPPLICATION FOR A DEVELOPMENT PERMIT

4.9.1 When an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal, the submission of another application for a development permit on the same parcel of land for the same or similar use of the land may not be accepted by the Development Officer until six (6) months after the date of the refusal.

SECTION 5 ENFORCEMENT

5.1 CONTRAVENTION

5.1.1 No person shall contravene this Bylaw by commencing or undertaking a development or use that is not permitted under this Bylaw.

5.1.2 No person shall authorize or do any development that is at variance with the description, specifications or plans that were the basis for the issuing of a Development Permit under this Bylaw.

5.1.3 No person shall contravene a condition of a permit issued under this Bylaw.

5.1.4 The Development Authority may enforce the provisions of this Bylaw, the *Act* and its regulations, the conditions of a subdivision approval or Development Permit approval.

5.1.5 A Designated Officer may inspect premises in accordance with the provisions of the *Act* where there are reasonable grounds to believe that the premises are being used in contravention of this Bylaw. Without limiting the generality of the foregoing, such reasonable grounds would include:

a) written or verbal complaints that premises are being used in contravention of this Bylaw;
b) the observations of a Designated Officer that there is excessive traffic, parking problems, accumulated debris in a yard or other apparent breach of this Bylaw.

5.1.6 Pursuant to the *Act*, the County may enforce or contact the relevant agency to enforce the provisions of the *Act* and its regulations, other government regulations, a subdivision approval, the conditions of a Development Permit, and all the rules and regulations of this Bylaw:

a) all rules, regulations, policies, or conditions which are applicable pursuant to this Bylaw, a Development Permit, subdivision approval, or any other enactment the County has the authority to enforce, may be subject to enforcement action if found to be in contravention;
b) enforcement may take the form of a written notice of contravention, written stop order notice, financial penalty, or any other authorized action to ensure compliance.

5.2 STOP ORDERS

5.2.1 Where the Development Authority finds that a development or use of land is not in accordance with the *Act*, this Bylaw, a subdivision approval, or a development permit issued hereunder, the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings, the person responsible for the contravention, or all or any of them to:

a) stop the development or use of the land or buildings in whole or in part as directed by the notice;

b) demolish, remove, or replace the development; or
c) carry out any other actions required by the notice so that the development or use of the land or building complies with the *Act*, a development permit, subdivision approval or this Bylaw as the case may be, within the time specified by the notice.

5.2.2 Where a Stop Order is issued under the *Act*, the Stop Order shall state the following and any other information considered necessary by the Development Authority:

a) an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
b) the alternatives and processes which the person responsible for the contravention may pursue to correct the contravention;
c) a time frame in which the contravention must be corrected prior to the County pursuing action; and
d) advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

5.2.3 When Council or a person appointed by it carries out an order, the costs and expenses incurred in carrying out the order may 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.

5.3 SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT

5.3.1 If, after a Development Permit has been issued, the Development Officer or Municipal Planning Commission becomes aware of any of the following:

a) the application for the Development Permit contained a material misrepresentation;
b) facts concerning the application, or the development were not disclosed, and which should have been disclosed at the time the application was considered, have subsequently become known;
c) a Development Permit was issued in error;
d) the applicant withdrew the application by way of written notice;
e) the condition(s) imposed in the Development Permit have not been complied with;
f) the Development ceases operation for twelve (12) or more months.

If any of the above situations occur, the Development Officer or Municipal Planning Commission may suspend or cancel the Development Permit by notice in writing to the holder.

5.4 ENFORCEMENT

5.4.1 This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Alberta Court of Appeal upon action brought by Council, whether or not any penalty has been imposed for the contravention.

5.4.2 A person who:
a) contravenes any provision of the *Act* or the regulations under the *Act*;
b) contravenes this Bylaw;
c) contravenes a development permit or subdivision approval or a condition attached thereto; and/or
d) obstructs or hinders any person in the exercise or performance of his powers or duties under the *Act*, the regulations under the *Act* or this Bylaw;
is guilty of an offense and is liable to a fine prescribed in the *Act*.

5.4.3 If a person is found guilty of an offense under this Bylaw or the *Act*, the court may, in addition to any other penalty imposed, order the person to comply with:
a) the *Act* and the regulations under the *Act*;
b) this Bylaw;
c) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.

5.4.4 Any written notice, order, or decision that is required to be provided to any person, by any provision of this Bylaw, shall be deemed to have been so provided if it is:
a) delivered personally to the person or their agent it is directed to; or
b) delivered by registered mail to the last known address of the person it is directed to; or
c) left with any agent or employee or resident at the last known address of the person to whom it is directed.

5.4.5 Where a person fails or refuses to comply with an order directed to him pursuant to this Bylaw or an order of the Subdivision and Development Appeal Board under the *Act* within the time specified, Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order. Where an order has not been complied with, Council may register a caveat against the title of the subject property related to the order. Costs and expenses incurred in carrying out the order may be placed on the tax roll for the subject property and shall be collected in the same manner as property taxes.

5.4.6 Fine and penalty amounts which shall apply and accrue as a result of non-compliance/ enforcement of orders issued under this section shall be established by Council at their discretion through a separate bylaw. Where not defined, the fine and penalty structure provided in the *Act* shall apply.

5.5 NON-CONFORMING BUILDINGS AND USES

5.5.1 Non-conforming building and uses will be governed in accordance with Section 643 of the *Act*.

SECTION 6 APPEALING A DECISION

6.1 METHOD OF APPEAL

6.1.1 The Appeal Board shall perform such duties and follow such procedures as specified in the *Act* and the Subdivision and Development Appeal Board Bylaw.

6.1.2 A decision on a development permit application may be appealed by serving a written notice of appeal to the Clerk within twenty-one (21) days from the date the decision on the permit has been advertised in a local newspaper.

6.1.3 No appeal shall be accepted by the Clerk without the submission of the appeal fee prescribed by resolution of Council.

6.2 THE APPEAL PROCESS

6.2.1 When a notice has been served to the Clerk with respect to a decision to approve an application for a development permit, the development permit shall not be effective before:

a) the decision on the development permit has been sustained by the Appeal Board, or
b) the Clerk to the Development Appeal Board has received written notification from the appellant that the appeal has been abandoned.

6.2.2 If the decision to approve a development permit application is reversed by the Appeal Board, the development permit shall be null and void.

6.2.3 If the decision to refuse a development permit application is reversed by the Appeal Board, the Development Officer shall issue a development permit in accordance with the decision of the board.

6.2.4 If the decision to approve a development permit application is varied by the Appeal Board, the Development Officer shall issue a development permit in accordance with the terms of the decision of the Board.

SECTION 7 AMENDING THIS BYLAW

7.1 CONTENTS OF AN AMENDMENT APPLICATION

7.1.1 All applications for amendment to this Land Use Bylaw shall be made to the Development Officer in writing on the prescribed form, and shall be accompanied by the following:

a) If the amendment involves the re-designation of land to a different land use district
   i. a copy of the certificate of title for the lands affected, or any other document satisfactory to the Development Officer verifying that the applicant has a legal interest in the land;
   ii. where the applicant is an agent acting for the owner, a letter from the owner(s) must be provided verifying the agent's authority to make the application;
   iii. a property plan of appropriate scale indicating the site to be amended, its relationship to existing land uses within a 90 meters (285 feet) radius of the boundaries of the site;
b) a statement of the rationale for the proposal to amend the Bylaw; and
c) such additional information as the Development Officer may require; and
d) a signed certificate, by the applicant, authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.

7.1.2 Each amendment application shall be accompanied by a non-refundable application fee, the amount of which shall be established by resolution of Council from time to time.

7.1.3 The Development Officer may refuse to process an application to amend the Bylaw if the information required has not been supplied or if, in their opinion, it is of inadequate quality to properly evaluate the application.

7.1.4 The County on its own initiative may choose to undertake an amendment to this Bylaw.

7.2 THE AMENDMENT PROCESS

7.2.1 Upon receipt of a complete application, it shall be referred to

a) the County administration for the drafting of a proposed Land Use Bylaw amendment;
b) the Council for introduction and to establish a Public Hearing date; and
c) the Municipal Planning Commission for consideration and recommendation to be made at the Public Hearing.

7.2.2 The application may be referred to any agency as deemed necessary for comment and advice.

7.2.3 A notice of the application shall be published in two (2) issues of the local newspaper and must be sent to adjacent landowners of the effected property. The notice shall contain:

a) the legal description of the land, if applicable;

b) the purpose of the proposed amending Bylaw;
c) the location where a copy of the proposed amending Bylaw may be inspected by the public;
d) the one or more dates, places, and time that the Council will hold a public hearing on the proposed amending Bylaw; and
e) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing.

7.2.4 Council, after considering
a) any representations made at the public hearing; and
b) any municipal development plan, area structure plan or area redevelopment plan affecting the application and the provisions of this Bylaw

may make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment; or defeat the proposed amendment.

7.3 REAPPLICATION FOR A LAND USE BYLAW AMENDMENT

7.3.1 Where an application for an amendment has been refused by Council, the Development Officer shall refuse to accept another application on the same land for the same or similar purpose until six (6) months have passed from the date of such refusal.

SECTION 8 GENERAL REGULATIONS

8.1 ACCESS EASEMENTS

8.1.1 Easements as a form of access shall be discouraged by the County. The County shall not support easement agreements unless all other access options are determined to be unfeasible. The agreement shall be registered on title by the landowner.

8.2 ACCESS TO PROPERTY AND APPROACHES

8.2.1 Every application for development and/or subdivision shall have direct legal and physical access to a public road or provincial highway to the satisfaction of the Development Authority or Subdivision Authority, and/or Alberta Transportation. If a parcel does not have access to a public road or provincial highway, the authority having jurisdiction shall require the applicant to develop a road to County Standards to provide access within the public road right of way.

8.2.2 The authority having jurisdiction may determine the most suitable access and egress point(s) onto a public road with regard to any new accesses in the County in consultation with County Departments. If the access is off of a provincial highway, Alberta Transportation shall be consulted to determine the most suitable access and egress point(s).

8.2.3 As a condition of subdivision or development approval, the Development Authority may require the construction of new approaches, upgrading of existing approaches and/or removal of approaches to achieve the desired long-term planning and transportation objectives of the County.

8.3 DEMOLITION OR REMOVAL OF BUILDINGS

8.3.1 The demolition of a building, except a farm building, shall require a Development Permit except as provided for in Section 4.2. The development permit application shall include a statement indicating:

a) how the demolition will be carried out;
b) how the parcel will be reclaimed and/or redeveloped.

8.3.2 Prior to any demolition all utilities shall be disconnected.

8.3.3 Prior to any demolition the area shall be fenced if the demolition will result in an excavation greater than 1 metre in depth or a partial structure that may be considered unsafe.

8.3.4 Subsequent to demolition, the development site shall be returned to a safe and sightly condition, including but not limited to the lot being cleared and all debris removed, and left in a graded condition to the satisfaction of the Development Authority.

8.3.5 Demolitions shall be completed within six-months.

8.3.6 When a development permit is to be approved for the demolition or removal of a building or structure, the Development Authority may require the applicant to provide a cash deposit,

irrevocable letter of credit or other acceptable form of security in such amount as to cover the costs of reclamation to any public utility or County property.

8.3.7 Whenever a demolition or removal of a building or structure is carried out, the property owner shall, at his own expense, protect any wall, structure, sidewalk, or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement. Further, the property owner shall ensure that adequate measures are taken by way of fencing and screening to ensure public safety.

8.4 DRIVE-IN/THRU DEVELOPMENT

8.4.1 A Drive-In/Thru development shall not be located on parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the parcel.

8.4.2 The minimum parcel area for a business with a drive-in/thru shall be 1,500.0 metres^2.

8.4.3 The minimum front yard setback shall be 3.0 metres.

8.4.4 The minimum side and rear yard setbacks shall be at the discretion of the Development Authority and must be sufficient to make provision for queuing spaces, on-parcel traffic circulation, turning and manoeuvring.

8.4.5 Where a business with a drive-in/thru is located adjacent to a residential district, screening shall be provided to the satisfaction of the Development Authority.

8.4.6 All queuing spaces shall be a minimum of 6.5 metres long and 3.0 metres wide.

8.4.7 A minimum of five (5) inbound and two (2) outbound queuing spaces shall be provided.

8.4.8 The on-parcel layout of vehicle circulation patterns shall be to the satisfaction of the Development Authority.

8.4.9 All parts of the parcel to which vehicles have access shall be hard surfaced.

8.4.10 On-site waste bins shall be stored in weather-proof containers in a location easily accessible for pickup and be screened to the satisfaction of the Development Authority.

8.4.11 Where adjoining residential districts, any proposed lighting shall be directed upon the parcel only.

8.5 DWELLING UNITS PER LOT

8.5.1 No person shall construct or cause to be constructed more than one dwelling unit per lot unless otherwise allowed for by this Bylaw.

8.5.2 Notwithstanding the above, section 8.5.1 does not apply to:

a) accessory dwellings;

b) apartment buildings;
c) duplexes;
d) a second dwelling on an agricultural lot; or
e) The development of a collective agricultural site in the Agricultural Collective (AC) District.

8.6 ENVIRONMENTALLY SIGNIFICANT AREA

8.6.1 An applicant for development in or near an area deemed to be environmentally significant by the Development Authority may be required to submit an environmental impact analysis or biophysical assessment as part of a land use amendment, subdivision, or development permit application.

8.6.2 When considering development involving land in or near an environmentally significant area, the Development Authority may refer the application to federal and provincial departments and other relevant environmental agencies for comments prior to reaching a decision. The Development Authority may also consider the Municipal Development Plan, the Watino Flood Risk Mapping Study (1996) and any other internal documents that denote environmentally significant areas within the County.

8.6.3 A Development Permit within an environmentally significant area may include conditions for meeting specific environmental objectives determined by the Development Authority. Such conditions may include, but are not limited to, restrictions on site clearing, grading and alterations to natural drainage patterns, additional setback requirements, retention of shelterbelts, flood protection measures, fencing, siting and standards of buildings, emission controls, and buffering requirements.

8.6.4 Where a parcel of land abuts or contains a coulee, ravine, valley or drainage ditch, with or without a permanent watercourse, the following setbacks from the upper break of the coulee, ravine, valley or drainage ditch shall apply:

Valley Depths	Setback
a) Less than 7.6 metres (25 feet):	At the discretion of the Development Authority, but no less than the setback requirements for the applicable Land Use District.
b) Greater than 7.6 metres (25 feet) and less than 15.2 metres (50 feet):	23 metres (75 feet).
c) Greater than 15.2 metres (50 feet) and less than 30.5 metres (100 feet):	46 metres (150 feet).
d) Greater than 30.5 metres (100 feet):	61 metres (200 feet).

8.6.5 A setback requirement from the top of the bank of a coulee, ravine, or valley may be varied when it can be shown through a geotechnical assessment that the proposed development site is suitable for the proposed development. An acceptable geotechnical assessment must be completed by a licensed professional engineer registered with APEGGA. If the geotechnical assessment indicates the proposed development site is appropriate, the assessment shall indicate any conditions or restrictions respecting the development.

8.6.6 Subject to Section 693.1 of the *Act*, development and subdivision applications within the flood way and the flood fringe shown in Schedule "C" shall be subject to any provincial regulations.

8.6.7 The setback for all development located adjacent to lakes which are in excess of 8.1 hectares (20 acres) in size shall be a minimum of 30.5 metres (100 feet) away from the 1:100-year flood elevation as determined by the Province, if the information exists, or a licensed professional engineer registered with APEGGA.

8.6.8 Notwithstanding that a proposed development conforms in all respects with this Bylaw, where the application is for development on lands located within an identified flood fringe, or on lands that may reasonably be considered at risk of flooding, the Development Authority shall not issue a development permit for any permanent development unless the applicant can demonstrate, through verification from a licensed professional engineer registered with APEGGA, that preventive engineering and construction measures can be instituted to make the site suitable for the proposed development, that structures and buildings can be flood proofed or that the proposed development will be constructed above the 1:100-year flood elevation as determined by the Province, if the information exists, or a licensed professional engineer registered with APEGGA and identified on the site plan. This does not apply to lands which are subject to Section 8.6.9.

8.6.9 Notwithstanding that a proposed development conforms in all respects with this Bylaw, where the application is for development on lands located within the Hamlet of Watino and within the identified flood way, or within a flood way the Development Authority shall not issue a development permit for any permanent development.

8.6.10 The Development Authority may issue a permit to allow development to occur on a parcel of land that is, or has the potential to be, subject to flooding or subsidence, if:

a) the development is of a temporary nature; or
b) the development is of a permanent nature but not located in the flood plain area referred to in Schedule "C"; or
c) the development is of a permanent nature but is verified in accordance with Section 8.6.8 that the site can be made suitable for the proposed development, that structures and buildings can be flood proofed or that the proposed development will be constructed above the 1:100 year flood elevation as identified by an Alberta Land Surveyor.

8.6.11 All development permits for development below the 1:100-year flood elevation shall be subject to the condition that the developer obtain and submit to the County all necessary approvals, licenses or permits including but not limited to the *Water Act*, the *Public Lands Act*, the *Fisheries Act* and the *Navigable Waters Protection Act*.

8.6.12 Developments within the environmentally sensitive area must adhere to the following practices to the satisfaction of the Development Authority:

a) toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health and safety of the public;
b) no industrial operation shall be carried out which would result in the projection of excessive glare, heat, or noise onto adjacent properties;
c) waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system;
d) the stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion;
e) natural vegetation shall be retained and protected wherever possible;
f) the extent of the disturbed area and the duration of its exposure shall be minimized;
g) all grading work should be designed to blend with the natural contours of the land; and
h) changes to natural drainage patterns and watercourses shall be avoided except where controlled improvements are warranted.

