



# LAND USE BYLAW

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## **MUNICIPAL DISTRICT OF FOOTHILLS NO. 31**

### **LAND USE BYLAW**

#### **OFFICE CONSOLIDATION**

Note: Land Use Bylaw No. 60/2014 was adopted by the Municipal District Council on December 17, 2014 and became effective on that date. It replaced Land Use Bylaw No. 1/99 which was simultaneously rescinded on that date. This Bylaw is subject to change by Council. A current listing of any and all amendments can be obtained from the Municipal District office.

This document has been consolidated for convenience only. The official Bylaw and amendments thereto, available from the Municipal Office, should be consulted for all purposes of interpretation and application.

Questions concerning the interpretation and application of this Bylaw should be directed to the Planning Department of the Municipal District of Foothills.

#### **Bylaws for Text Amendments:**

- April 1, 2014 – Bylaw 19/2015 and Bylaw 20/2015
- June 24, 2015 – Bylaw 59/2015 and Bylaw 60/2015
- June 29, 2016 – Bylaw 44/2016, 45/2016, 46/2016, and 47/2016
- November 2, 2016 – Bylaw 62/2016; Bylaw 69/2016;
- September 27, 2017 – Bylaw 79/2017

(Updated January 25, 2018)

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# User Guide

The following “User Guide” is intended for information only and does not form part of the Municipal District of Foothills Land Use Bylaw:

Throughout the Land Use Bylaw, other text is included in colored highlighted boxes or italicized text highlighted. This text is intended for information only and does not form part of the Municipal District of Foothills Land Use Bylaw. It has been provided for information purposes or is addressed in another area of the Land Use Bylaw and has been duplicated in a second location for ease of use by the public.

The Land Use Bylaw establishes provisions for the use of land and buildings in the Municipal District of Foothills. It regulates the type, location and intensity of land use and buildings, and also outlines the process for land use bylaw amendments or redesignation of lands and for applying for permits to develop property.

The Land Use Bylaw reflects the Municipality’s regulation and policy, including the Municipal Development Plan 2010 as adopted by Bylaw No. 78/2010. Other Bylaws, regulations and Acts of the Municipality and governments of Alberta and Canada must also be observed. These are referenced in the Land Use Bylaw where possible, but it is up to the individual to ensure that relevant laws are complied with.

As a reference document, the Land Use Bylaw’s Table of Contents is an important index. The Bylaw is organized in five (5) parts which group sections with related information. The five (5) parts are as follows:

**PART 1: ADMINISTRATION** contains basic information on the legal framework of the Bylaw, this guide on how to use the Bylaw, the definition of important terms, which include all the uses regulated by the Land Use Bylaw, as well as information on how to interpret the provisions of Bylaw.

**PART 2: PLANNING & DEVELOPMENT APPLICATIONS** provides information on the Municipality’s procedures related to redesignation, subdivision and development applications, and amendment processes.

**PART 3: ENFORCEMENT AND APPEALS** contains information on enforcement of the Land Use Bylaw and the development appeal process.

**PART 4: RULES GOVERNING ALL DISTRICTS** contains provisions for all uses and development types that apply in the land use districts. These provisions generally supplement those in PART 5 and are generally cross referenced.

**PART 5: OVERLAY DISTRICTS** contains Overlay District Maps and general standards that apply to the area in addition to the land use districts.

**PART 6: LAND USE DISTRICTS** contains Land Use District Maps, and permitted and discretionary uses and general subdivision and development standards for each district.

**PART 7: APPENDIX:** contains policies and guidelines approved by the Municipality that are referenced in conjunction with provisions of this bylaw.

Along with this Land Use Bylaw, other documents, policies and procedures and guidelines approved by the Municipality should be considered. Many of these documents have been referenced in the Land Use Bylaw and are available on the Municipal website.

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### *Using the Land Use Bylaw to Determine Zoning and Regulations for a Specific Parcel:*

1. To determine regulations applicable to a specific parcel, you must first find the parcel on the official Land Use District Maps. The appropriate map will show the land use district that applies to the parcel.
2. Look up the corresponding regulations. Start with the Land Use Districts (PART 6). The land use district identifies what uses are permitted or discretionary and contains most standards that apply. These development regulations can help guide the preparation of a subdivision and/or development plan.
3. Check to see if the subject parcel is located within an overlay district (PART 5). The overlay districts identify standards that apply in addition to the land use district already applied to the lands. Both the regular land use provisions as well as the overlay provisions apply where an overlay district is in place.
4. Some uses and types of development have specific regulations contained in Part 4. It is a good idea to check other land use districts in PART 6 to confirm if any other land use districts apply to your situation. In some cases, the proposed use or development may require a land use amendment to allow for the use on your property or the use or development may be more appropriate under another land use district therefore requiring a redesignation.
5. Refer to PART 1 and PART 2 for additional information on how to apply the regulations to a specific parcel, how to apply for the necessary amendments or Development Permits.
6. Discuss your proposed land use or development with staff from the Municipal Planning and Development Department.

If you require assistance with the provisions or processes contained in the Land Use Bylaw, please call or visit municipality's Planning & Development Department. The official and most recent version of the Land Use Bylaw and amendments is located at the Municipal office and on the municipal website at [mdfoothills.com](http://mdfoothills.com)..

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## **PART 1    ADMINISTRATION**

### **SECTION 1    ENACTMENT**

#### **PREAMBLE**

This section of the Land Use Bylaw establishes the purpose of the Bylaw and its effective date. This section also establishes compliance requirements with respect to this bylaw and with other applicable legislation.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

#### **1.1    TITLE**

- 1.1.1    This Bylaw may be cited as “The Municipal District of Foothills No. 31 Land Use Bylaw”.

#### **1.2    PURPOSE**

- 1.2.1    The purpose of this Bylaw is to facilitate the orderly, economical and beneficial development and use of land and buildings within the MD of Foothills. Specifically the Bylaw:
- a.   Assigns the Municipal District land use districts;
  - b.   Regulates and prescribes the purpose for which lands designated under applicable districts may be used;
  - c.   Establishes the roles of the Approving Authority;
  - d.   Establishes the methods by which decisions will be made on applications over which the Municipal District of Foothills has Approving Authority;
  - e.   Provides the manner in which notice of decisions on Development Permits is given.
- 1.2.2    The Bylaw shall be applied in a manner that serves to implement statutory plans which have been adopted by the MD.
- 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    EFFECTIVE DATE**

- 1.3.1    This Bylaw comes into effect at such time as it has received third (3rd) reading and has been signed in accordance with the Act.

## **1.4 SCOPE**

- 1.4.1 No development shall be carried out within the boundaries of the Municipal District except in conformity with the provisions of this Bylaw.

## **1.5 APPLICATIONS IN PROCESS**

- 1.5.1 All redesignation, subdivision and development applications received in a complete form prior to the effective date of this Bylaw shall be processed and considered based on the provisions in effect consistent with Bylaw No. 1/99 unless prior to a decision being made on the application, the Municipality receives a duly signed amended application requesting that said subdivision, redesignation, or development application be processed and considered based on the provisions of this Bylaw.
- 1.5.2 All redesignation, subdivision, or development applications received on or after the effective date of this Bylaw (December 17, 2014) shall be processed and considered upon the provisions of this Bylaw and applicable statutory plans.

## **1.6 COMPLIANCE WITH LAW**

- 1.6.1 Except as otherwise provided for in sub-section 4.2 and each Land Use District, no development shall be commenced unless a Development Permit application has been approved, a Development Permit issued, and the development is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw.
- 1.6.2 A Development Permit issued pursuant to this Bylaw is not a Building Permit, and notwithstanding that plans and specifications for buildings may have been submitted as part of an application for Development Permit, work or construction shall neither commence nor proceed until a Building Permit has been issued pursuant to applicable statutes, bylaws and regulations.
- 1.6.3 When a Development Permit application is approved with conditions, all “prior to” conditions must be satisfied prior to advancing the issuance of the Development Permit.
- 1.6.4 All developments designated as “not requiring a Development Permit” shall comply with all provisions set forth in the Bylaw and other statutes.
- 1.6.5 For those developments requiring approval by any other organization, including but not limited to the NRCB, AER, AUC, or any other body or organizations having jurisdiction, the approval of such organizations shall be provided to the Approving Authority prior to a decision being made by the Approving Authority.
- 1.6.6 Development Permit and other applicable planning fees required by this Bylaw shall be established by resolution of Council of the Municipal District of Foothills No. 31 and are referenced as “Planning Service Fees”.

## **1.7 COMPLIANCE WITH OTHER LEGISLATION**

- 1.7.1 A person applying for, or in possession of, a valid Development Permit is not relieved from the responsibility of ascertaining and complying with or carrying out development in accordance with:
- a. The requirements of any statutory plan;

- b. The requirements of the Safety Codes Act, R.S.A. 2000 Chapter S-1, and subsequent updated versions of this regulation, together with all regulation passed thereunder;
- c. The requirements of any other appropriate Municipal, Provincial or Federal statutes or regulations;
- d. The conditions of any caveat, covenant, easement or other instrument affecting a building or land; and
- e. The requirements of other applicable municipal bylaws, policies and procedures, as adopted by the municipality from time to time.

## **1.8 NON CONFORMITY**

- 1.8.1 Non-conforming buildings and non-conforming uses shall be dealt with in accordance to Section 643 of the Act and this Bylaw.
- 1.8.2 If a Development Permit has been issued on or before the day on which a land use bylaw or land use bylaw amendment comes into force in the MD and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the Development Permit Development Permit continues in effect in spite of the coming into force of the bylaw.
- 1.8.3 If a building was unlawfully constructed or a use unlawfully conducted on a site prior to the date the land use bylaw becomes effective, the building or use will remain an illegal building or use rather than non-conforming.
- 1.8.4 A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.
- 1.8.5 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it unless it is brought into conformance with this bylaw.
- 1.8.6 A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
- 1.8.7 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - a. To make it a conforming building;
  - b. For routine maintenance of the building, if the Approving Authority considers it necessary; or
  - c. In accordance with this bylaw insofar as this Bylaw provides variance powers to the Approving Authority for the purpose of this section.
- 1.8.8 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.
- 1.8.9 The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

**1.9 SEVERABILITY**

- 1.9.1 If any part of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.