8.7 HEIGHT AND GRADE

8.7.1 On sloped grades, the height of the building will be calculated as the average between the high and low points of the grade. Sum of height = X (being the highest point) + Y (being the lowest point) / 2 = height average.

8.8 LANDSCAPING AND SCREENING

8.8.1 No person shall remove topsoil without first obtaining a development permit.

8.8.2 The Development Authority may require a landscaping plan by a licenced landscape architect or an arbourist as part of a development permit application for commercial, public, or industrial uses.

8.8.3 The provision of site landscaping is a permanent obligation of a development permit and landscaping must be installed and maintained to no less than the standard set by the approved landscaping plan.

8.8.4 All tree/shrub planting shall be hardy to the County and to the location on the site where they are planted. The Canadian Landscape Standard of the Canadian Nursery Landscape Association may be used as a reference for plant selection.

8.8.5 Any area required to be landscaped may, at the discretion of the Development Authority, be left in its natural state or be loamed and planted with grass, trees, shrubs and/or flowers, or similar materials or a combination thereof, which enhance the appearance of the site and which complement the development thereon.

8.8.6 In commercial and industrial districts where the subject parcel is adjacent to a residential district landscaping or screening shall be required sufficient to minimize the impact and provide a buffer between uses. The construction and materials of the screen shall be of a quality to the satisfaction of the Development Authority.

8.8.7 Further to 8.8.6 above, the Development Authority may require screening to be provided in order to visually separate areas which detract from the surrounding properties. Special attention shall be given to proposals which are visible from public roads.

8.9 LIGHTING

8.9.1 The Development Authority may require that the site plan show the placement and type of proposed lighting as part of a development permit application for commercial, public, or industrial uses.

8.9.2 All outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at adjoining properties, interfere with the use and enjoyment of neighbouring lands, are directed upward, or interfere with the effectiveness of any traffic control devices or the vision/safety of motorists.

8.9.3 Commercial and Industrial Development: Lighting practices and systems should minimize light pollution, glare, and light trespass onto adjacent properties, while maintaining night-time, on-site safety and security and allow for product display during evening operating hours to ensure that light fixtures maximize security while minimizing the nuisance effect on adjacent landowners.

8.10 MODULAR BUILDINGS

8.10.1 Regulations within this section 8.10 do not apply to the development of a dwelling unit, manufactured home.

8.10.2 Notwithstanding that the use may be listed as a permitted use within the district, with the exception of farm buildings, any development with a modular building is discretionary.

8.10.3 A modular building shall be manufactured no later than twenty (20) years prior to the date of the application.

8.10.4 A modular building shall be attached to a permanent foundation.

8.10.5 All modular buildings are to be serviced by a water supply, sewage system and utilities to the satisfaction of the Development Authority.

8.11 SETBACK AND SIGHTLINE REQUIREMENTS, GENERAL

8.11.1 Where more than one minimum setback distance is applicable under this Bylaw, the greater distance shall prevail except where the lesser setback is clearly intended to apply such as but not limited to accessory building setbacks.

8.11.2 Development should occur in a manner so that there is no infringement onto roadways or pedestrian network. It will also be located such that it does not impede visibility or safety on municipal roadways.

8.11.3 Minimum setbacks from adjacent roadways as follows:

a) Provincial highway: 41 metres (134 feet) from the property line, or as required by Alberta Transportation.
b) Local Road: 41 metres (134 feet) unless otherwise required by the Development Authority.
c) Internal Subdivision Road: 7.6 metres (25 feet) unless otherwise specified in Land Use Bylaw.

8.11.4 In agricultural districts, at the intersection of two road rights-of-way, or a roadway and railroad right-of-way, no buildings, solid fence, or vegetation or finished ground elevation shall exceed 1 metres (3.3 feet) in height above the average elevation of the carriageways, within a triangular area formed by the intersection of the boundaries of the said roadways and points 61 metres (200 feet) back from the intersection as illustrated in Figure 8-1.

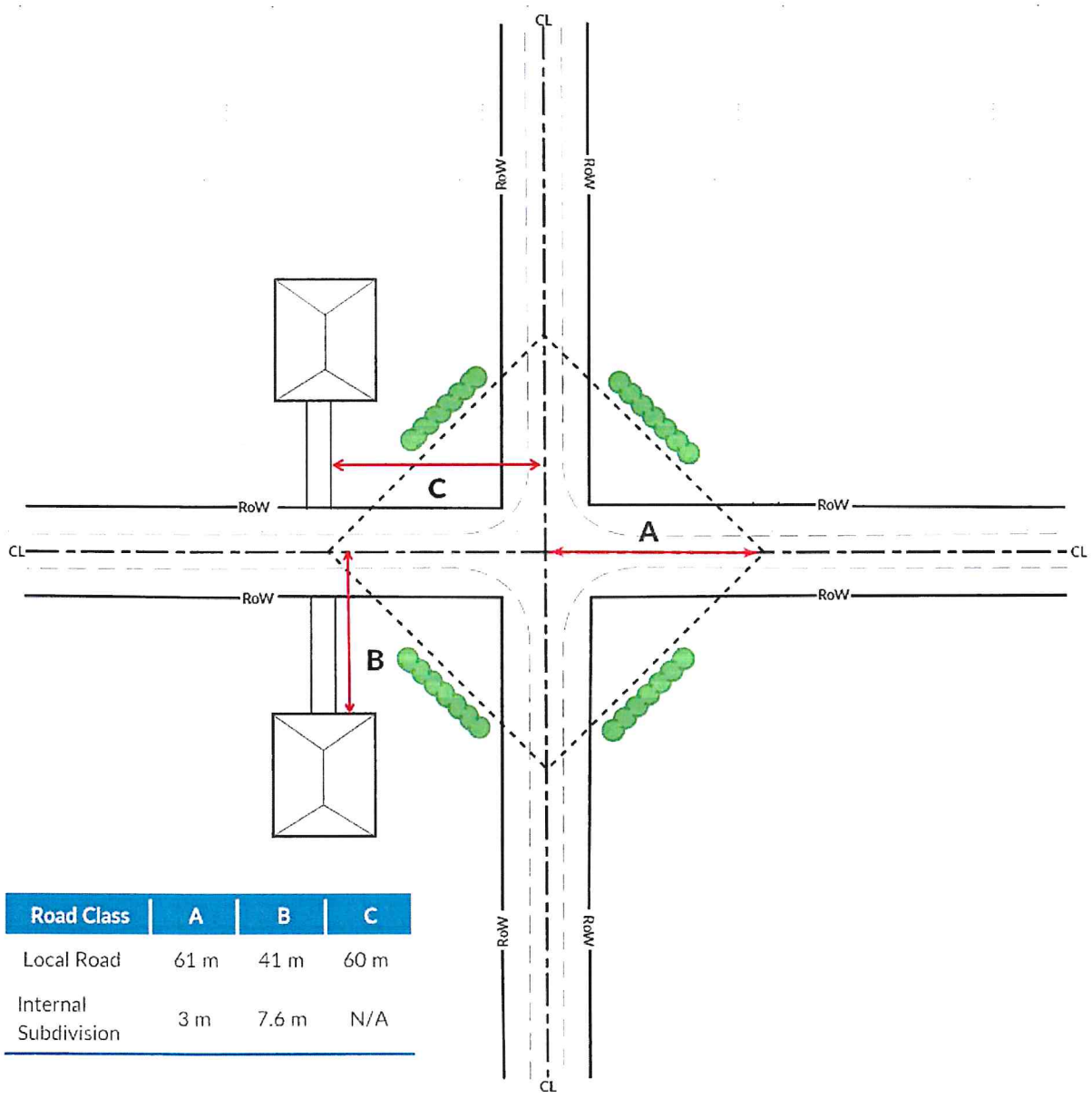
8.11.5 Rural approaches along Local Roads shall be in conformance with the following standards:

a) the angle of the rural approach shall be 90 degrees to the roadway.
b) a rural approach shall be no closer than 60 meters (200 ft) from the centre line of an intersection, mailbox location, bridge, or any at-grade railway crossing.
c) a rural approach shall not be closer than 15 meters (50 ft.) from an existing approach on the same side of the road.

8.11.6 Within a Hamlet at the intersection of two or more road rights-of-way, no buildings, solid fence, or vegetation or finished ground elevation shall exceed 1 metres (3.3 feet) in height above the average elevation of the carriageways within a triangular area formed by the intersection of the boundaries of the said roadways and points 3.0 metres (9.84 feet) back from the intersection as illustrated in Figure 8-1.

8.11.7 On any corner site in the Hamlet Residential District, no finished grade shall exceed the general elevation of the road by more than 0.6 metres (2 feet) within the area defined as a sight triangle.

8.11.8 Notwithstanding side yard setback requirements in each land use district, the side yard setbacks will not apply to the common wall side of a dwelling unit, semi-detached or a dwelling unit, row house, where the development has a common wall on a property line.



Road Class	A	B	C
Local Road	61 m	41 m	60 m
Internal Subdivision	3 m	7.6 m	N/A

Figure 8-1: Sight Triangle

8.12 PARKING OF RECREATIONAL VEHICLES

8.12.1 Recreational vehicles may be parked in the front yard of a residential lot provided the recreational vehicle is set back a minimum of 4.6 metres (15 feet) from the front property line.

8.12.2 In the front yard a recreational vehicle must be parked within a drive way or parking pad and must not encroach onto a sidewalk or roadway.

8.12.3 Recreational vehicles may be used as a temporary dwelling in any district during the active construction or alteration of a primary dwelling for which a development permit has been granted.

8.13 SOIL REMEDIATION

8.13.1 Soil remediation may be required as a condition of subdivision or development approval on parcels where an environmental site assessment (ESA) has established the presence of site contamination.

8.13.2 Remediation, may include, but is not limited to, physical removal of contaminated groundwater and/or soil, natural attenuation, source removal, degradation by micro-organisms or neutralization with chemicals that react with the contaminants to form benign substances.

8.13.3 All costs of remediation shall be the responsibility of the developer / landowner.

8.14 SUBDIVISION, BARE LAND CONDOMINIUMS

8.14.1 Bare land condominiums may be authorized in land use districts where the proposed development fully complies with the rules and regulations of that district.

8.14.2 For the purposes of this Bylaw, a bare land condominium plan is a plan of subdivision. A unit within a bare land condominium plan is considered a lot for development control purposes.

8.14.3 Development of land within a bare land condominium shall be considered the same as the development of land within a fee simple subdivision, with each condominium unit treated as an individual lot.

8.14.5 Improvements that are required to service bare land condominium development shall be in accordance with County standards.

8.14.6 A bare land condominium project shall ensure that each proposed condominium unit is accessed by a public roadway, condominium common property, or a unit characterizing condominium common property.

8.14.7 The Condominium Association and/or registered landowner in a condominium development shall be responsible for ensuring all conditions of the approved Development Permit are completed to the satisfaction of the County and remain unaltered. This Bylaw takes precedent over all condominium bylaws and/or architectural controls and that the County has no legal ability to enforce condominium association bylaws.

8.15 SUBDIVISION, BOUNDARY ADJUSTMENT

8.15.1 The purpose of a boundary adjustment is to change existing parcel boundaries to create a different parcel shape or size and does not create any additional parcels. Generally, a boundary adjustment is small in scale.

8.15.2 A redesignation may be required with a boundary adjustment to ensure the newly created parcel and remnant parcel adheres to the appropriate land use districts of this Bylaw.

8.16 SUBDIVISION, BUILDABLE AREA FOR PARCELS

8.16.1 All proposed subdivisions must include a suitable buildable area, which is defined as the minimum area required to ensure that there is adequate space for a building site, a potable water supply and a sewage disposal system taking into account the setback distance requirements of the Bylaw, any required setbacks recommended by a geotechnical engineer, provincial requirements, and the following criteria:

a) The buildable area is not subject to the development restrictions such as those created by sour gas or other natural resource extraction, flooding, hazardous lands, landfills, transfer stations, sewage lagoons or other restrictions as indicated by the *Act*.
b) The buildable area contains a water table and soil suitable for the construction of a building site and wastewater disposal system to be utilized.
c) The buildable area does not exceed 15% in slope unless a report has been submitted to the satisfaction of the Municipality, prepared by a Qualified Professional which indicates that the developable area is suitable for residential construction.
d) The buildable area is sufficient to accommodate all buildings within the applicable setback requirements for the land use district; and,
e) The buildable area is considered developable by the Subdivision Authority; and
f) The buildable area satisfies the criteria outlined in Section 654 of the *Act* and the Subdivision and Development Regulation. Notwithstanding that minimum setback requirements for the land use districts do not apply to well locations and septic systems, the minimum size of the buildable area must meet the above criteria and shall also allow for:
    i. the required setbacks from the well to all property lines; and,
    ii. separation distances for septic tanks and fields and package sewage treatment plants, to both property lines, water sources, and buildings in accordance with the provincial standard such as those currently required in the Alberta Private Sewage Systems Standard of Practice.

8.17 PARKING REQUIREMENTS

8.17.1 All developments located in a Commercial or Industrial land use district, or a Hamlet shall be required to provide adequate on-site parking to the satisfaction of the Development Authority.

8.17.2 All parking spaces shall be located on the same site as the building or use for which it is required shall be designed, located, and constructed so that it is easily accessible and can be properly maintained.

8.17.3 Notwithstanding the above, where allowed by the Development Authority, on-street parking may be utilized to meet the parking needs of that development.

8.17.4 All off-street parking shall be provided in the manner shown on an approved site plan with the entire area to be graded so as to ensure that drainage will be disposed of in a manner satisfactory to the Development Authority.

8.17.5 For all commercial, public, and recreational uses where less than eleven (11) parking stalls are provided, the development authority may require the provision of barrier-free parking spaces. The development authority may refer to the *Alberta Safety Codes Council Barrier-Free Design Guide (2008)* and its amendments in determining a specific requirement.

8.17.6 For all commercial, public, and recreational uses where eleven (11) or more parking stalls are provided, the development authority may require the developer to submit the building permit from the safety codes authority as a condition of the development permit to ensure that the provision of barrier-free parking spaces conforms to the requirements of the Alberta Building Code.

8.18 RELOCATION OF BUILDINGS

8.18.1 Where a development permit issued for the relocation of an existing building on the same site or from another site, the Development Authority may require that the applicant provide as part of the development permit application:

a) a colored photograph of the building,
b) a statement of the present location of the building,
c) a notification of the relocation route, and
d) a complete site plan showing all buildings located or to be located on the property.

8.18.2 With the exception of manufactured homes or modular buildings, where a development permit issued for the relocation of an existing building on the same site or from another site, the Development Authority may require as a condition of the permit that the applicant provide:

a) a security of such amount to ensure completion of any renovations set out as a condition of approval of a development permit, and
b) an engineer's certificate to confirm that the building is structurally sound.

8.18.3 Any exterior renovations shall be completed within one year of the issuance of a development permit.

8.18.4 Notwithstanding that the use may be listed as a permitted use within the district, with the exception of farm buildings, any development with a relocated building is discretionary.

SECTION 9 SPECIFIC USE REGULATIONS

9.1 ACCESSORY

9.1.1 Accessory buildings and uses shall be permitted when accessory to a permitted use, and discretionary when accessory to a discretionary use.

9.1.2 Buildings and Structures:

a) In residential districts, an accessory building shall not be developed prior to and without a principal building or use.

b) An accessory building / structure cannot be located on or over an easement or utility right-of-way unless an approved written encroachment agreement signed and registered on title.

c) An accessory building must be standalone and cannot be attached or connected to any other building.

d) All accessory buildings must meet Alberta Building Code, Fire Code & Standards and Safety Code regulations where applicable.

e) All accessory buildings shall meet the setback requirements of the applicable land use district.

f) Notwithstanding the above, where a garage is located within an exterior yard on a residential lot, it shall not be closer than 6.1 metres (20 feet) from the property line.

g) Decks:

i. Attached decks that are less than 0.6m (2.0 ft.) above the ground may be constructed to within 1.0 m (3.3 ft.) of a side or rear yard in all land use districts.

ii. Attached decks that are greater or equal to 0.6m (2.0 ft.) above the ground must meet the setback requirements of the land use district in which they are located.

h) No accessory building developed on a site in any District shall be used as a dwelling unless otherwise provided for in this Bylaw.

i) In any hamlet district, no accessory building or structure shall be located in the front yard or exterior side yard of a principal building.

j) Notwithstanding any other provision of this Bylaw, an accessory building may be constructed to the property line in a hamlet provided that it shares a common wall with an accessory building on the adjacent lot or if a fire rated wall meeting the requirements of the Alberta Building Code is provided.

k) An accessory building shall be no closer to any lot line than 1.2 metres (4 feet) unless otherwise provided for in this Bylaw.

l) When a shipping container is used as an accessory building it is subject to the following additional regulations:

i. A shipping container may not be located on a lot where there is no principal use;

ii. The maximum number of shipping containers that may be placed on a residential lot is one (1) and that shipping container may not exceed 6.06 metres (20 feet) in length in the Hamlet District and 12.2 metres (40 feet) in other Districts;

iii. The maximum number of shipping containers that may be placed on a commercial, industrial, or agricultural lot is at the discretion of the Development Authority;

iv. Excepting as part of a storage area in an industrial district, shipping containers shall not be stacked. The maximum height for a shipping container allowed on a lot is 3.0 metres (9.8 feet);

v. Shipping containers must be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. The Development Authority may require that a shipping container be given a fresh coat of paint as a condition of the issuance of a development permit;

vi. A maximum of one (1) shipping container may be allowed, at the discretion of the Development Authority, for a temporary period not exceeding six (6) months during the construction of the principal dwelling on a lot; and

vii. The exterior finish of a shipping container sited within a commercial or residential district must be consistent with or complimentary to the finish of the principal building.

viii. As a condition of a development permit, the Development Authority should prohibit the storage of combustible materials within a shipping container.