## SECTION 2 INTERPRETATIONS

### PREAMBLE

This section outlines the general procedures pertaining to the establishment of land use districts and the general rules of interpretation of this Bylaw. The definitions form an important part of the Land Use Bylaw by lending clarity to the interpretation of uses and other terms used in this Bylaw.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

### 2.1 RULES OF INTERPRETATION

- 2.1.1 Compliance with the provisions in this Bylaw shall be interpreted and applied as follows:
- a. “SHALL” is a directive term that indicates that the actions outlined are mandatory and therefore must be complied with, without discretion;
  - b. “SHOULD” is a term that provides direction to strive to achieve the outlined action, but is not mandatory. When the provision is directed to the developer, the onus is on the applicant to justify why the desired action/result is not proposed and/or will not be achieved;
  - c. “MAY” is a discretionary term, providing notification that the provision in question can be enforced if the MD chooses to do so, and is usually dependent on the particular circumstances of the specific parcel and application;
  - d. “PERMITTED USE” means the use of land, a building, or buildings provided for in this Bylaw that must comply with all provisions of the Land Use Bylaw unless a variance is provided. The Approving Authority must issue a Development Permit with or without conditions as provided for in this Bylaw for a permitted use. All permitted uses require the issuance of a Development Permit, unless identified as “Development Permit not required” or exempt under this Bylaw;
  - e. “DISCRETIONARY USE” means the use of land or a building provided for in this Bylaw for which the Approving Authority may issue a Development Permit with or without conditions as provided for in this Bylaw;”
  - f. “EXEMPT” means development that does not require a Development Permit if it meets all provisions of this Bylaw.
- 2.1.2 Where a provision involves two (2) or more conditions, regulations or events connected by a conjunction, the following shall apply:
- a. “And” means all the connected items shall apply in combination;
  - b. “Or” indicates that the connected items may apply singly or in combination; and
  - c. “Either-or” indicates the items shall apply singly but not in combination.
- 2.1.3 Words used in the singular include the plural and vice-versa.

- 2.1.4 When a word is used in the masculine it will refer to either gender.
- 2.1.5 All measurements in this Bylaw are metric. In the case of any conflict between information expressed in metric units and in imperial units, the metric shall govern.
- 2.1.6 In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall govern.
- 2.1.7 In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.
- 2.1.8 Words, phrases, and terms not defined in this section may be given their definition in the Safety Codes Act. Other words shall be given their usual and customary meaning.
- 2.1.9 Where reference is made to other legislation or documents, this refers to the legislation and documents as may be amended from time to time.

## **2.2 ESTABLISHMENT OF DISTRICTS**

- 2.2.1 An Overlay district and the associated district provisions are established for the municipality in accordance with Part 5 of this Bylaw.
- 2.2.2 Land use district and the associated district provisions are established for the municipality in accordance with Part 6 of this Bylaw.
- 2.2.3 The Land Use District Map constitutes Part 7 of this Bylaw. It divides the municipality into districts and specifies the district provisions applying to particular lands.
- 2.2.4 Provisions, as listed in Part 4, comprising all general and specific development regulations, shall govern any permitted and discretionary uses listed in a land use district.
- 2.2.5 For the purpose of this Bylaw the Municipality is divided in the following Districts:

OVERLAY DISTRICT	ABBREVIATION
Flood Hazard Protection Overlay	FHP

LAND USE DISTRICT	ABBREVIATION
Agricultural	A
Agricultural Business	AB
Country Residential	CR
Cluster Residential	CLR
Country Estate Residential	CER
Hamlet Residential	HR
Residential Multi-Family	RMF
Residential Manufactured Home	RMH
Business Park	BP
Community Commercial	CMC

LAND USE DISTRICT	ABBREVIATION
Highway Commercial	HC
Rural Business	RB
Hamlet Industry	HMI
General Industry	GI
Industrial Edge	IE
Natural Resource Extraction	INR
Recreation	REC
Open Space	OS
Environmental Protection	EP
Service District	SD
Public Utility	PUL
Direct Control Districts	DC

## **2.3 DISTRICT BOUNDARIES**

- 2.3.1 The boundaries on the Land Use Maps shall be interpreted as follows:
- Where a boundary is shown as approximately following the municipal boundary, it follows the Municipal boundary;
  - Where a boundary is shown as approximately following the edge or shorelines of any river, lake, creek or other water body, it follows the edge or shoreline. In the event of a change in the location of said edge or shoreline, it moves with the same as per the Public Lands Act;
  - Where a boundary is shown as approximately following a parcel line, it follows the parcel line;
  - Where land use districts have been established in accordance with a proposed subdivision of land, the districts shall be understood to conform to the certificate of title or the plan of survey when registered in a land title office. Upon registration, the district boundary shall be adjusted in accordance with the plan of survey or descriptive plan.
- 2.3.2 For circumstances not covered above, the location of the boundary shall be determined by any dimensions set out in this Bylaw and by measurements of the Land Use District Maps. The district provisions of this Bylaw do not apply to roadways.
- 2.3.3 Notwithstanding sub-section 2.3.2, when a roadway loses its designation through a road closure bylaw, the roadway lands shall have the same land use designation as the most restrictive district applicable to abutting lands, except when, immediately following road closure, the closed roadway is consolidated with an adjoining parcel, in which case that adjoining parcel's land use designation applies to affected portions -of the roadway.

## **2.4 SPECIAL PROVISIONS FOR PARCELS WITH SUB-DISTRICTS**

- 2.4.1 Parcels within all land use districts may be further designated with a sub-district “A” in cases where Council feels that there is need for special consideration to be given on the development and construction on the lands including, but not limited to, the construction and placement of dwellings, accessory buildings, and structures, development of access, or any other lot grading that may impede drainage, through approval of a Development Permit prior to a Building Permit for reasons including but not limited to compliance with the following requirements:
- a. Lot grading and building envelope;
  - b. Site coverage and setback;
  - c. Storm water management;
  - d. Access design and construction;
  - e. Location of a floodway;
  - f. Landscaping and screening requirements;
  - g. Water and wastewater utility systems;
  - h. Engineering requirements such as foundation design;
  - i. Preservation of environmental and landscaping features;
  - j. Other such reasons as deemed appropriate by Council.
- 2.4.2 When a sub-district “A” designation is placed on a land use district parcel, a Development Permit approval is required prior to a Building Permit for all development, lot grading, and/or placement and construction of buildings or structures on site. Upon land use designation, the Approving Authority shall indicate the nature of the special consideration required to assist with Development Approval.

## **2.5 DEFINITIONS**

- 2.5.1 Words and expressions used in this Bylaw (but not defined herein) that are defined in Part 17 of the Act have the meaning given to them in Part 17 of the Municipal Government Act so far as the context in which such words and expressions are used in this Bylaw will permit.

### **A**

**ABATTOIR** means a premise where livestock is meated and the meat is cut, cured, smoked, aged, wrapped, or frozen for distribution.

**ACCESSORY BUILDING, DETACHED** means a detached building naturally or normally incidental, subordinate and exclusively devoted to the principal building on the lot, and located on the same lot as the principal building. For clarity, buildings defined as “arena private”, “arena limited public”, or “arena commercial” are not accessory buildings. *Additional information on accessory buildings can be found in Section 9.2 and Section 4.2.1.7 of this bylaw.*

**ACCESSORY USE** means a use that is naturally or normally incidental, subordinate and exclusively devoted to the uses approved on the, and located on the same lot as the principal use.

**ACCESS ROAD** is any part of a privately owned property developed for the purposes of vehicular access directly to and from a municipally or provincially owned right-of-way. The access road is not considered a structure. *Additional information on access roads can be found in Section 9.1 of this bylaw.*

**ACT** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto.

**ADMINISTRATION OFFICE** means a specific building or rooms within a building providing for the day-to-day business operation of a facility or primary use on a parcel, and may include kitchen and washroom facilities for staff use.

**AERODROME/AIRSTRIP (PRIVATE USE)** means an area of land or water, including the frozen surface thereof, or other supporting surfaces used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft and includes any building, installation, or equipment in connection therewith.

**AGRICULTURAL (GENERAL)** means systems of tillage and animal husbandry which involve methods used on large areas of land for the raising of crops or the rearing of livestock (provided that the density of the operation does not exceed 1 animal unit per 3 acres of land) either separately or in conjunction with one another in unified operations and includes buildings and other structures incidental to the agricultural operation except where:

- the intent of the building or structure is to be used as an “arena, private”, “arena, limited public”, or “arena, commercial”. *More information on agricultural use and livestock regulation can be found in Section 10.1 of this bylaw. Arenas are defined further on in this section of the Bylaw and addition information on riding arenas can be found in Section 10.3.*

**AGRICULTURAL (INTENSIVE USE)** means systems of tillage and animal husbandry which involve concentrated methods used on areas of land to raise crops or keep livestock, poultry, and other animals, or their products for market, and includes intensive livestock operations, intensive swine operations, intensive poultry operations, and intensive vegetative operations. *More information on agricultural use and livestock regulation can be found in Section 10.1 of this bylaw.*

**AGRICULTURAL PROCESSING AND DISTRIBUTION** means the use of land or a building for the upgrading of a product, for distribution or for sale that was originally produced in an agricultural operation but does not include an abattoir or medical marihuana production facility.

**AGRICULTURAL SPECIALTY** means the use of land to produce specialty products onsite. Such specialties may be (but are not limited to) game farms, fish hatcheries, and aquaculture.

**AGRICULTURAL SUPPORT SERVICES** means the use of land, buildings and structures for the purpose of supplying goods, materials or services directly and primarily to the agricultural industry. This use would include the sale and storage of seed, feed, fertilizer, chemical products, fuel, and agricultural machinery.

**AIRPORT** means an area of land or water, including the frozen surface thereof, or other supporting surfaces used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft and includes any building, installation, or equipment in connection therewith for the whole of which an airport licence has been issued by the Ministry of Transport.

**AMATEUR RADIO ANTENNA** means an installation consisting of an antenna or antenna array, mounted on a metal tower or support structure, designed for the purpose of the reception and transmission of radio signals by private, federally licensed amateur radio operators. *More information on amateur radio antennas can be found in Section 10.2 of this bylaw.*

**AMUSEMENT AND ENTERTAINMENT SERVICES** means those developments, having a room, area or building used indoors or outdoors for purposes of providing entertainment and amusement to patrons on a commercial fee for admission/service basis. Typical uses and facilities would include go-cart tracks, miniature golf establishments, carnivals (variety of shows, games and amusement rides), circuses, table or electronic games establishments, paint ball, laser tag, and amusement theme parks.