9.2 AGRICULTURE, MINOR

9.2.1 For the purposes of Minor Agricultural uses, livestock shall mean animals typically raised in an agricultural setting including cows, horses, sheep, goats, and backyard hens and excluding companion animals or pets such as cats and dogs.

9.2.2 The following standards apply to minor agricultural pursuits on parcels under 1.6 hectares (4 acres) within the Hamlet General District:

a) A maximum of six backyard hens shall be permitted on a parcel up to 1.6 hectares (4 acres) in accordance with provisions under this section.

b) Backyard hens are only permitted as an accessory use to a principal dwelling on site and hen owners must reside on the property upon which the hens will be kept.

c) Roosters are prohibited in any parcel within the Hamlet boundaries.

d) Backyard hens shall not be permitted to run at large and shall be maintained in an appropriate coop and/or enclosure.

e) Coops and enclosures for backyard hens shall be limited to the rear yard and be in a place that will be mindful and considerate of neighbouring properties.

f) Coops shall meet all provisions under this Bylaw including but not limited to lot coverage, building allowances based on lot size, maximum height requirements, and minimum yard setbacks.

g) Notwithstanding 9.2.2 f), coops shall be situated a minimum of 3 m (9.9 feet) from a door or window of a residence and a minimum of 1 m (3.3 feet) from a property line.

h) Manure must be removed, discarded, and/or properly composted to prevent nuisance to neighbouring properties.

i) Owners shall take reasonable measures to ensure that coops are maintained in good repair and sanitary condition, and free from vermin and noxious or offensive smells, carcasses, or excessive manure or waste.

j) Owners must obtain Premises Identification (PID) and comply with the Alberta Animal Health Act and any other applicable standards adopted by the Province of Alberta as a condition of approval for the development.

9.2.3 On parcels exceeding 1.6 hectares (4 acres) in a Country Residential District or Hamlet General District, the following shall apply to minor agricultural pursuits:

a) In addition to up to six backyard hens, a maximum of two animals may be permitted on each parcel in accordance with the provisions of this section.

b) Only cows, horses, sheep, goats, and fowl are permitted. All other livestock species are prohibited.

c) Animals shall not be permitted to run at large and shall be maintained in an appropriate enclosure.

d) Minor Agricultural pursuits are only permitted as an accessory use to a principal dwelling on site and owners must reside on the property upon which the animals will be kept.

e) Enclosures for animals shall be limited to the rear yard and be in a place that will be mindful and considerate of neighbouring properties.

f) Adequate fencing and/or buffering shall be constructed to the satisfaction of the Development Officer.

g) Authority to ensure the on-site confinement of animals and to reduce the impact of noise, odour and/or visual presence on surrounding properties.

h) All building enclosures shall meet all provisions under this Bylaw including but not limited to lot coverage, building allowances based on lot size, maximum height requirements, and minimum yard setbacks.

i) Manure must be removed, discarded, and/or properly composted to prevent nuisance to neighbouring properties.

j) Owners shall take reasonable measures to ensure that animal enclosures are maintained in good repair and sanitary condition, and free from vermin and noxious or offensive smells, carcasses, or excessive manure or waste.

k) Owners must obtain Premises Identification (PID) and comply with the Alberta Animal Health Act and any other applicable standards adopted by the Province of Alberta as a condition of approval for the development.

9.3 BREWERY, WINERY OR DISTILLERY

9.3.1 The development must have a Class E Licence for a Small Manufacturer, a Cottage Winery and/or Packaging, from the Alberta Gaming Liquor Commission. A development with a Class E Licence for a Manufacturer from the Alberta Gaming Liquor Commission must not be considered under this use class.

9.3.2 In the HC and HD land use districts:

a) the development must include a store front for the sale of the product to the general public.
b) the development may be developed in conjunction with a related use. The related or accessory use must be applied for separately. The Development Authority may approve or refuse any or all accessory or related uses.
c) The related uses may include but are not limited to a retail store, restaurant, and/or a liquor store, provided the use(s) is listed in the relevant district and the proposal meets the regulations for that use.

9.3.3 In the A, AR and AC land use district:

a) the development shall be accessory to the extensive agricultural use of the parcel.
b) the development may include a store front for the sale of the product to the general public.
c) the development may be developed in conjunction with a related use. The related or accessory use must be applied for separately. The Development Authority may approve or refuse any or all accessory or related uses.
d) the Development Authority may consider an eating or drinking establishment, a liquor store, and/or a retail store as part of an application, despite these uses not being listed as a use within the district, provided the total square footage of the unlisted, accessory uses is limited to no more than 50 metres squared (538.2 feet sq.) to ensure these uses remain accessory to the principal use.

9.3.4 A Development Permit Application must include the following information:

a) A description of the manufacturing process, including inputs, outputs, and by-products (such as heat, noise, or smell) of the process.
b) A site plan showing the portion of the development site dedicated to the manufacture and packaging of the product, and the portion of the development dedicated to the store front.
c) The proposed water source;
d) The proposed waste water plan;
e) The estimated quality and quantity of waste water effluent (m^3/day and m^3/year).

9.3.5 A Development Permit Application may be required to include the following information:

a) If the development proposes to tie into the municipal water system, a written analysis by a professional engineer, identifying whether the proposed water system has the capacity to supply the development, having regard to the maximum daily demand and any fire-flow capacity and requirements of the water system.
b) Where the Development Authority determines that the pre-treatment effluent significantly exceeds acceptable toxicity limits for the County's infrastructure, a pre-treatment plan, to the satisfaction of the Development Authority.
c) A noise, odour, traffic, and/or any other impact assessment deemed to be necessary. Any assessment should identify the mitigative measures which may be undertaken to reduce impact on neighbouring properties.

9.3.6 The Development Authority may set conditions through the development permit to mitigate any impacts and/or set appropriate standards for the development.

9.4 CANNABIS RETAIL SALES

9.4.1 The owner or applicant must obtain any other approval, permit, authorization, consent, or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

9.4.2 Cannabis Retail Sales use shall not be located within 100 metres (328 feet) from the following:

a) a private or public school;
b) a provincial health care facility; or
c) school reserve or municipal and school reserve.

9.4.3 The separation distance between uses shall be measured from lot line to lot line.

9.4.4 The development shall not operate in conjunction with another approved use.

9.4.5 Customer access to the store is limited to a store-front that is visible from the street.

9.4.6 No customer parking shall be located behind a facility and all parking areas in front of the building shall be well lit.

9.5 CANNABIS PRODUCTION OPERATION

9.5.1 The owner or applicant must provide as a condition of development a copy of the current licence for all activities associated with cannabis production as issued by the Federal Government.

9.5.2 The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

9.5.3 The development shall not operate in conjunction with another use where alcohol, tobacco, or pharmaceuticals are sold.

9.5.4 The development must include equipment designed and intended to remove odours from the air where it is discharged from any building as part of a ventilation system where cannabis is present.

9.5.5 The Development Officer may require, as a condition of a development permit, a waste management plan, completed by a qualified professional, which includes but not limited to, details on:

a) the incineration of waste products and airborne emissions, including smell;
b) the quantity and characteristics of liquid and waste material discharged by the facility; and
c) the method and location of collection and disposal of liquid and waste material discharged by the facility.

9.6 DWELLING UNIT, ACCESSORY

9.6.1 Accessory Dwellings include Garage Suites, Garden Suites, and Secondary Suites.

9.6.2 Accessory Dwellings are accessory developments and only permitted on lots containing a single-detached dwelling.

9.6.3 Accessory Dwellings shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

a) As permitted by section 651 of the *Act*, a restrictive covenant may be required to be registered against the certificate of title for the subject property to ensure that the accessory dwelling unit shall not be subject to separation from the principal dwelling through condominium conversion or subdivision.

9.6.4 Accessory Dwellings must have a separate and direct access to grade. A Garage Suite must have an entrance separate from the vehicle entrance to the garage.

9.6.5 Only one type of Accessory Dwelling may be developed in conjunction with a principal dwelling.

9.6.6 Accessory Dwellings shall have a minimum floor area of 30 metres squared (323 feet sq.). Shared mechanical or common areas shall be excluded from the floor area calculation of Secondary Suites.

9.6.7 The maximum floor area for a Secondary Suite shall not exceed the floor area of the principal dwelling. The maximum floor area for a Garage Suite shall not exceed the floor area of the Garage. Garden Suites shall have a maximum floor area of 80 metres squared (860 feet sq.).

9.6.8 A minimum of one on-site parking space shall be provided for an Accessory Dwelling containing two bedrooms or less. Accessory Dwellings containing three bedrooms shall provide a minimum of two on-site parking spaces.

9.6.9 Accessory Dwellings must have an amenity space that is a minimum area of 7.62 metres squared (82 feet sq.) with no dimension less than 1.5 metres (5 feet). A private amenity space may be provided in the form of a balcony, deck, or patio.

9.6.10 Garage and Garden Suites shall have the same setback requirements as the district standard for accessory buildings. Secondary Suites are contained within the principal building and shall meet the setback requirements of the principal building.

9.6.11 Garage and Garden Suites shall have a minimum separation distance of 2 metres (6.5 feet) from the principal dwelling and 1.2 metres (4 feet) from all other buildings on the same parcel of land.

9.6.12 Garage Suites and Garden Suites shall not exceed the height of the principal dwelling.

9.6.13 Windows contained within a Garage or Garden Suite shall be sized and placed to minimize overlook into yards and dwellings of abutting properties.

9.6.14 Secondary Suites shall be developed in such a manner that the exterior of the principal dwelling appears as a single dwelling.

9.7 DWELLING UNIT, CARETAKER'S SUITE

9.7.1 Caretaker dwelling units may only be developed on a site with a principal non-residential use, building or structure.

9.7.2 Not more than one caretaker dwelling unit is allowed per lot.

9.7.3 A caretaker dwelling unit shall not be subject to separation from the principal development through a plan of subdivision.

a) As permitted by section 651 of the *Act*, a restrictive covenant may be required to be registered against the certificate of title for the subject property to ensure that the caretaker dwelling unit shall not be subject to separation from the principal dwelling through condominium conversion or subdivision.

9.6.4 A caretaker dwelling unit shall require one additional on-site parking stall. Additional parking stalls shall not be accommodated on the street and shall not be at the expense of the landscaping requirement of this Bylaw. Parking may be allowed in tandem, provided that the parking for the principal use, building or structure does not block the parking for the caretaker dwelling unit and vice versa.

9.8 DWELLING UNIT, MANUFACTURED HOME

9.8.1 A manufactured home shall be less than twenty (20) years old at the time of application in a hamlet. The manufacture date of the manufactured home shall be required as part of the development permit application.

9.8.2 A picture or copy of the CSA A277 sticker or the Alberta Municipal Affairs sticker within the manufactured home shall be required as part of the development permit application to verify that the manufactured home was constructed in compliance with the CSA A277 Standard and the Alberta Building Code. If the stickers cannot be provided, the Development Authority may require an inspection by an Alberta Safety Codes Officer or structural engineer certified to conduct such inspection, prior to the application being considered complete.

9.8.3 Where an inspection is required and the inspection determines that upgrades are necessary to bring the home into compliance with the Alberta Building Code, all required upgrades should be made before the issuance of a development permit.

9.8.4 The appearance of the home shall be to the satisfaction of the Development Authority, having regard for the condition of the finishing materials, the proposed skirting materials, the placement and size of windows and doors, and any other considerations deemed necessary.

9.8.5 Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The installation of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.

9.8.6 The undercarriage and foundation of a manufactured home shall be completely screened from view by an acceptable skirting material such as vinyl, plywood finished with parging or acrylic stucco, or other means acceptable to the Development Authority.

9.8.7 Axles, wheels, running gear and towing tongue shall be removed before a manufactured home is attached to a permanent foundation.

9.8.8 All manufactured homes shall be connected to a water supply, sewage system, and utilities to the satisfaction of the Development Authority.

9.9 DUGOUT

9.9.1 A dugout may require a license and approval under the *Water Act*. Applicants should contact Alberta Environment and Parks for more information.

9.9.2 Dugouts and/or stormwater ponds must meet the setbacks in the applicable land use district unless the applicant can demonstrate that any safety concerns can be addressed through the use of berms, vegetation, fencing and/or natural elements to the satisfaction of the Development Authority.

9.9.3 Dugouts and/or stormwater ponds cannot encroach upon, or affect, any watercourse or drainage easement.

9.9.4 Dugouts are not permitted on parcels with a hamlet land use designation.

9.10 HOME OCCUPATIONS

9.10.1 Home occupations shall be limited to those uses which are approved by the Development Authority. Those uses shall not interfere with the rights of other residents to the quiet

enjoyment of their properties, or create a nuisance by way of dust, noise, smell, and smoke or traffic generation.

9.10.2 Home Occupations (Minor) shall be incidental and subordinate to the principal residential use and shall be restricted to the dwelling unit. In addition, such home occupations shall:

a) not employ any person other than a resident of the dwelling unit;
b) not require alterations to the principal building unless approved by the Development Authority;
c) not have outside storage of materials, goods or equipment on or off the site; and
d) limit on-site advertising to one (1) unlighted sign not exceeding 1.0 m^2 (10.76 ft^2) to be located in a window, or affixed to the exterior of the building, or fence.

9.10.3 Home Occupations (Major) shall be incidental and subordinate to the residential use and shall be restricted to the residence and residential yard site. In addition such home occupations shall:

a) not employ any more than five (5) persons on the residential site, other than a resident of the dwelling unit;
b) not store or maintain any goods, materials, or equipment not directly related to the operation;
c) not exceed 0.5 hectares (1.2 acres) in area or as otherwise determined by the Development Authority;
d) limit on-site advertising to one (1) unlighted sign not to exceed 3 metres squared (32 feet sq.).

9.10.4 Home occupation proposals respecting such uses as personal service establishments, food preparation (including bottling of water), child care facilities, and bed and breakfast establishments are required to conform to the standards administered by the applicable Health Authority and to obtain all necessary licenses required under the applicable legislation.

9.11 NATURAL RESOURCE EXTRACTION/PROCESSING

9.11.1 The following information may be required by the Development Officer in support of a development permit application for a natural resource extraction operation:

a) a legal description and map outlining the location and extent of the proposed operation;
b) an indication of the extent of excavation to take place at the proposed site;
c) a map outlining the access and haul roads to be used in relation to the operation ;
d) the location of power lines used to serve the operation;
e) a description of the operation;
f) a description of the existing site conditions;
g) a description of the proposed site's topography and drainage; and
h) a project report.

9.11.2 The Development Officer shall require the applicant to provide a description and plan for the reclamation of the proposed site.

9.11.3 If the proposed operation is located in close proximity to a highway, valley or residence, the Development Officer may require the operation to be screened from view.

9.11.4 The Development Officer shall refer development permit applications for natural resource extraction operation to Alberta Environment and Parks for possible development and reclamation approval or comments.

9.12 RECREATION, INTENSIVE (CAMPGROUNDS AND RESORTS)

9.12.1 The Development Authority shall require a stormwater management plan, indicate the locations of camper and visitor parking, children's play areas, utility systems, buildings and play areas, and identify internal road networks as part of the development permit application.

9.12.2 The Development Authority may require the submission of a Traffic Impact Assessment (TIA) as part of the development permit application.

9.12.3 The layout and overall campground or resort design shall be to the satisfaction of the Development Authority.

9.12.4 Applicants may be required to prepare an area structure plan for phased and larger scale campgrounds and resorts.

9.12.5 All campgrounds and resorts should comply with Firesmart Guidelines in accordance with the Province of Alberta FireSmart Manual.

9.12.6 The Development Authority shall require that the development is accessible to emergency services when in operation.

9.12.7 A campground or resort shall provide for both on-site and off-site security with due regard to minimization of issues related to the impact and security of adjoining properties.

9.12.8 Resorts may be used on a short term, long term or seasonal basis.

9.12.9 All campgrounds and resorts shall include communications, lighting, water, wastewater, and electrical services appropriate for the intended use.

9.12.10 A campground shall be of a size appropriate for the intended use but shall not be less than 0.4 ha. (1.0 ac.) in area. A resort shall have a minimum size of 2.0 ha. (4.9 ac.) in area. For this provision, area means all stalls, units, recreation and open spaces, utility areas and roadways.

9.12.11 A minimum of 10% of the land area of the campground or resort area shall incorporate open space areas for recreational use in a manner consistent with the use standards of a municipal reserve lot.

9.12.12 Storage of private chattels, decks, equipment and other improvements within a resort through non-operational seasons shall be prohibited unless approved through a condition of development permit approval.

9.12.13 Internal roads surfaces shall be a minimum of 3.0 metres (10.0 ft.) in width for one-way traffic and 6.0 metres (20.0 ft.) in width for two-way traffic.

9.12.14 Camping stalls shall be large enough to accommodate a parking space, picnic table and an area for the setting up of a tent.

9.12.15 Recreational Vehicle stalls shall be designed with a minimum width of 10.7 meters (35 feet) and a minimum depth of 18 meters (60 feet).

9.13 SERVICE STATIONS

9.13.1 Any fuel pump island must be located at least 6.0 metres (19.69 feet) from any boundary of the site, a parking area on the site, or any laneway intended to control traffic circulation on the site.

9.13.2 A canopy over a pump island may extend to within 3.0 metres (9.84 feet) of the boundary of the site.

9.14 SIGN REGULATIONS

9.14.1 Except as exempted in Section 4.2, no sign of advertising, directional or information 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 by the Development Authority.

9.14.2 The applicant for a development permit for a sign shall in no case proceed with the construction, erection, alteration, or relocation of such sign until the details (i.e. size, color, construction materials) have been approved and the development permit granted.

9.14.3 An application for one or more signs shall not be approved if, in the opinion of the Development Authority, the sign would:

a) unduly interfere with the amenities of the area;
b) materially interfere with or affect the use, enjoyment, or values of neighbouring properties; or
c) create a safety hazard.