**ANIMAL CARE SERVICES** means development such as a hospital or shelter used for the temporary accommodation, care, treatment or impoundment of animals. This would include pet clinics, animal veterinary clinics and veterinary offices but does not include private or commercial kennels.

**ANIMAL UNIT** refer to Section 10.1.

**ANTENNA STRUCTURES, PRIVATE** means equipment designed to transmit or receive signals (electromagnetic or otherwise) for the express purpose of supporting or establishing telecommunications systems for private use only (non-federally regulated).

**APIARY** means an area where one or more beehives are placed. It is also called a bee yard (bee keeping). An apiary can be built for the purposes of harvesting honey or to benefit farming.

**APPROVING AUTHORITY** means, the authority authorized to exercise approving powers and duties on behalf of the municipality in accordance with the Municipal Government Act and Section 3 of this Bylaw.

**AREA STRUCTURE PLAN** a statutory plan, adopted by Bylaw, which provides a land use strategy for subsequent redesignation, subdivision and development of an area of land.

**ARENA, COMMERCIAL** means a building or structure within which equestrian, athletic or recreational activities or contests are carried on and intended to be used by persons other than occupants of the residence, if any, located on the lot upon which the arena is located, which will result in the generation of more than sixteen (16) additional vehicle trips on any single day to or from the site of the arena; or use of the arena for any purpose on any single day by more than sixteen (16) persons other than occupants of the residence. *More information on riding arenas can be found in Section 10.3 of this bylaw.*

**ARENA, LIMITED PUBLIC** means a building or structure within which equestrian, athletic, recreational activities or contests are carried on and intended to be used by persons other than occupants of the residence, if any, located on the lot upon which the arena is located, which will result in the generation of no more than sixteen (16) additional vehicle trips on any single day to or from the site of the arena or use of the arena for any purpose on any single day by no more than sixteen (16) persons other than occupants of the residence. *More information on riding arenas can be found in Section 10.3 of this bylaw.*

**ARENA, PRIVATE** means a building or structure, no more than 1,500 square meters (16,146 square feet) in size, in which equestrian, athletic or recreational activities are carried on and intended to be used solely by the occupants of the residence and/or by no more than four (4) non-resident users per day other than the occupants of the residence located on the lot upon which the arena is located. *More information on riding arenas can be found in Section 10.3 of this bylaw.*

**ART CENTRE** means a building or series of buildings, structures and landscape spaces to facilitate Art Heritage and Nature themed usage available for the purposes of assembly, cultural instruction, art production and educational, research, social and recreational activities.

**ARTIST SHELTER** means a covered or enclosed structure intended to provide temporary shelter from the elements for artists while engaged in art or craft activities. These structures are not to be used for overnight accommodation.

**ASSEMBLY USE** means a development that is used by an association or organization for the meeting, social or recreational activities of its members, and which may or may not include the general public. Typical assembly uses include but are not limited to lodges, clubs, and service clubs.

**AUCTIONEERING SERVICES** means those developments specifically intended for the auctioning of goods and equipment, including short term storage of such goods and equipment for the purpose of auctioning. This class does not include livestock auction marts.

**AUCTIONEERING SERVICES, LIVESTOCK** means those developments specifically intended for the auctioning of livestock, goods and equipment, including short term storage of such goods and equipment for the purpose of auctioning, and may include the temporary holding of livestock.

**AUTO BODY** means the painting or repairing of the interior, exterior or undercarriage of vehicle bodies for compensation and in conjunction with which there may be towing service and vehicle rentals for customers while a vehicle is under repair.



**AUTO REPAIR** means mechanical repairs and servicing, including the replacement of parts on vehicles for compensation.

**AUTO SALES** means the storage or display for sale of more than three new or used vehicles. This may include the sale of livestock trailers, flat deck trailers, and cargo trailers.

**AUTO WRECKERS** means the storage, disassembly, dismantling, junking or keeping of more than 3 unlicensed or inoperative vehicles, or parts thereof, on a lot under 8.5 ha (21 acres) or more than 5 unlicensed or inoperative vehicles, or parts thereof, on a lot 8.5 ha (21 acres) or greater.

## **B**

**BAY** means a self-contained unit or part of a building which can be sold, or leased for individual occupancy.

**BED AND BREAKFAST** means the secondary use of a principal dwelling unit where the permanent residents of the dwelling provide temporary lodging or sleeping accommodation (maximum 14 day stay) of no more than four (4) guest rooms and the guests are provided with a breakfast meal. This use shall be subordinate to the principal use of the dwelling as a residence. *More information on bed and breakfast can be referenced in Section 10.4 of this bylaw.*

**BED AND SHORE** The bank of a body of water as defined under the Provincial Surveys Act, which states that “when surveying a natural boundary that is a body of water, the surveyor shall determine the position of the line where the bed and shore of the body of water cease and the line shall be referred to as the (top of) bank of the body of water”. The Bed and Shore of a permanent water body is usually under the ownership of the Province of Alberta under the Public Lands Act.

**BEE KEEPING** means an activity of housing bees for the production of honey and/or pollination of agricultural crops.

**BOARDING SERVICES** means a business providing animal care services to the public in the nature of boarding, caring or training of horses and/or other domestic animals, which are not owned by the residents of the parcel and which create more than two vehicle trips per day to the parcel by individuals who are not resident on the parcel. *More information on boarding services can be referenced in Section 10.5 of this bylaw. Dog kennels are defined and information outlined in Section 10.13 of this bylaw and are not included under this definition.*

**BORROW PIT** is any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade or surrounding land for any purpose other than that necessary and incidental to site grading or building construction. *See Section 9.17 Lot Grading and Drainage for more information on permit requirements.*

**BUILDING** includes any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunk, or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.

**BUILDING HEIGHT** means the vertical distance between grade and the highest point of a building excluding: a roof stairway entrance, elevator shaft, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall, a flag pole or similar devices not structurally essential to the building. *See Section 9.11 Height and Grade for more information.*

**BUILDING SETBACK** means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope on such lot. Building setbacks are outlined in the Land Use Districts. *Section 9.27 provides additional information of Special Setback Requirements.*

**BUSINESS** means;

- a commercial, merchandising or industrial activity or undertaking,
- a profession, trade, occupation, calling or employment, or

- an activity providing goods and services, whether or not for profit and however organized or formed, including a co-operative or association of persons.

**BUSINESS OFFICES** means a facility or portion of a building primarily for the provision of professional, management, administrative, consulting, or financial services. Typical uses include the offices of lawyers, accountants, engineers, architects, and real estate, insurance, clerical, secretarial, employment, telephone answering and office support services.

**BUSINESS VISITS** means round trips to and from the site by individuals for the purpose of doing business on site of a home based business. Business visits do not include vehicle trips to the site by residents or employees, nor is it intended that the occupants of the vehicle be counted each as a business visit. A load of individuals transported by bus are excluded from this definition as this implies a larger scale operation than a home based business.

**BYLAW ENFORCEMENT OFFICER** means a person appointed under the provisions of the Municipal District of Foothills Bylaw Enforcement Officer Bylaw number 23/2013, and as amended from time to time. A Bylaw Enforcement Officer is, in the execution of their enforcement duties, a person responsible for the maintenance and preservation of the public peace and as such, is deemed to be a Peace Officer.

## **C**

**C-CAN** See Sea-Can.

**CAMPGROUND, MAJOR** means development of land which has been planned and improved for the short-term use of holiday trailers, motor homes, tents, campers and similar recreation vehicles within a defined area for a period not exceeding 200 consecutive days in accordance with Section 10.6. *campground, major* are not to be used for recreational vehicle storage.

**CAMPGROUND, MINOR** means development of land which has been planned and improved for the short-term use of holiday trailers, motor homes, tents, campers and similar recreation vehicles within a defined area for a period not exceeding 16 consecutive days in accordance with Section 10.6. *campground, minor* are not to be used for recreational vehicle storage.

**CAR/TRUCK WASH** means the provision of facilities, including a central water supply for washing vehicles.

**CARPORT** means a roofed structure used for storing or parking of private vehicles which is attached to the principal building, partially open and unobstructed. A detached carport is considered an accessory building and must be constructed in accordance with Section 9.2 of this bylaw

**CARD LOCK FUEL DISPENSING FACILITY** means a building, structure or part thereof, where fuel, oil and other similar products used in the operation of vehicle engines are sold to account customers only via card lock controllers. Such a facility may include as accessory uses, truck weigh scales, truck washing facilities, a lounge, shower and washroom facilities, all of which are available only to customers. Additionally, a facility may include one (1) outlet where goods are stored and offered for sale, provided that there is no preparation of food on the premise.

**CEMETERY** means land that is set apart or used as a place for the internment of the dead or in which human bodies, pets, and/or animals or cremated remains have been buried.

**CENTRE LINE** as used in this Bylaw with reference to a municipal road or highway means a line drawn parallel to and equidistant from the limits of the road allowance as originally laid out prior to any subsequent road widening.

**CHURCH** see “*Religious Assembly*”;

**CLUB HOUSE** means a building where members of a club and their guests may hold social events or gather for group activities, meetings, informational sessions or other purposes.



**CLUSTER DEVELOPMENT** means a development design technique that locates buildings in limited areas on a site to allow the remaining land to be used for a variety of open space purposes.

**COMMERCIAL BUSINESS** means the use of land, building or structures for the purpose of buying and selling commodities and supplying of services;

**COMMERCIAL COMMUNICATION EQUIPMENT** means equipment designed to transmit or receive signals (electromagnetic or otherwise) for the express purpose of supporting or establishing telecommunications systems.

**COMMERCIAL SCHOOL OR COLLEGE** means a service establishment which provides instruction in any subject for profit or gain, and without limiting the generality of the foregoing, includes a trade school, a secretarial college or school, a dance school or studio, a school of music, a modeling school, a charm school, a ceramics school or studio but does not include a public school, separate school or private school.

**COMMERCIAL STORAGE** means a building, group of buildings, or fenced compound in which rentable space is provided for the storage of goods of a non-hazardous nature. *See Section 10.16 for more information on commercial storage.*

**COMMON PROPERTY** means all land within a Condominium Plan that is not shown as a Unit;

**COMMON WALL** means a vertical wall separating two dwelling units and shall be mutually common to both dwelling units.

**COMMUNITY BUILDINGS AND FACILITIES** means buildings and facilities which are available for the use and enjoyment of the inhabitants of the municipality and the rural area for the purposes of assembly, culture, and recreational activity.