9.15 SOLAR PANELS AND PARKS

9.15.1 Solar panels shall be permitted accessory uses where the panels are:

a) affixed to a roof or wall of an existing building, provided the solar panel does not extend into a setback area or beyond the building height limit; or
b) free-standing and any associated equipment, which covers a total area of less than 10 metres squared (100 feet sq.).

9.15.2 No subdivision of land will be permitted to accommodate solar projects.

9.15.3 Ground mounted solar panels shall only cover up to 0.40 hectares (1.0 acres) of land on a parcel unless approved as part of a solar park.

9.15.4 Approval from the Alberta Utilities Commission (AUC) and any other provincial or federal agency or utility company is required prior to the operation of the ground mounted solar panels/project as required.

9.15.5 In no way is a ground mounted solar panel/project to unduly interfere or effect the enjoyment or value of neighbouring parcels.

9.15.6 The Development Authority may require the applicant to provide an Environmental Assessment Review to be prepared by a qualified professional.

9.15.7 If the panels/project is decommissioned the applicant is required to return the project location to the same or better land capability it had before the project started. For example; top soil, altered drainage systems, or compacted soil resulting from construction, operation, or decommissioning of the site should be mitigated. A decommissioning and/or mitigation plan may be required as part of the development permit application

9.15.8 Solar panels that are mounted on a tower/pole must adhere to the height requirements of the district.

9.16 STRIPPING AND GRADING

9.16.1 The regulations contained within this section are intended to apply primarily to those situations where stripping, filling, excavation, or grading activities are proposed independent of, or prior to other development occurring on the same lot or site.

9.16.2 Where a proposed stripping, filling, excavation or grading operation is not part of the overall development of a site for which a development permit has been approved or is not required as a condition of a development agreement with the County, a development permit for the operation shall be required.

9.16.3 In addition to the information requirements of Section 4.3, the Development Authority may require the following information with the application:

a) a site plans showing the location and dimensions of proposed stripping, filling, excavation, and grading, including details of edge conditions and/or back sloping requirements, and details regarding any stockpiles;
b) a description of the proposed source of any materials being brought to the site;
c) the effect on drainage patterns or storm water management plans;
d) a description of the proposed site end condition and site restoration plans;
e) proposals for preventing nuisance, including but not limited to dust, noise, and visual impacts;

f) proposed access, haul routes and haul activities; and
g) proposed timing and phasing of activities.

9.16.4 Where site plans, drainage plans, storm water management plans or geotechnical soils plans are required, they will be authenticated by a Professional Engineer, Professional Geoscientist or a Provisional Licensee (Engineering) registered with the Association Professional Engineers and Geoscientists of Alberta.

9.16.5 Further to Section 4.7, the Development Authority may set conditions of approval with respect to a stripping, filling, excavation, and grading development permit requiring the applicant enters in an agreement with Municipality to address any issues arising from the development permit application, including but not limited to:
a) limiting the impact on drainage patterns;
b) setting a site end condition, such as seeding and loaming the development area;
c) limiting the impact of nuisance, including but not limited to dust, noise, and visual impacts;
d) setting access, haul routes and haul activities standards; and
e) defining the timing and phasing of activities.

9.16.6 A temporary fence shall be erected around all excavations, which in the opinion of the Development Authority may be hazardous to the public.

9.16.7 Where finished ground elevations are established; all grading shall comply therewith.

9.16.8 All parcels shall be graded, and all drainage directed as per the approved storm water management plan.

9.16.9 All topsoil shall be retained on the parcel, except where it must be removed for building purposes.

9.17 WIND ENERGY CONVERSION SYSTEMS (WECS)

9.17.1 Where the development of a wind energy conversion system requires approval from a provincial authority, the development authority should require the developer to submit the provincial application information as a part of the development permit application.

9.17.2 Minimum setbacks:
a) From any Provincial Highway as per Alberta Transportation;
b) From any Roadway;
   i. The base must be a minimum of 41 m (134 ft.) from any road right-of-way: or
   ii. 110% the total height of the tower from any road right-of-way, whichever is greater.
c) From an adjacent dwelling;
   i. The base must be a minimum of 45.72 m (150.0 ft.) from any adjacent dwelling, or
   ii. 2 x total height of the tower from any adjacent dwelling, whichever is greater
d) From any Property Boundary the outside of the rotor's arc must be a minimum of 7.62 m (25.0 ft.) from the vertical projection of the property boundary line.

e) If in the opinion of the Development Authority, the setbacks are not sufficient to reduce the impact of a WECS from any roadway, boundary or dwelling, the Development Authority may increase the requirement.

9.17.3 Safety Considerations:

a) Minimum Blade Clearance shall be at least 7.62 m (25.0 ft.) to the ground.
b) All power lines on the WECS site(s) between towers and/or substation facilities should be underground.
c) All WECS shall be finished in a non-reflective matte finish.
d) All WECS applicants shall provide proof of Fall Protection and High Angle Rescue Certification, or equivalent certification, to the satisfaction of the Development Authority.
e) All WECS applicants may require additional safety certification or training to the satisfaction of the Development Authority.

9.17.4 Abandonment or Termination

a) Upon abandonment or termination of a WECS tower the site and soils shall be restored to its preconstruction condition including but not limited to the removal of foundations; and
b) The Development Authority may require a decommissioning plan be submitted in support of the application.

9.17.5 All WECS systems must comply with all provincial legislation and guidelines.

9.17.6 Any other requirement deemed necessary by the Development Authority.

9.18 WORK CAMP

9.18.1 In all districts where a work camp is enabled, a development permit may only be issued on a temporary basis.

9.18.2 Notwithstanding section 9.17.1, where a development permit for a work camp is set to expire, the developer may apply for a new development permit a minimum of three (3) months prior to the expiry of the existing permit.

9.18.3 All work camps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.

9.18.4 No development permit for a work camp shall be approved unless:

a) it is for a temporary period of time as specified by the Development Authority;
b) all required access provisions are provided to the satisfaction of the Development Authority at the sole cost to the developer; and
c) the developer provides undertakings and guarantees acceptable to the Development Authority, that the work camp will be removed, and the subject site returned to its state before the work camp was developed after the work camp is removed.

9.18.5 The Development Authority may establish whatever conditions for the approval of a work camp that it, at its sole discretion, deems reasonable to ensure that the work camp will be a temporary development.

9.18.6 All Industrial camps shall be required to conform to the standards of the local health authority and the *Alberta Safety Codes Act*.

9.18.7 Where an industrial camp accesses a public roadway, the camp shall have an access satisfactory to the County and may be subject to a road use agreement in accordance with the road use requirements.

9.18.8 All industrial camps located in remote areas should conform to FireSmart guidelines.

SECTION 10 LAND USE DISTRICTS

10.1 ESTABLISHMENT OF DISTRICTS

10.1.1 For the purpose of this Bylaw, all lands within the County are divided into land use districts and are classified as follows:

District	Symbol
Agriculture District	A
Agriculture Restricted District	AR
Agriculture Collective District	AC
Country Residential District	CR
Hamlet General District	HG
Hamlet Commercial District	HC
Hamlet Industrial District	HI
Highway Development District	HD
Rural Industrial District	RI
Recreation District	REC
Crown Land District	CL
Direct Control	DC

10.1.2 Provisions covering all general and specific regulations, as listed in Parts 8 and 9 of this Bylaw shall govern any Permitted and Discretionary Uses listed in a land use district.

10.1.3 The rules and regulations of the Bylaw and the land use districts do not apply to planning and development activities on Crown lands which are carried on by the Crown or its agents but would apply to planning and development activities on Crown lands carried out by a third party unless the use, development, activity, or party is otherwise exempt from complying with the Land Use Bylaw.

10.2 DISTRICT MAPS

10.2.1 The District Maps, may be amended or replaced by Bylaw from time to time, those maps attached and forming part of this Bylaw as Schedule "B".

10.2.2 In the event that a dispute arises over the boundary of any District as shown on the District Maps, the Municipal Planning Commission shall decide upon the location of the boundary.

Land Use Matrix

This land use matrix is meant for reference purposes only. If there is a discrepancy between the matrix and the uses listed in a district, the district shall prevail.

P: Permitted Use
P/A: Permitted Accessory Use
D: Discretionary Use
D/A: Discretionary Accessory Use
* Specific development standards are provided in the LUB for this use.

Use/District	Agriculture	Agriculture Restricted	Agriculture Collective	Country Residential	Hamlet General	Hamlet Commercial	Hamlet Industrial	Highway Development	Recreation	Rural Industrial	Crown Land
Accessory building/structure	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Agriculture, extensive	P	P	P								P
Agriculture, industry	D	D	D							P	
Agriculture, intensive	P	P	P								P
Agriculture, minor				D/A	D/A						
Agriculture, sales and service	D	D	D					P		P	
Airport	D										
Airstrip	D										
Artisan studio						P		P			
Auction mart	D	D						P		P	
Automotive, retail						P		P			
Automotive, service						P	P	P		P	
Bed and breakfast	P/A	P/A	P/A	D/A	D/A						
Brewery, winery or distillery *	P/A	P/A	P/A			P		P			
Bus Depot						P		P			
Cannabis production facility *	D									P	
Cemetery	D	D	D		D						
Childcare facility			D	D	D	P		D			

Use/District	Agriculture	Agriculture Restricted	Agriculture Collective	Country Residential	Hamlet General	Hamlet Commercial	Hamlet Industrial	Highway Development	Recreation	Rural Industrial	Crown Land
Community or cultural facility	D	D	D		D	P		P	D		D
Confined feeding operation	D										
Drinking establishment						P		P			
Dugout *	P	P	P	D				D	D	D	D
Dwelling unit, apartment					D	D					
Dwelling unit, caretaker's suite *							D	D	D	D	D
Dwelling unit, duplex			P		P						
Dwelling unit, garage suite *	P/A	P/A	P/A	P/A	P/A						
Dwelling unit, garden suite *	P/A	P/A	P/A	P/A	P/A						
Dwelling unit, manufactured home *	P	P	P	P	P						
Dwelling unit, residential support home	P	P	P	P	P						
Dwelling unit, row			P		P						
Dwelling unit, secondary suite *	P/A	P/A	P/A	P/A	P/A						
Dwelling unit, semi-detached			P		P						
Dwelling unit, single detached	P	P	P	P	P						
Equestrian center	P/A	D		P/A					P		
Essential public service	P	P	P	P	P	P	P	P	P	P	P
Farm building	P	P	P								
Farm gate sales	P/A	P/A	P/A								
Farmers market	P	P	P			P		P			
Health Services						P		P			
Home occupation, major *	D/A	D/A	D/A	D/A	D/A						
Home occupation, minor *	P/A	P/A	P/A	P/A	P/A						
Hotel						P		P			

Use/District	Agriculture	Agriculture Restricted	Agriculture Collective	Country Residential	Hamlet General	Hamlet Commercial	Hamlet Industrial	Highway Development	Recreation	Rural Industrial	Crown Land
Industrial, heavy							D			D	
Industrial, light							P			P	
Kennel	D/A	D/A	D/A			P					
Landfill, industrial	D										
Motel						P		P			
Natural resource extraction/processing *	D	D	D							D	D
Office	P/A	P/A	P/A			P	P	P		P	
Park or playground				P	P				P		P
Personal Service						P		P			
Public use	D	D	D	D	D	D	D	D	D	D	D
Public utility	P	P	P	P	P	P	P	P	P	P	P
Recreation cabin	D								P		D
Recreation, extensive									P		D
Recreation, intensive *									P		D
Recreational vehicle lot	D								D		D
Recreational vehicle storage							P	P		P	
Recycling processing facility						D	D			D	
Religious use facility	D		P		D						
Restaurant						P		P	D		
Retail sales						P		P	D		
Retail sales, cannabis						P		P			
Retail sales, liquor						P		P			
School	D		D		D						
Service station *						P	P	P		D	

Use/District	Agriculture	Agriculture Restricted	Agriculture Collective	Country Residential	Hamlet General	Hamlet Commercial	Hamlet Industrial	Highway Development	Recreation	Rural Industrial	Crown Land
Sign *	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Solar park *	D										D
Solar panel *	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Storage yard						D	D			P	
Stripping and grading *	P	P	P	P	P	P	P	P	P	P	P
Telecommunication tower	D	D	D	D	D	D	D	D	D	D	D
Veterinary clinic	D	D					D	D		P	
Warehouse	D						P			P	
Waste management facility, major	D									D	
Waste management facility, minor	D						D			D	D
WECS	D										D
WECS, micro *	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Work camp *	D										D

10.3 AGRICULTURE (A) DISTRICT

10.3.1 Purpose

The purpose of this District is to support the goals and objectives of the Municipal Development Plan and provide for the development of a variety of uses that preserve and are compatible with agricultural practices.

10.3.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Agriculture, extensive
- Agriculture, intensive
- Bed and breakfast[1]
- Brewery, winery or distillery[1]
- Dugout
- Dwelling unit, garage suite[1]
- Dwelling unit, garden suite[1]
- Dwelling unit, manufactured home
- Dwelling unit, residential support home
- Dwelling unit, secondary suite[1]
- Dwelling unit, single detached
- Equestrian center[1]
- Essential public service
- Farm building
- Farm gate sales[1]
- Farmers market
- Home occupation, minor[1]
- Office[1]
- Public utility
- Sign[1]
- Solar panel[1]
- Stripping and grading
- WECS, micro[1]

b) Discretionary Uses

- Agriculture, industry
- Agriculture, sales and service
- Airport
- Airstrip
- Auction mart
- Cannabis production facility
- Cemetery
- Community or cultural facility
- Confined feeding operation
- Home occupation, major[1]
- Kennel[1]
- Landfill, industrial
- Natural resource extraction/processing
- Public use
- Recreation cabin
- Recreational vehicle lot
- Religious use facility
- School
- Solar park
- Telecommunication tower
- Veterinary clinic
- Warehouse
- Waste management facility, major
- Waste management facility, minor
- WECS
- Work camp

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.3.3 Site Provisions

a) Lot Area

(i)	Minimum	At the discretion of the Development Authority.

b) Minimum Yard Dimensions:

	Yard	Setback
(i)	Front Yard	See Section 8.11.3
(ii)	Rear Yard	15.2 metres (50 feet)
(iii)	Side Yard (Interior)	15.2 metres (50 feet)
(iv)	Side Yard (Exterior)	Same as front yard

c) Lot Density

(i) Maximum

Residential: One (1) lot plus the balance per unsubdivided quarter section.

Notwithstanding the above, should 3.1.1(c) of the Municipal Development Plan apply, the Subdivision Authority may consider additional lots, provided the lot area is not less than is required by Section 10.6 Country Residential (CR) District.

Other uses: At the discretion of the Subdivision Authority, having regard for the Municipal Development Plan.

10.3.4 Additional Regulations

a) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.4 AGRICULTURE RESTRICTED (AR) DISTRICT

10.4.1 Purpose

The purpose of this District is to support the goals and objectives of the Municipal Development Plan and accommodate rural development within 3.2 kilometres (2 miles) from hamlet boundaries and limit conflicts between the hamlet development patterns and rural uses.

10.4.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Agriculture, extensive
- Agriculture, intensive
- Bed and breakfast[1]
- Brewery, winery or distrillery[1]
- Dugout
- Dwelling unit, garage suite[1]
- Dwelling unit, garden suite[1]
- Dwelling unit, manufactured home
- Dwelling unit, residential support home
- Dwelling unit, secondary suite[1]
- Dwelling unit, single detached
- Essential public service
- Farm building
- Farm gate sales[1]
- Farmers market
- Home occupation, minor[1]
- Office[1]
- Public utility
- Sign[1]
- Solar panel[1]
- Stripping and grading
- WECS, micro[1]

b) Discretionary Uses

- Agriculture, industry
- Agriculture, sales and service
- Auction mart
- Cemetery
- Community or cultural facility
- Equestrian center
- Home occupation, major[1]
- Kennel[1]
- Natural resource extraction/processing
- Public use
- Telecommunication tower
- Veterinary clinic

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.4.3 Site Provisions

a) Lot Area

(i)	Minimum	At the discretion of the Development Authority.

b) Minimum Yard Dimensions:

	Yard	Setback
(i)	Front Yard	See Section 8.11.3
(ii)	Rear Yard	15.2 metres (50 feet)
(iii)	Side Yard (Interior)	15.2 metres (50 feet)
(iv)	Side Yard (Exterior)	Same as front yard

c) Lot Density

(i)	Maximum	Residential: One (1) lot plus the balance per unsubdivided quarter section. Notwithstanding the above, should 3.1.1(c) of the Municipal Development Plan apply, the Subdivision Authority may consider additional lots, provided the lot area is not less than is required by Section 10.6 Country Residential (CR) District. Other uses: At the discretion of the Subdivision Authority, having regard for the Municipal Development Plan.

10.4.4 Additional Regulations

a) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.5 AGRICULTURE COLLECTIVE (AC) DISTRICT

10.5.1 Purpose

The purpose of this District is to support the goals and objectives of the Municipal Development Plan and provide for the development of a wide variety of uses on a collective farm site or a rural community-oriented site that preserve and are compatible with agricultural practices.