**COMMUNITY PEACE OFFICER** means a person appointed under the provisions of Section 7 of the Peace Officer Act, Revised Statutes of Alberta 2006, Chapter P-3.5 and as amended from time to time. Community Peace Officers may hold a secondary appointment as a Bylaw Enforcement Officer for the Municipal District of Foothills, if so designated.

**COMMUNITY SERVICES** means a development for the purpose of providing educational, recreational, social, and/or religious services and for avoidance of doubt including but not limited to Agricultural Society Grounds, Cemeteries, Churches, Public, Separate, and Private schools, and Community Buildings /Facilities.

**COMPOSTING** means a managed biological process where organic matter is decomposed. *More information on composting can be found in Section 10.8 of this bylaw.*

**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

**CONFINED FEEDING OPERATION** has the meaning given to it by the Agricultural Operations Practice Act, as it may be amended from time to time. *Appendix "C" to this Bylaw sets out the policies and procedure of the Municipal District of Foothills No. 31 regarding a Confined Feeding Operation. More information on confined feeding operations can also be found in Section 10.9 of this bylaw.*

**CONFERENCE CENTRE** means an establishment used for the holding of meetings, conventions, seminars, workshops, product and trade shows, or similar activities, and may include dining and lodging facilities for the use of participants, as well as compatible accessory facilities.

**CONTRACTOR, GENERAL** means development used for industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which may require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

**CONTRACTOR, LIMITED** means development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual households and the accessory sales of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four vehicles. No outside storage of materials shall be permitted as part of contractor, limited use.

**CONVENIENCE STORE** means a retail store in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to complement such items may include the limited sale of magazines, books and records, house wares, toiletries, stationary, and tobacco products.

**COUNCIL** means the Council of the Municipal District of Foothills.

**COUNTRY RECREATIONAL CENTER/LODGE** means a recreational development conducted on a unified basis on a single site which may include one or more adjoining lots where the prime reason for location in rural areas is to take advantage of natural physical features, including the availability of large areas of land to provide for physical recreation for the patrons through means of day-to-day sporting and athletic facilities and the structures incidental thereto and may include structures and services incidental and accessory only to the prime recreational use. The center/lodge may include the short-term or occasional lodging and boarding of patrons.

**CREMATORIUM** means a development fitted with equipment for the purpose of the cremation of human, pets, and/or animal remains and may include associated facilities for the preparation of the dead body for interment or cremation.

**CULTURAL FACILITIES** means development for the collection and storage of literary, artistic, musical and similar reference materials, or, a building intended for live theatrical, musical, or dance performances. Typical facilities would include libraries, museums, art galleries, auditoriums, theatres and concert halls.

## **D**

**DAY CARE FACILITY** means the use of a building or portion thereof for the provision of care, instruction, maintenance or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centers, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition. *More information on Child Care Facilities can be found in Section 10.7 of this bylaw.*

**DAY HOME SERVICES** means when a dwelling unit is used to provide for the care and supervision of six or fewer children under the age of 13 years for a fee, by a person who resides in the dwelling unit, for periods of less than twenty four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare. *More information on Child Care Facilities can be found in Section 10.7 of this bylaw.*

**DECK** means a structure abutting a dwelling or accessory building, with no roof, cover, or walls, except for visual partitions, and railing which is constructed on piers or a foundation above-grade for use as an outdoor living space. *See Section 4.2 for information on exemptions to Development Permit requirements for patios and decks and Section 9.27 Special Setback Requirements for more information on setback requirements.*

**DECK, COVERED** is a covered structure abutting a dwelling or accessory building, with no walls except for visual partitions, and railing which is constructed on piers or a foundation above-grade as defined under this Bylaw. Where a deck includes a cover or roof, the deck area becomes part of the cumulative sq. ft. of the attached structure.

**DENSITY BONUS** means a planning tool that can allow the municipality to encourage a preferred activity or municipal objective through increased density incentives. See Section 9.7 for more information on Density Bonus provisions.

**DESIGNATED OFFICER** means a person appointed by Council, under the provisions of Section 210 of the Municipal Government Act, and may include, a Community Peace Officer and Bylaw Enforcement Officer.

**DEVELOPABLE AREA** means the minimum area required on a lot to ensure that there is adequate space for a building site, water well and sewage disposal system taking into account the setback distance requirements of the Municipality's land use bylaw, provincial requirements, and any required setbacks recommended by a geotechnical engineer following a review of the site. *The criteria for developable area are further described in Section 9.8.*

**DEVELOPERS AGREEMENT** a legal binding contract between a developer and the Municipality outlining the obligations of the developer with respect to a specific development.