10.5.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Agriculture, extensive
- Agriculture, intensive
- Bed and breakfast[1]
- Brewery, winery or distillery[1]
- Dugout
- Dwelling unit, duplex
- Dwelling unit, garage suite[1]
- Dwelling unit, garden suite[1]
- Dwelling unit, manufactured home
- Dwelling unit, residential support home
- Dwelling unit, row
- Dwelling unit, secondary suite[1]
- Dwelling unit, semi-detached
- Dwelling unit, single detached
- Essential public service
- Farm building
- Farm gate sales[1]
- Farmers market
- Home occupation, minor[1]
- Office[1]
- Public utility
- Religious use facility
- Sign
- Solar panel[1]
- Stripping and grading
- WECS, micro[1]

b) Discretionary Uses

- Agriculture, industry
- Agriculture, sales and service
- Cemetery
- Child care facility
- Community or cultural facility
- Home occupation, major[1]
- Kennel[1]
- Natural resource extraction/processing
- Public use
- School
- Telecommunication tower

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.5.3 Site Provisions

a) Lot Area

(ii) Minimum	At the discretion of the Development Authority.

b) Minimum Yard Dimensions:

	Yard	Setback
(v)	Front Yard	See Section 8.11.3
(vi)	Rear Yard	15.2 metres (50 feet)
(vii)	Side Yard (Interior)	15.2 metres (50 feet)
(viii)	Side Yard (Exterior)	Same as front yard

c) Lot Density

(ii) Maximum	Residential: One (1) lot plus the balance per unsubdivided quarter section. Other uses: At the discretion of the Subdivision Authority, having regard for the Municipal Development Plan.

10.5.4 Additional Regulations

a) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.6 COUNTRY RESIDENTIAL (CR) DISTRICT

10.6.1 Purpose

The purpose of this District is to support the goals and objectives of the Municipal Development Plan and provide for multi-parcel country residential development.

10.6.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Dwelling unit, garage suite[1]
- Dwelling unit, garden suite[1]
- Dwelling unit, manufactured home
- Dwelling unit, residential support home
- Dwelling unit, secondary suite[1]
- Dwelling unit, single detached
- Essential public service
- Equestrian centre[1]
- Home occupation, minor
- Park or playground
- Public utility
- Sign[1]
- Solar panel[1]
- Stripping and grading
- WECS, micro[1]

b) Discretionary Uses

- Agriculture, minor[1]
- Bed and breakfast[1]
- Child care facility
- Dugout
- Home occupation, major[1]
- Public use
- Telecommunication tower

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.6.3 Site Provisions

a) Lot Area

(i) Maximum	2 hectares (5 acres)

b) Lot Width

(i) Minimum	50 metres (164 feet)

c) Minimum Yard Dimensions:

	Yard	Setback
(i)	Front Yard	See Section 8.11.3

(ii)	Rear Yard	15.2 metres (50 feet)
(iii)	Side Yard (Interior)	15.2 metres (50 feet)
(iv)	Side Yard (Exterior)	See Section 8.11.3

d) Lot Density

(i)	Maximum	At the discretion of the Development Authority.

10.6.4 Additional Regulations

a) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

b) Any application to redistrict and/or subdivide land within this District must be supported by an adopted area structure plan or accompanied by an associated application to adopt an area structure plan.

10.7 HAMLET GENERAL (HG) DISTRICT

10.7.1 Purpose

The purpose of this district is to support the goals and objectives of the Municipal Development Plan and provide for the development of residential, recreational and public uses within hamlets.

10.7.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Dwelling unit, duplex
- Dwelling unit, garage suite[1]
- Dwelling unit, garden suite[1]
- Dwelling unit, manufactured home
- Dwelling unit, residential support home
- Dwelling unit, row
- Dwelling unit, secondary suite[1]
- Dwelling unit, semi-detached
- Dwelling unit, single detached
- Essential public service
- Home occupation, minor[1]
- Park or playground
- Public utility
- Sign[1]
- Solar panel[1]
- Stripping and grading
- WECS, micro[1]

b) Discretionary Uses

- Agriculture, minor[1]
- Bed and breakfast[1]
- Cemetery
- Child care facility
- Community or cultural facility
- Dwelling unit, apartment
- Home occupation, major[1]
- Public use
- Religious use facility
- School
- Telecommunication tower

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.7.3 Site Provisions

a) Lot Area

(i) Minimum	At the discretion of the Development Authority.

b) Lot Width

(i) Minimum	15.2 metres (50 feet)

c) Minimum Yard Dimensions:

Yard	Setback

(i)	Front Yard	See Section 8.11.3
(ii)	Rear Yard	1 metre (3.3 feet) for accessory buildings
		4.8 metres (16 feet) for a garage with access via a rear lane
		7.6 metres (25 feet) for all other uses
(iii)	Side Yard (Interior)	1 metre (3.3 feet) for accessory buildings
		1.5 metres (5 feet) for all other uses
(iv)	Side Yard (Exterior)	3 metres (10 feet)
(v)	Maximum Lot Coverage	50%

d) Distance between Principal and Accessory Building

(i) Minimum	2 metres (6.6 feet)

10.7.4 Additional Regulations

a) A maximum of two (2) recreational vehicles may be located on a lot in this district provided there is an existing residence on the lot, and provided that the recreational vehicle is not continuously occupied for a period exceeding four (4) months.

b) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.8 HAMLET COMMERCIAL (HC) DISTRICT

10.8.1 Purpose

The purpose of this district is to support the goals and objectives of the Municipal Development Plan and provide for the development of a range of commercial uses within hamlets that may be incorporated vertically or horizontally within a building, to enhance and benefit the local community.

10.8.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Artisan studio
- Automotive, retail
- Automotive, service
- Brewery, winery or distillery
- Bus depot
- Child care facility
- Community or cultural facility
- Drinking establishment
- Essential public service
- Farmers market
- Health services
- Hotel
- Kennel
- Motel
- Office
- Personal service
- Public utility
- Restaurant
- Retail sales
- Retail sales, cannabis
- Retail sales, liquor
- Service station
- Sign[1]
- Solar panel[1]
- Stripping and grading
- WECS, micro[1]

b) Discretionary Uses

- Dwelling unit, apartment
- Public use
- Recycling processing facility
- Telecommunication tower
- Storage yard

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.8.3 Site Provisions

a) Lot Area

(i) Minimum	464 metres squared (5,000 feet sq.) for Automotive, service or Automotive, retail uses 140 metres squared (1,500 feet sq.) for all other uses

b) Minimum Yard Dimensions:

	Yard	Setback
(i)	Front Yard	At the discretion of the Development Authority
(ii)	Rear Yard	4.6 metres (15 feet)
(iii)	Side Yard (Interior)	1.5 metres (5 feet) *If a firewall is provided, no side yard is required
(iv)	Side Yard (Exterior)	At the discretion of the Development Authority

c) Building Height

(i) Maximum	9.1 metres (30 feet)

10.8.4 Additional Regulations

a) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.9 HAMLET INDUSTRIAL (HI) DISTRICT

10.9.1 Purpose

The purpose of this district is to support the goals and objectives of the Municipal Development Plan and provide for a variety of industrial uses within hamlets.

10.9.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Automotive, service
- Essential public service
- Industrial, light
- Office
- Public utility
- Recreational vehicle storage
- Service station
- Sign[1]
- Solar panel[1]
- Stripping and grading
- Warehouse
- WECS, micro[1]

b) Discretionary Uses

- Dwelling unit, caretaker's suite
- Industrial, heavy
- Public use
- Recycling processing facility
- Storage yard
- Telecommunication tower
- Veterinary clinic
- Waste management facility, minor

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.9.3 Site Provisions

a) Lot Area

(i) Minimum	464 metres squared (5,000 feet sq.)

b) Lot Width

(i) Minimum	15.2 metres (50 feet)

c) Minimum Yard Dimensions:

	Yard	Setback
(i)	Front Yard	7.6 metres (25 feet)
(ii)	Rear Yard	6.1 metres (20 feet)

(iii)	Side Yard (Interior)	3 metres (10 feet) *If a firewall is provided, no side yard is required
(iv)	Side Yard (Exterior)	At the discretion of the Development Authority

d) Building Height

(i) Maximum	At the discretion of the Development Authority

10.9.4 Additional Regulations

a) Any site abutting a residential district or road shall provide landscaping, fencing or berming to the satisfaction of the Development Authority, having regard for the Municipal Development Plan.

b) All outside storage areas shall be screened and fenced to the satisfaction of the Development Authority, having regard for the Municipal Development Plan.

c) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.10 HIGHWAY DEVELOPMENT (HD) DISTRICT

10.10.1 Purpose

The purpose of this District is to support the goals and objectives of the Municipal Development Plan and provide for commercial development located adjacent to Provincial Highways to serve the travelling public and for developments requiring large tracts of land.

10.10.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Agriculture, sales and service
- Artisan studio
- Auction mart
- Automotive, retail
- Automotive, service
- Brewery, winery or distillery
- Bus depot
- Community or cultural facility
- Drinking establishment
- Essential public service
- Farmers market
- Health services
- Hotel
- Motel
- Office
- Personal service
- Public utility
- Recreational vehicle storage
- Restaurant
- Retail sales
- Retail sales, cannabis
- Retail sales, liquor
- Service station
- Sign[1]
- Solar panel[1]
- Stripping and grading
- WECS, micro[1]

b) Discretionary Uses

- Child care facility
- Dugout
- Dwelling unit, caretaker's suite
- Public use
- Telecommunication tower
- Veterinary clinic

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.10.3 Site Provisions

a) Lot Area

(i)	Minimum	1,860 metres squared (20,000 feet sq.)

b) Minimum Yard Dimensions:

	Yard	Setback
(i)	Front Yard	See Section 8.11.3
(ii)	Rear Yard	15.2 metres (50 feet)
(iii)	Side Yard	15.2 metres (50 feet)

10.10.4 Additional Regulations

a) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.11 RECREATION (REC) DISTRICT

10.11.1 Purpose

The purpose of this District is to support the goals and objectives of the Municipal Development Plan and provide for the development of a variety of recreational sites that take advantage of unique natural amenities of the County.

10.11.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Equestrian center
- Essential public service
- Park or playground
- Public utility
- Recreation cabin
- Recreation, extensive
- Recreation, intensive
- Sign[1]
- Solar panel[1]
- Stripping and grading
- WECS, micro[1]

b) Discretionary Uses

- Community or cultural facility
- Dugout
- Dwelling unit, caretaker's suite
- Public use
- Recreational vehicle lot
- Restaurant
- Retail sales
- Telecommunication tower

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.11.3 Site Provisions

a) Lot Area

(i)	Minimum	At the discretion of the Development Authority.

b) Minimum Yard Dimensions:

Parcels over 1 hectare

	Yard	Setback
(i)	Front Yard	See Section 8.11.3
(ii)	Rear Yard	15.2 metres (50 feet)
(iii)	Side Yard (Interior)	15.2 metres (50 feet)
(iv)	Side Yard (Exterior)	Same as front yard

Parcels under 1 hectare

	Yard	Setback
(i)	Front Yard	See Section 8.11.3

(ii)	Rear Yard	4.6 metres (15 feet)
(iii)	Side Yard (Interior)	1.5 metres (5 feet)
(iv)	Side Yard (Exterior)	At the discretion of the Development Authority having regard for Section 8.11.3.

c) Lot Density

(i) Maximum	At the discretion of the Subdivision Authority, having regard for the Municipal Development Plan.

10.11.4 Additional Regulations

a) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.12 RURAL INDUSTRIAL (RI) DISTRICT

10.12.1 Purpose

The purpose of this District is to support the goals and objectives of the Municipal Development Plan and provide for industrial uses which are considered appropriate in a rural area.

10.12.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Agriculture, industry
- Agriculture, sales and service
- Auction mart
- Automotive, service
- Cannabis production facility
- Essential public service
- Industrial, light
- Office
- Public utility
- Recreational vehicle storage
- Sign[1]
- Solar Panel[1]
- Storage yard
- Stripping and grading
- Veterinary clinic
- Warehouse
- WECS, micro[1]

b) Discretionary Uses

- Dugout
- Dwelling unit, caretaker's suite
- Industrial, heavy
- Natural resource extraction/processing
- Public use
- Recycling processing facility
- Service station
- Telecommunication tower
- Waste management facility, major
- Waste management facility, minor

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.12.3 Site Provisions

a) Lot Area

(i) Minimum	557 metres squared (6,000 feet sq.)

b) Minimum Yard Dimensions:

	Yard	Setback
(i)	Front Yard	See Section 8.11.3
(ii)	Rear Yard	15.2 metres (50 feet)
(iii)	Side Yard (Interior)	15.2 metres (50 feet)
(iv)	Side Yard (Exterior)	Same as front yard

d) Building Height

(i) Maximum	At the discretion of the Development Authority

10.12.4 Additional Regulations

a) All storage, freightage, or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features or fences or a combination thereof to the satisfaction of the Development Authority, having regard for the Municipal Development Plan.

b) Any rural industrial use located on a site bordering a highway or municipal road shall be screened, landscaped and buffered from these public roadways to the satisfaction of the Development Authority, having regard for the Municipal Development Plan.

c) The Development Authority may decide on such other requirements as are necessary, having due regard to the nature of a proposed development and the purpose of this district.

d) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.13 CROWN LAND (CL) DISTRICT

10.13.1 Purpose

The purpose of this district is to support the goals and objectives of the Municipal Development Plan and provide for a variety of land uses on Crown Lands, consistent with the municipal authority outlined in section 10.1.3.

10.13.2 Listed uses

a) Permitted Uses

- Accessory building/structure[1]
- Agriculture, extensive
- Agriculture, intensive
- Essential public service
- Park or playground
- Public utility
- Sign[1]
- Solar panel[1]
- Stripping and grading
- WECS, micro[1]

b) Discretionary Uses

- Community or cultural facility
- Dugout
- Dwelling unit, caretaker's suite
- Natural resource extraction/processing
- Public use
- Recreation cabin
- Recreation, extensive
- Recreation, intensive
- Recreational vehicle lot
- Solar park
- Telecommunication tower
- Waste management facility, minor
- WECS
- Work camp

Note 1: Permitted Accessory Use only where the principal use has been established. The use must be secondary regarding the use of land and building development.

10.13.3 Site Provisions

a) Lot Area

(i) Minimum	At the discretion of the Development Authority

b) Minimum Yard Dimensions:

	Yard	Setback
(i)	Front Yard	See Section 8.11.3
(ii)	Rear Yard	15.2 metres (50 feet)
(iii)	Side Yard (Interior)	15.2 metres (50 feet)
(iv)	Side Yard (Exterior)	Same as front yard

10.13.4 Additional Regulations

a) The Development Authority may issue a development permit for proposed development on Crown Land subject to the appropriate disposition (lease, license, disposition leading to a patent, etc.) being first obtained from the Alberta Environment and Parks under the *Public Lands Act*.

b) Permitted and discretionary uses shall adhere to Section 8 General Regulations and Section 9 Specific Use Regulations as applicable.

10.14 DIRECT CONTROL (DC)

10.14.1 The purpose of this District is to provide Council with decision making powers for the development and subdivision of lands which are inappropriate for control by traditional land use districts, consistent with section 641(1) of the *Act*.

10.14.2 Application

Council shall consider the application and designation of Direct Control Districts to those specific sites or areas of the County where:

a) development regulation and control by means of the other land use districts provided for in this Bylaw may be inappropriate or inadequate having regard to existing or future developments and to the interests of the applicant, the County and the public generally; or
b) an approved statutory plan for the area could be more effectively implemented through the application of a Direct Control District; or
c) a proposed development is of a unique form or nature not contemplated; or
d) is not reasonably regulated by another land use district provided for in this Bylaw.

10.14.3 Buildings and Uses

a) As determined by Council.

10.14.4 Lot Area and Site Regulations

a) As determined by Council.

10.14.5 Special Regulations

a) As determined by Council.

SECTION 11 LAND USE OVERLAYS

11.1 ESTABLISHMENT OF OVERLAYS

11.1.1 Overlays provide a means to alter or specify regulations for permitted and discretionary uses in otherwise appropriate districts in areas of significant interest to the County. For the purpose of this Bylaw, overlays apply to specific lands within the County and are classified as follows:

Overlay	Symbol
Hamlet of Watino	HW
Airport Vicinity	AV
Environmentally Sensitive Area	ESA
Fox Creek Watershed	FCW
Confined Feeding Operation Reciprocal Separation Distance	CFO

11.1.2 Overlays shall only be applied to specific areas outlined in this Land Use Bylaw and on the Land Use Bylaw Overlay Map.

11.1.3 Where there appears to be conflict between the provisions of the overlay and those of the underlying district, the provisions of the overlay shall take precedence and effect.

11.1.4 The rules and regulations of the Bylaw and the land use overlays do not apply to planning and development activities on Crown lands which are carried on by the Crown or its agents but would apply to planning and development activities on Crown lands carried out by the third party unless the use, development, activity or party is otherwise exempt from complying with the Land Use Bylaw.

11.2 OVERLAY MAPS

11.2.1 The Overlay Maps, may be amended or replaced by Bylaw from time to time, those maps attached and forming part of this Bylaw as Schedule "C".

11.2.2 In the event that a dispute arises over the boundary of any overlay as shown on the Overlay Maps, the Municipal Planning Commission shall decide upon the location of the boundary.

11.3 HAMLET OF WATINO (HW) OVERLAY

11.3.1 The provisions of this overlay apply to lands within the Hamlet of Watino as shown in Schedule "C".

11.3.2 Listed uses

In addition to those uses listed within the underlying land use district, the following uses are listed within the Hamlet of Watino Overlay:

a) Permitted Uses

b) Discretionary Uses

- Recreational Cabin
- Recreational Vehicle Lot

11.3.3 Site Provisions

Notwithstanding the site provisions within each district, all sites within this overlay area shall be required to meet the following standards:

a)	Minimum Lot Area:	
	Residential uses	697.0 metres squared (7,500 feet sq.)
	Automotive, service and Automotive, retail	464.5 metres squared (5,000 feet sq.)
	All other commercial uses	140.0 metres squared (1,500 feet sq.)
	All other uses	At the discretion of the Development Authority
b)	Minimum Floor Area:	
	Principal Building	74.3 metres squared (800 feet sq.)
c)	Minimum Lot Depth:	
	Residential uses	30.5 metres (100 feet)
	All other uses	At the discretion of the Development Authority
d)	Minimum Lot Width:	
	Residential uses	23 meters (75 feet)
	All other uses	At the discretion of the Development Authority
e)	Minimum Yard Dimensions:	

Use	Yard	Setback
Residential	Front Yard	7.6 metres (25 feet)
	Rear Yard	7.6 metres (25 feet)
	Side Yard (Interior)	3.1 metres (10 feet)
	Side Yard (Exterior)	4.6 metres (15 feet)
Commercial		
	Front Yard	7.6 metres (25 feet)
	Rear Yard	4.6 metres (15 feet)
	Side Yard (Interior)	1.5 metres (5 feet) *If firewall is provided, no side yard is required
	Side Yard (Exterior)	At the discretion of the Development Authority.

f) Notwithstanding the above, a retail store built adjacent to existing similar uses may be built zero (0) metres front and side yard where there is lane access. Where there is no lane access, one side yard setback of 4.6 metres (15 feet) shall be provided.

g) Maximum Building Height:
Commercial Uses 9.1 metres (30 feet).

11.3.4 Additional Regulations

a) Notwithstanding 8.12 of this Bylaw, recreational vehicles may only be parked in the interior side or rear yard of a lot with a principal dwelling and in an exterior side yard if setback is 1.5 metres (5 feet) from the property line.

b) Development within this area may be subject to the regulations of Section 8.6 Environmentally Significant Areas and Section 11.5 Environmentally Sensitive Area (ESA) Overlay.

c) Any dwelling unit or recreation cabin development shall have a connection to a source of potable water, electricity and sewage disposal.

11.4 AIRPORT VICINITY (AV) OVERLAY

11.4.1 Purpose

The purpose of this overlay is to identify land surrounding the airport and restrict development within the identified area to those uses which are or may be made compatible with airport operation as shown in Schedule "C".

a) Notwithstanding the uses listed within each district, all uses within this overlay area shall be considered as follows with reference to Schedule 2 Height Limitations Map, where P equates to permitted and D equates to discretionary:

	Zone 1					**Zone 2**				
	Noise Exposure Forecast Contour					**Noise Exposure Forecast Contour**				
Land Use	**≤25**	**26-30**	**30-35**	**35-40**	**41≥**	**≤25**	**26-30**	**30-35**	**35-40**	**41≥**
Accessory building/structure	P	P	P	P	P	P	P	P	P	P
Agriculture, extensive						P	P	P	P	P
Agriculture, industry	P	P	P	P	P	P	P	D	D	D
Agriculture, intensive						P	P	D		
Airport	P	P	P	P	P	P	P	P	P	P
Dwelling unit, manufactured home	P	D				P	D			
Dwelling unit, single detached	P	D				P	D			
Home occupation, major	D	D				D	D			
Home occupation, minor	P	P				P	P			
Kennel						D	D			
Natural resource extraction/processing						D	D			
Park or playground						P	P	D	D	
Public use						P	P	D	D	
Public utility						P	P	D	D	
Recreation, intensive						P	P	D	D	
Telecommunication tower						D	D	D		

11.4.2 Site Provisions

a) Notwithstanding the site provisions listed within each district, all sites within this overlay area shall be required to meet the following standards:

i. Setback From Runway Centre Line (minimum)

(i) Dwelling Units — 274 metres (900 feet)

(ii) All Other Uses — 137 metres (450 feet)

ii. Setback From End Of Runway (minimum)

(i) Dwelling Units	900 metres (2,950 feet)
(ii) All Other Uses	450 metres (1,475 feet)

iii. Building Height (maximum):

See Schedule 5 Height Limitations Map

11.4.3 Additional Regulations

a) Notwithstanding Section 4.2 of this Bylaw, all development within this overlay, including fencing and agricultural, extensive, requires a development permit, except for:

(i) carrying out of works of maintenance or repair to any building, if the works do not include structural alterations or major works of renovation, causing the raising of a roof line, add any structure, antennae or chimney to the roof, or during the act of repair or maintenance, place any equipment on the roof that exceeds the peak or the highest point of the roof, and

(ii) the erection or construction of gates, fences, walls or other means of enclosure less than 0.9 metres (3 feet) in height, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure.

b) A development permit for a development in this overlay area may only be issued if the proposed development conforms to all of the regulations, uses, and requirements of the underlying district.

c) Notwithstanding subsection (b), all development in excess of 5 metres (16 feet) above the airport reference point elevation shall require a development permit. The airport reference point elevation shall be deemed to be 567 metres (1,860 feet) above sea level.

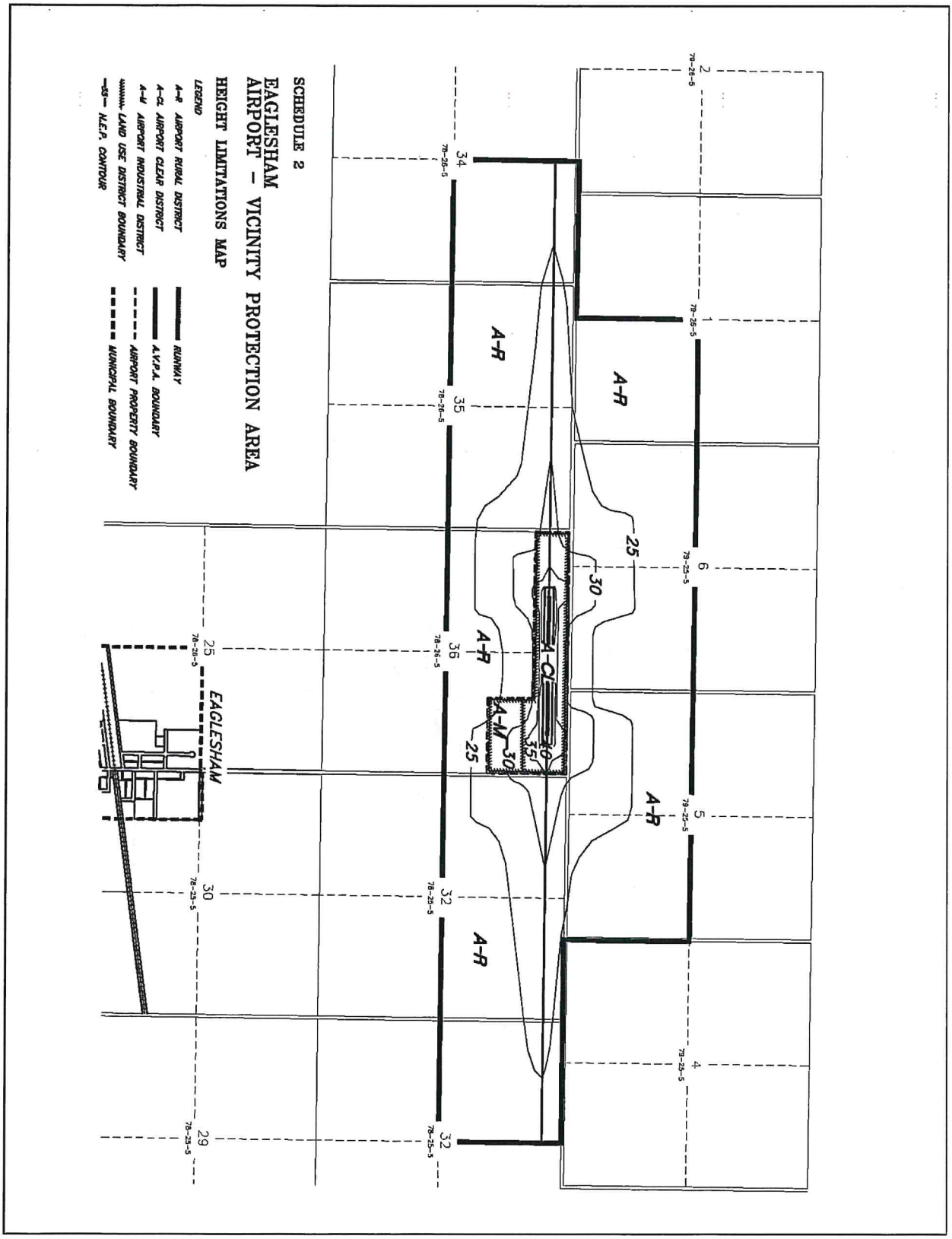
d) Any use which, in the opinion of the Development Authority, may attract concentrations of birds near the airport shall be discouraged from locating in this overlay area.

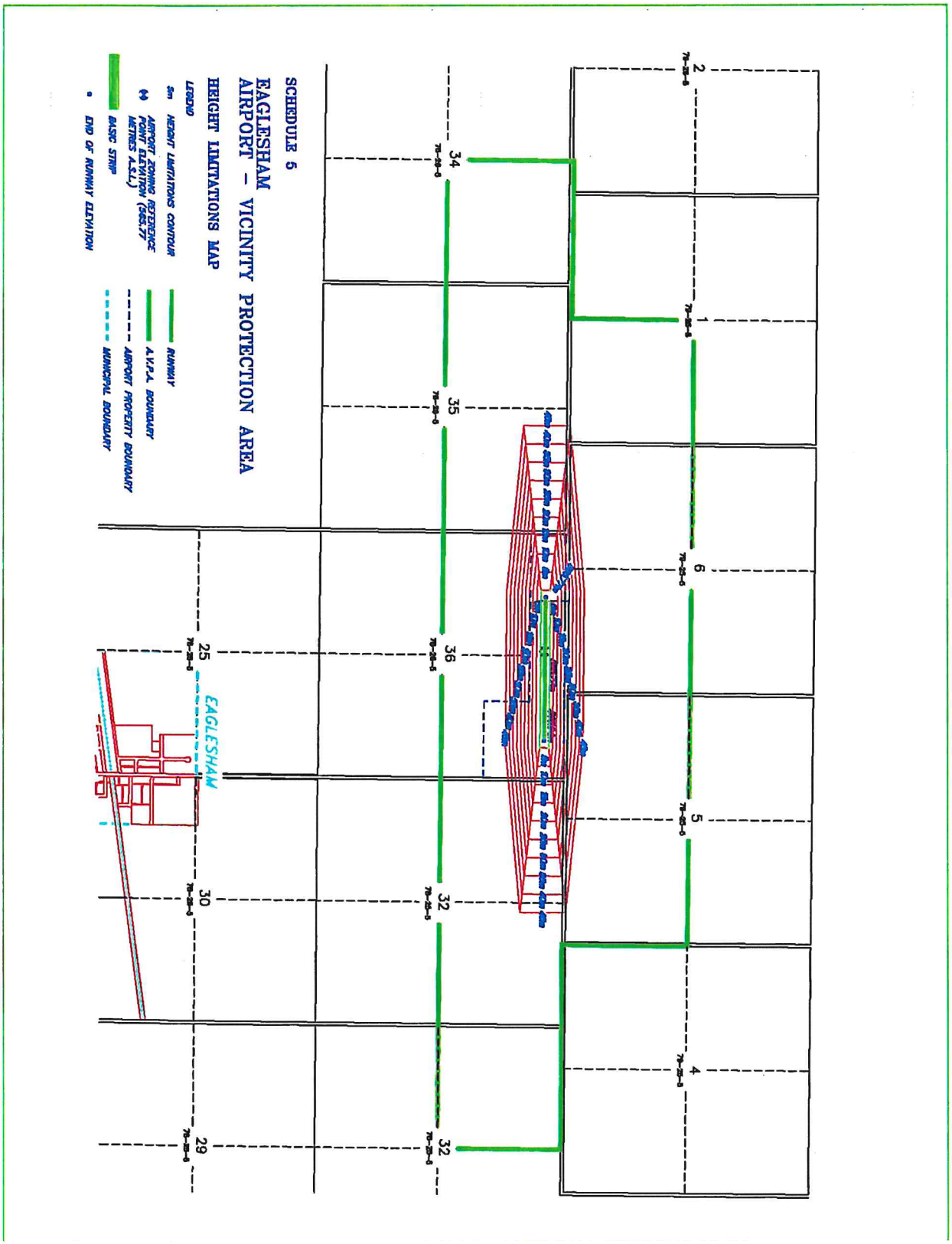
e) No use may create smoke, dust, electronic interference, or include misleading lighting.

f) No source of high level electromagnetic interference (EMI), such as heavy electrical equipment, electrical welding, or high tension power lines shall be permitted within the overlay area.

g) All construction in this overlay area shall conform to the exterior acoustic insulation requirements of Part 11 of the Alberta Building Code.

h) All lighting within this overlay area shall be directed at structures or low mast. They shall not be high intensity, high mast or upwardly reflective, and shall be subject to review by the Development Authority.


SCHEDULE 2
EAGLESHAM
AIRPORT – VICINITY PROTECTION AREA
HEIGHT LIMITATIONS MAP
LEGEND
A-R AIRPORT RURAL DISTRICT
A-CL AIRPORT CLEAR DISTRICT
A-M AIRPORT INDUSTRIAL DISTRICT
LAND USE DISTRICT BOUNDARY
N.E.P. CONTOUR
RUNWAY
A.V.P.A. BOUNDARY
AIRPORT PROPERTY BOUNDARY
MUNICIPAL BOUNDARY
A-R
A-CL
A-M
EAGLESHAM
25
30
35
78-26-5
79-26-5
79-25-5
78-25-5


SCHEDULE 6
EAGLESHAM
AIRPORT – VICINITY PROTECTION AREA
HEIGHT LIMITATIONS MAP
LEGEND
2m HEIGHT LIMITATIONS CONTOUR
RUNWAY
AIRPORT ZONING REFERENCE POINT ELEVATION (1265.77 METRES A.S.L.)
A.V.P.A. BOUNDARY
AIRPORT PROPERTY BOUNDARY
BASIC STRIP
MUNICIPAL BOUNDARY
END OF RUNWAY ELEVATION
EAGLESHAM
2
1
6
5
4
34
35
36
25
30
32
29

11.5 ENVIRONMENTALLY SENSITIVE AREA (ESA) OVERLAY

11.5.1 Purpose

The purpose of this overlay is to ensure that appropriate development constraints are considered and conditions are applied to development proposals on lands that are identified as environmentally sensitive by the Municipal Development Plan or the Development Authority as shown in Schedule "C".

11.5.2 Overlay Regulations

a) Notwithstanding the permitted uses listed within each district, all uses within this overlay area shall be considered discretionary.

b) All development within the Environmentally Sensitive Overlay shall be subject to Section 7.3 of the Birch Hills County Municipal Development Plan (Bylaw 2017-06).

c) All development within the Environmentally Sensitive Overlay may be subject to Section 8.6 Environmentally Significant Area of this Bylaw.

11.6 FOX CREEK WATERSHED (FCW) OVERLAY

11.6.1 Purpose

The purpose of this overlay is to protect areas within the Fox Creek Watershed as shown in Schedule "C".

11.6.2 Overlay Regulations

a) All development within the Fox Creek Watershed Overlay shall be subject to Section 7.3(h) of the Birch Hills County Municipal Development Plan (Bylaw 2017-06).

11.7 CONFINED FEEDING OPERATION RECIPROCAL SEPARATION DISTANCE (CFO) OVERLAY

11.7.1 Purpose

The purpose of this overlay is to protect existing confined feeding operations within the County from the encroachment of new residential development as shown in Schedule "C".

11.7.2 Confined Feeding Operations

a) This overlay applies to Confined Feeding Operations located at:

Legal Land Location	Minimum Distance Separation (MDS) (metres)
	Note: The MDS is based on information provided by the Natural Resources Conservation Board (NRCB).
NW 28-78-2-W6	694 m
NE 32-75-3-W6	246 m
W1/2 34-177-2-W6	811 m
S1/2 9-79-25 W5	783 m
E1/2 14-76-3 W6	567 m

N1/2 27-77-1 W6 and SE 34-77-1 W6	833 m

b) Notwithstanding the above, where the Development Authority becomes aware of a confined feeding operation not listed, the Development Authority may apply the regulations.

c) Notwithstanding the above, the Development Authority may confirm the MDS with the NRCB at the time of a development permit application. Where the NRCB provides an updated MDS, the Development Authority should apply the updated MDS.

11.7.3 Overlay Regulations

a) Notwithstanding the permitted uses listed within each district, all dwelling unit uses within this overlay area shall be considered discretionary within the minimum separation distance established by the *Agricultural Operations Practices Act* (AOPA) from an existing confined feeding operation.

b) A new dwelling unit is not permitted within the Minimum Distance Separation of an existing Confined Feeding Operation/Intensive Livestock Operation, unless the residence is associated with the operation, the applicant has provided a written waiver to the satisfaction of the Development Authority or the CFO owner has provided a written waiver to the satisfaction of the Development Authority.

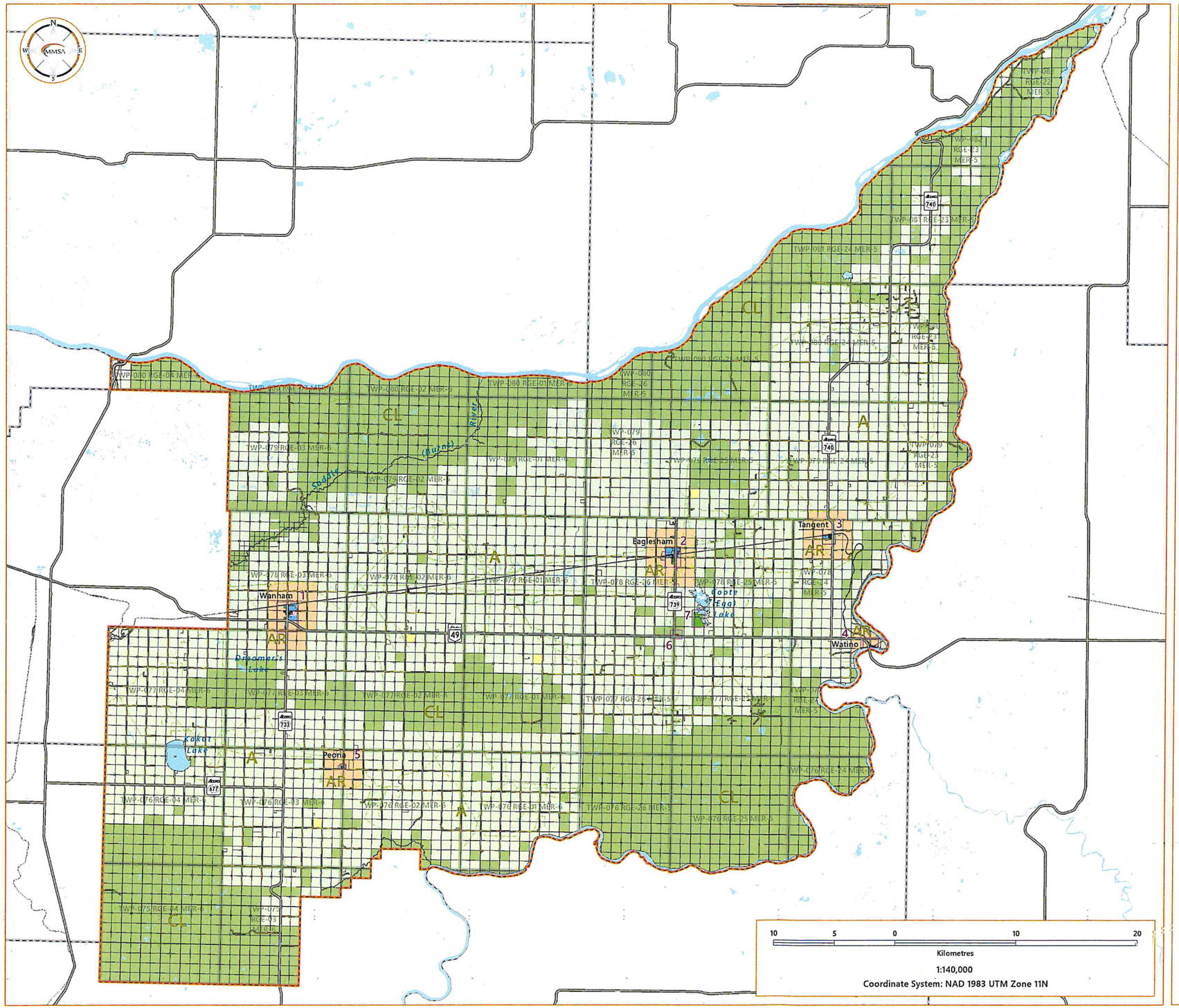
11.7.4 Overlay Calculations

a) MDS shall be measured from the corner of a residence to the nearest corner of a manure storage facility such as but not limited to a barn, lagoon, or pen.

SECTION 12 LAND USE DISTRICTS AND OVERLAYS MAPS

SCHEDULE "B" – DISTRICTS MAP AND DETAIL MAPS

SCHEDULE "C" – OVERLAYS MAP



Birch Hills County
Bylaw No. 2024 - 01
Districts Map

- Agricultural (A) District
- Agricultural Restricted (AR) District
- Agricultural Collective (AC) District
- Country Residential (CR) District
- Hamlet General (HG) District
- Hamlet Commercial (HC) District
- Hamlet Industrial (HI) District
- Highway Development (HD) District
- Recreation (REC) District
- Rural Industrial (RI) District
- Crown Land (CL) District
- Direct Control (DC) District
- # Detail Map Number

Schedule B: Land Use Bylaw Districts
Adopted by Council this xxxx day of xxxxxxx, 2024

Original Signed By:
Reeve: Albert Poetker

Original Signed By:
Chief Administrative Officer: Larry Davidson

Amendments

Bylaw No.	Date	Bylaw No.	Date

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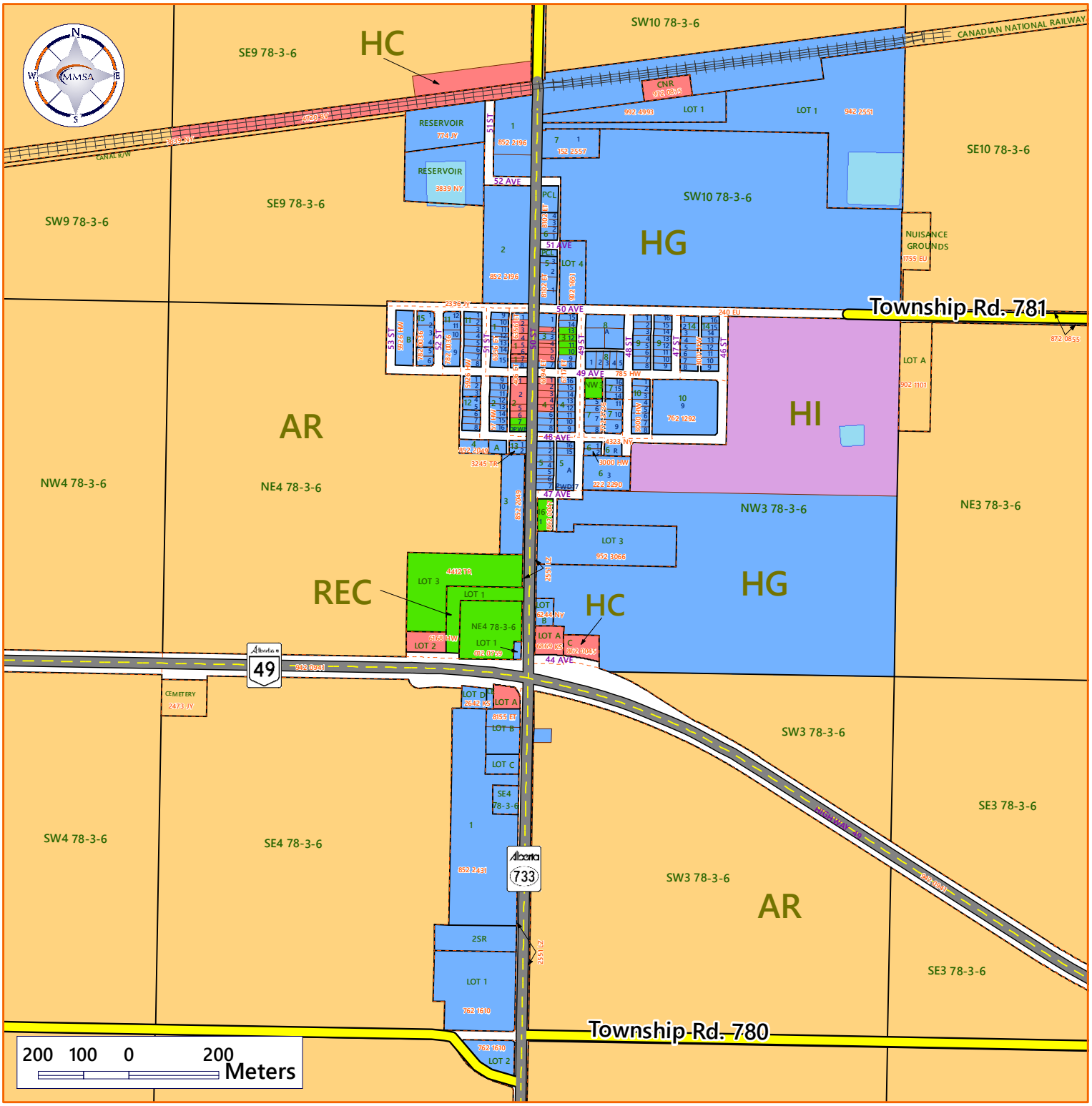
Cadastral Data (Date): AltaLIS Ltd. (March 2024)
Map Updated: March 2024
Created by: H.P.
Revised by: K.T.

MMSA



Agricultural (A) District	Hamlet General (HG) District	Recreation (REC) District
Agricultural Restricted (AR) District	Hamlet Commercial (HC) District	Rural Industrial (RI) District
Agricultural Collective (AC) District	Hamlet Industrial (HI) District	Crown Land (CL) District
Country Residential (CR) District	Highway Development (HD) District	Direct Control (DC) District

Birch Hills County

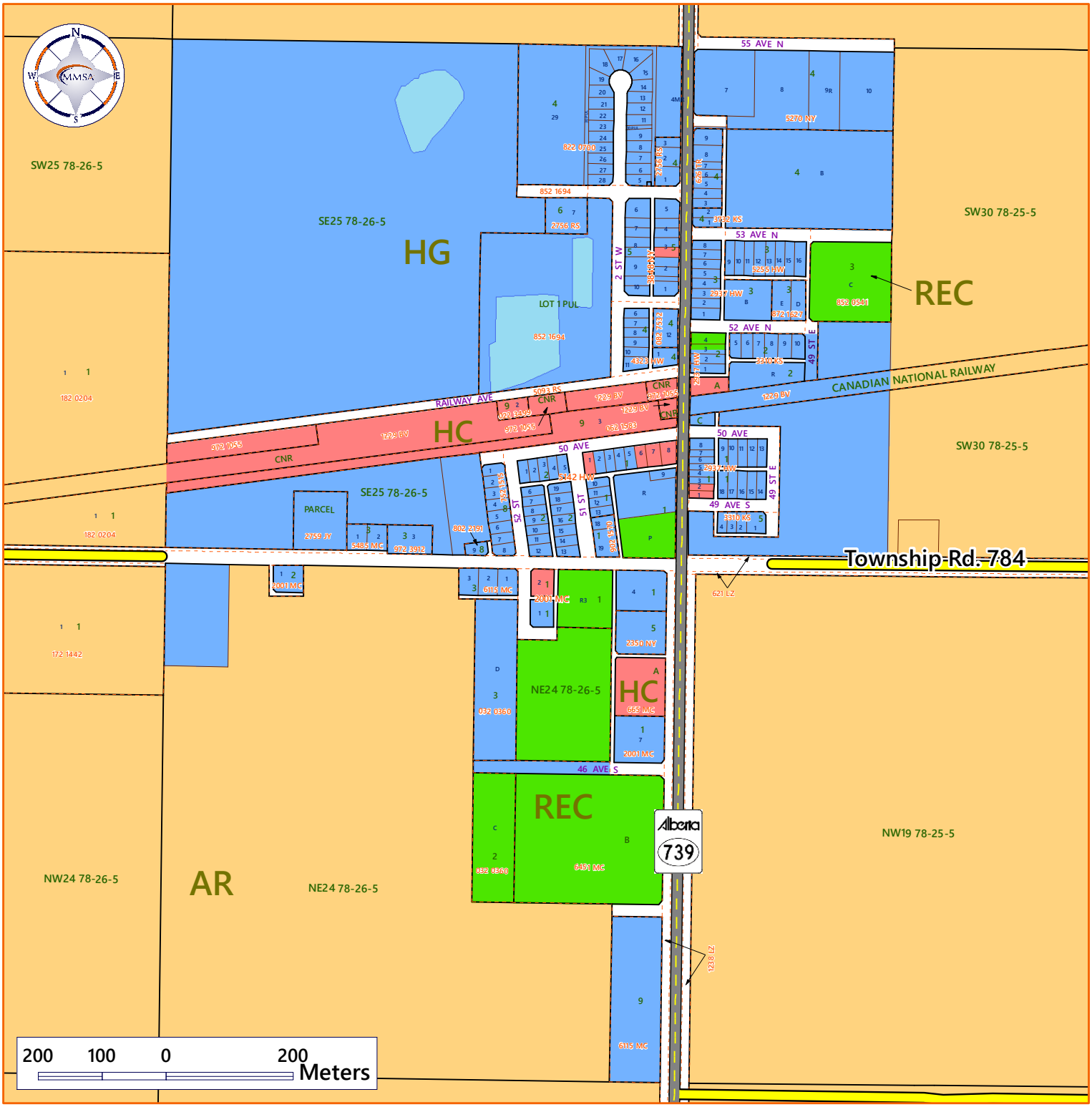
Birch Hills County
Land Use Bylaw No. 2024 - 01

Wanham

Land Use Bylaw Districts
Detail Map 1

MMSA MACKENZIE MUNICIPAL SERVICES AGENCY

Adoption Date: September 26th, 2019
Cadastral Data Source: AltaLIS (March 2024)
Updated on: March 2024



Agricultural (A) District	Hamlet General (HG) District	Recreation (REC) District
Agricultural Restricted (AR) District	Hamlet Commercial (HC) District	Rural Industrial (RI) District
Agricultural Collective (AC) District	Hamlet Industrial (HI) District	Crown Land (CL) District
Country Residential (CR) District	Highway Development (HD) District	Direct Control (DC) District

Birch Hills County

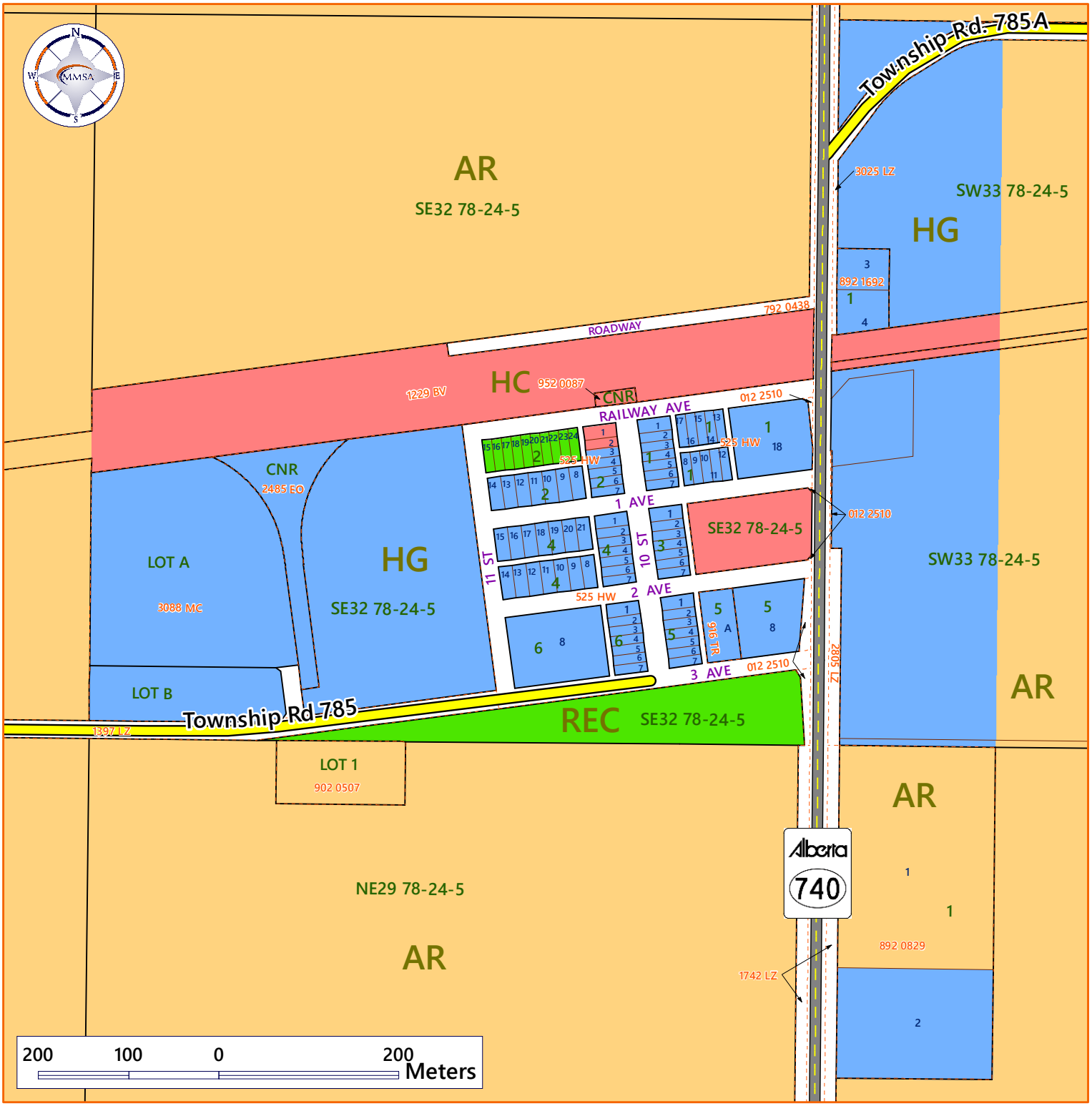
Birch Hills County
Land Use Bylaw No. 2024 - 01

Eaglesham

Land Use Bylaw Districts
Detail Map 2

MMSA
MACKENZIE MUNICIPAL SERVICES AGENCY

Adoption Date: September 26th, 2019
Cadastral Data Source: AltaLIS (March 2024)
Updated on: March 2024



Agricultural (A) District	Hamlet General (HG) District	Recreation (REC) District
Agricultural Restricted (AR) District	Hamlet Commercial (HC) District	Rural Industrial (RI) District
Agricultural Collective (AC) District	Hamlet Industrial (HI) District	Crown Land (CL) District
Country Residential (CR) District	Highway Development (HD) District	Direct Control (DC) District

Birch Hills County

Birch Hills County
Land Use Bylaw No. 2024 - 01

Tangent

Land Use Bylaw Districts
Detail Map 3

MMSA

Adoption Date: September 26th, 2019
Cadastral Data Source: AltaLIS (March 2024)
Updated on: March 2024

Agricultural (A) District	Hamlet General (HG) District	Recreation (REC) District
Agricultural Restricted (AR) District	Hamlet Commercial (HC) District	Rural Industrial (RI) District
Agricultural Collective (AC) District	Hamlet Industrial (HI) District	Crown Land (CL) District
Country Residential (CR) District	Highway Development (HD) District	Direct Control (DC) District

Birch Hills County

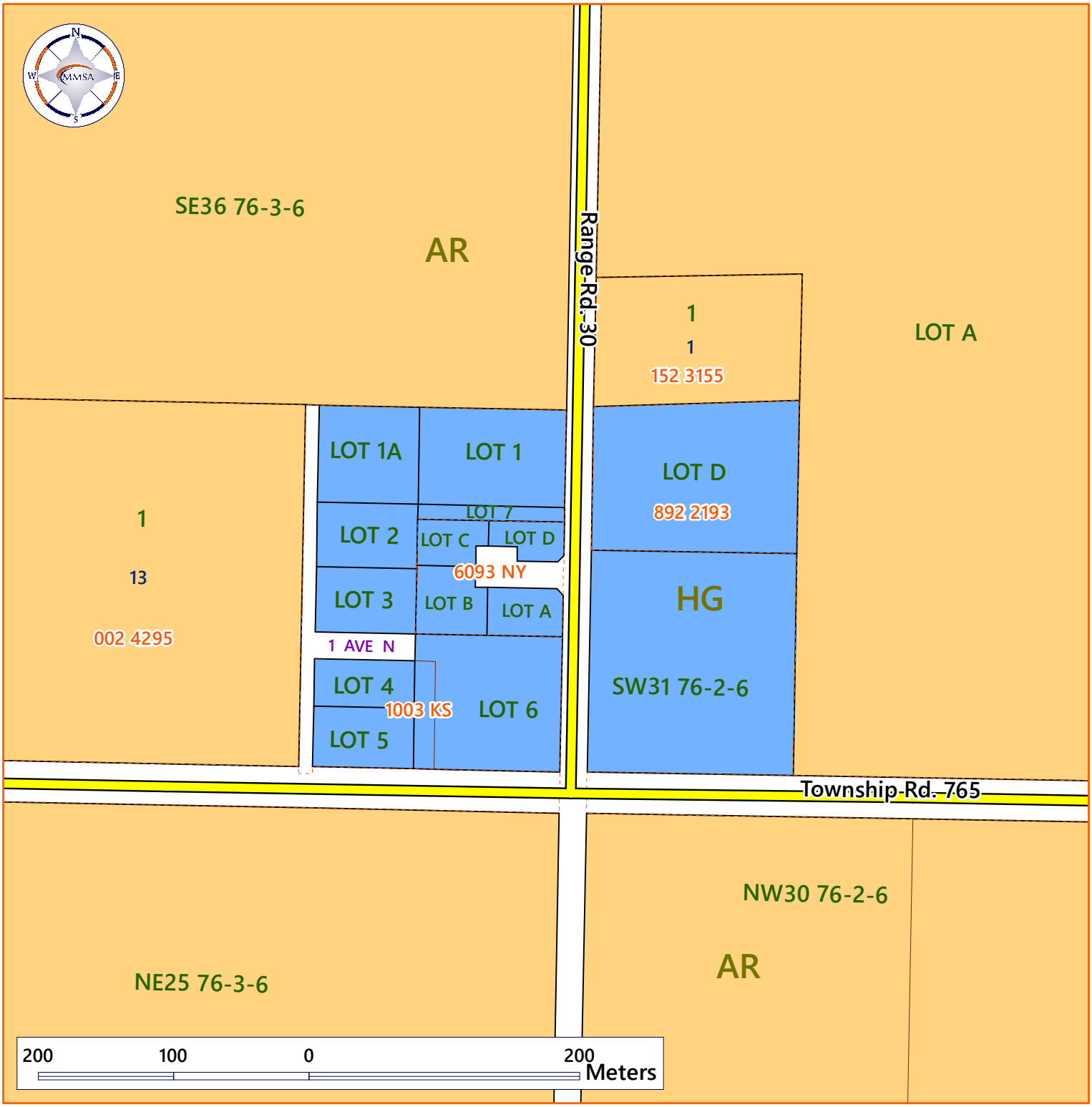
Birch Hills County
Land Use Bylaw No. 2024 - 01

Watino

Land Use Bylaw Districts
Detail Map 4

MMSA

Adoption Date: September 26th, 2019
Cadastral Data Source: AltaLIS (March 2024)
Updated on: March 2024



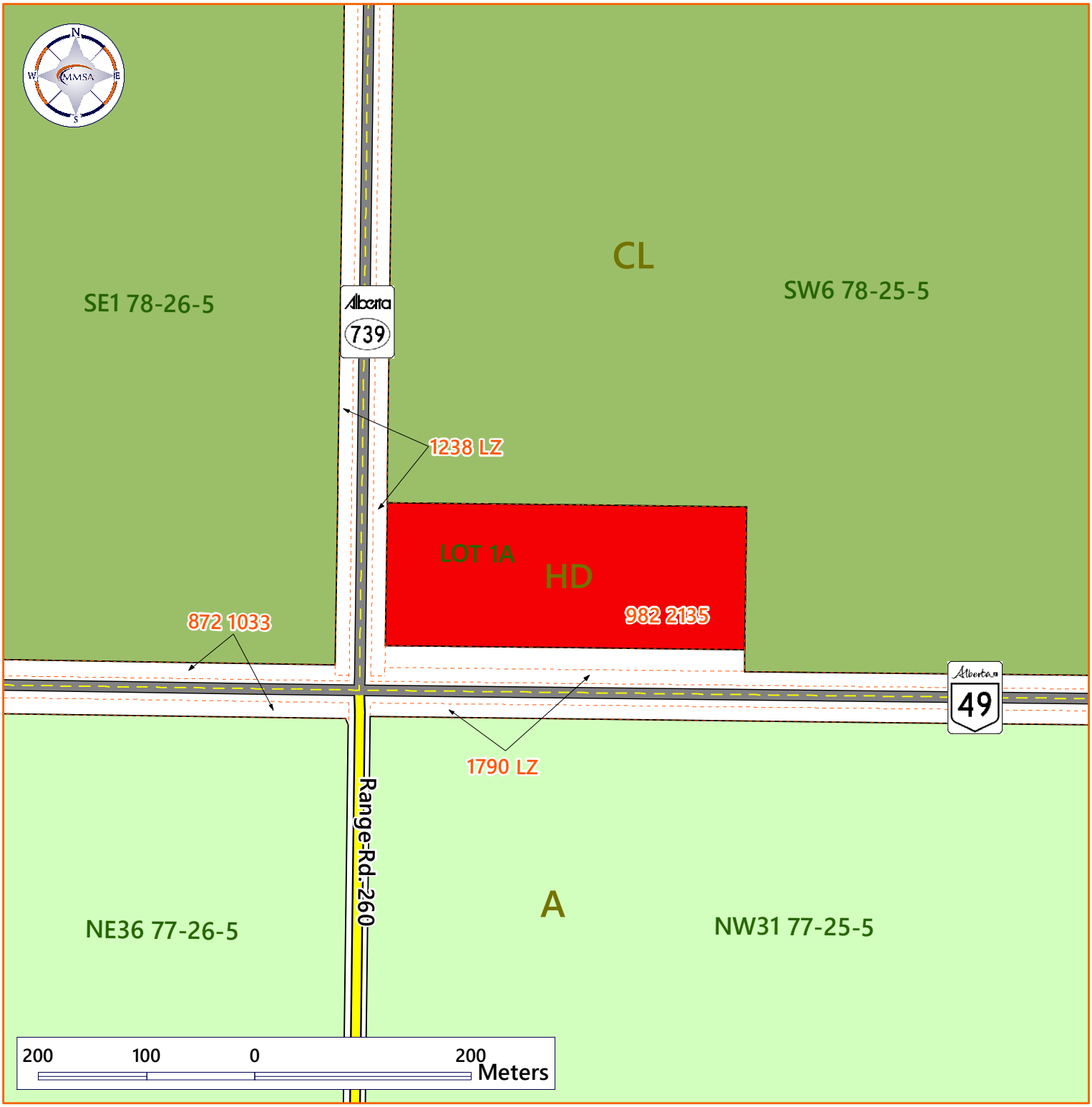
Agricultural (A) District	Hamlet General (HG) District	Recreation (REC) District
Agricultural Restricted (AR) District	Hamlet Commercial (HC) District	Rural Industrial (RI) District
Agricultural Collective (AC) District	Hamlet Industrial (HI) District	Crown Land (CL) District
Country Residential (CR) District	Highway Development (HD) District	Direct Control (DC) District

Birch Hills County
Land Use Bylaw No. 2024 - 01

Peoria

Land Use Bylaw Districts
Detail Map 5

Adoption Date: September 26th, 2019
Cadastral Data Source: AltaLIS (March 2024)
Updated on: March 2024



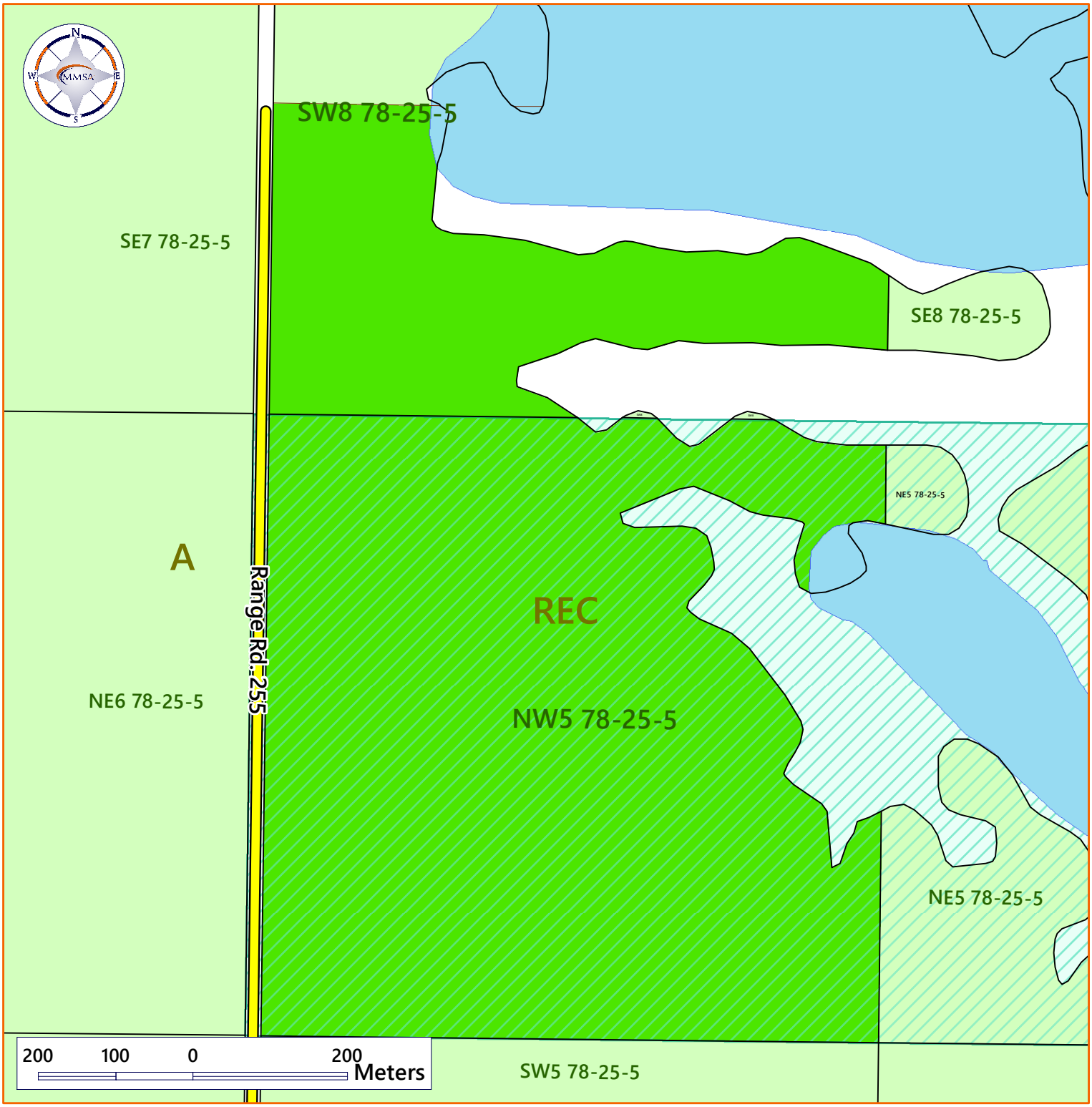
- Agricultural (A) District
- Agricultural Restricted (AR) District
- Agricultural Collective (AC) District
- Country Residential (CR) District
- Hamlet General (HG) District
- Hamlet Commercial (HC) District
- Hamlet Industrial (HI) District
- Highway Development (HD) District
- Recreation (REC) District
- Rural Industrial (RI) District
- Crown Land (CL) District
- Direct Control (DC) District

Birch Hills County
Land Use Bylaw No. 2024 - 01

SW-6-78-25-W5M

Land Use Bylaw Districts
Detail Map 6

Adoption Date: September 26th, 2019
Cadastral Data Source: AltaLIS (March 2024)
Updated on: March 2024



Agricultural (A) District	Hamlet General (HG) District	Recreation (REC) District
Agricultural Restricted (AR) District	Hamlet Commercial (HC) District	Rural Industrial (RI) District
Agricultural Collective (AC) District	Hamlet Industrial (HI) District	Crown Land (CL) District
Country Residential (CR) District	Highway Development (HD) District	Direct Control (DC) District

Birch Hills County

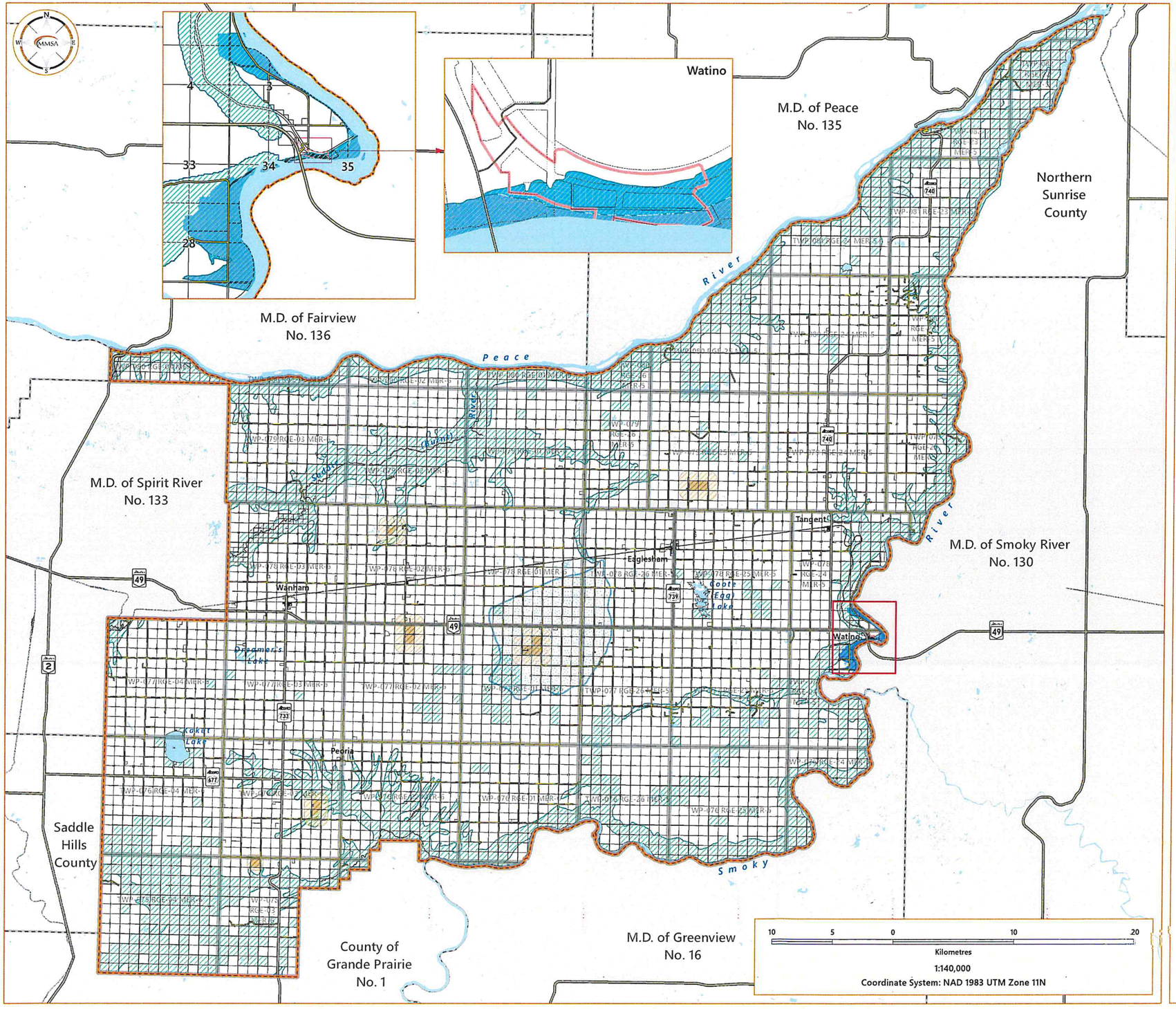
Birch Hills County
Land Use Bylaw No. 2024 - 01

NW-5-78-25-W5M

Land Use Bylaw Districts
Detail Map 7

MMSA

Adoption Date: September 26th, 2019
Cadastral Data Source: AltaLIS (March 2024)
Updated on: March 2024



Birch Hills County
Bylaw No. 2024 - 01
Overlays Map

Overlays

- Flood Fringe
- Floodway
- Known CFO Locations
- Hamlet of Watino Overlay
- Airport Vicinity Overlay
- ESA Overlay
- CFO Overlay
- Fox Creek Watershed

Schedule C: Land Use Bylaw Overlays
Adopted by Council this xxxx day of xxxxxx, 2024

Original Signed By:
Reeve: Albert Poetker

Original Signed By:
Chief Administrative Officer: Larry Davidson

Amendments

Bylaw No.	Date	Bylaw No.	Date

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