**DEVELOPMENT** means

- an excavation or stockpile and the creation of either of them;
- a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land of any of them;
- a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**DEVELOPMENT AUTHORITY** means the development authority provided for by Council from time to time pursuant to Section 624 of the Municipal Government Act to exercise development powers and duties on behalf of the Municipality. *For more information on the Development Authority and other Approving Authorities, please refer to Section 3.1 of this Bylaw*

**DEVELOPMENT PERMIT** means a document issued under the Land Use Bylaw that approves a development.

**DIRECT CONTROL** means a land use designation where Council exercise particular control over the use and development of land or buildings within an area of the municipality. Council acts as the Development Authority and limiting the right of appeal in accordance with Section 641(1) of the Municipal Government Act.

**DISCRETIONARY USE** means the use of land or a building provided for in this Bylaw for which the Approving Authority may issue a Development Permit with or without conditions as provided for in this Bylaw.

**DOG PARK** means an area designated for the running and exercise of dogs off-leash by the public. Dog parks shall be fully fenced and gated.

**DRINKING ESTABLISHMENT** means an establishment, licensed by the Alberta Gaming and Liquor Commission, in which alcoholic beverages are served for a fee for consumption on the premises, and any preparation or serving of food is accessory thereto, and includes a licensed lounge that is ancillary to a restaurant.

**DUGOUT** means the excavation of land that results in manmade features that entrap water and includes a private dam and/or excavation for general agricultural purposes, but does not include ornamental ponds, storm water ponds, or private lakes or lagoons for the purposes of processing wastewater. *For more information on regulations on dugouts and other man made water features, please refer to Section 9.18.*

**DWELLING, ATTACHED** means a single building which contains two or more separate living quarters each of which contains the rooms and amenities included in a detached single family dwelling;

**DWELLING, DETACHED SINGLE FAMILY** means a single building which contains one Dwelling Unit and includes Dwelling, Manufactured Homes on parcels 32.4 ha (80 acres) in size and Dwelling, Manufactured Homes 6.10m (20 ft.) or greater in width or length on parcels less than 32.4 ha (80 acres) in size in accordance with *Section 10.10 of this Bylaw.*

**DWELLING, DUPLEX** means a building designed exclusively to accommodate two dwelling units, one situated above the other, with separate entrances to each unit. See *Figure 10.10 A for an illustration on Dwelling types and Section 10.10 for more information on dwelling provisions.*

**DWELLING, FOURPLEX** means a separate building which consists of two attached duplex dwellings, or a building containing only two storey's exclusive of basement, divided vertically into four dwelling units with either one or two complete walls in common with adjoining units or an independent entrance, either directly or through a vestibule. See *Figure 10.10 A for an illustration on Dwelling types and Section 10.10 for more information on dwelling provisions.*

**DWELLING, MANUFACTURED HOME, 6.10M (20 FT.) OR GREATER** means a factory-constructed, detached dwelling unit that is 6.10m (20 ft.) or greater in width or length, manufactured in the past ten years, and constructed in accordance with the Canadian Standards Association Regulation and Alberta Building Code. For more provisions on manufactured homes, refer to Section 10.10 of this Bylaw.

**DWELLING, MANUFACTURED HOME, UNDER 6.10M (20 FT.)** means a factory-constructed, detached dwelling unit which is less than 6.10m (20 ft.) in width or length, manufactured in the past ten years, and constructed in accordance with the Canadian Standards Association Regulation and Alberta Building Code. For the purpose of this bylaw, a Manufactured Home, under 6.10m (20 ft) in width or length does not include a recreational travel trailer or recreational motor home vehicle. For more provisions on manufactured homes, refer to Section 10.10 of this bylaw.

**DWELLING, MOVED ON** means a dwelling, detached single family that has previously been lived in, used as a residence or used for other purpose, which has now been relocated to a new parcel for the purpose of a dwelling, detached single family.

**DWELLING, TOWNHOUSE** means a building divided vertically into three or more separate dwelling units, each of which has an independent entrance either directly or through a common vestibule. See *Figure 10.10 A for an illustration on Dwelling types and Section 10.10 for more information on dwelling provisions.*

**DWELLING UNIT, SECONDARY** means a subordinate dwelling unit located on a parcel in addition to the principal dwelling unit, which constitutes a self-contained living accommodation unit comprised of kitchen facilities (including 220 wiring to allow for a range, oven or cook top stove), sleeping amenities, and washroom facilities consisting of a full bathroom including tub and/or shower fixture and has a separate entrance or includes a door which can be physically closed or locked off from the remainder of the principal dwelling. A dwelling unit, secondary may be located within the same building as the principal dwelling unit, located within an accessory building, or may be a self-contained dwelling unit located on the same titled parcel as the principal dwelling.

**DWELLING, SEMI-DETACHED** means a building containing two dwelling units sharing a common wall extending from the first floor to the roof, and located side by side with each dwelling unit having at least one separate entrance. See *Figure 10.10 A for an illustration on Dwelling types and Section 10.10 for more information on dwelling provisions.*

**DWELLING, TEMPORARY** means a manufactured home, dwelling modular, or dwelling detached single family, which has not been situated on a permanent foundation and is permitted in accordance with Section 10.10.

**DWELLING UNIT** means a building or a portion of a building providing sleeping, washroom, and a kitchen intended for domestic use, and used or intended to be used permanently or semi-permanently for a household. A dwelling or dwelling unit does not include more than one room which, due to its design, plumbing, equipment, and furnishings, may be used as a kitchen.

## **E**

**EDUCATION CENTRE** means structures and/or outdoor areas devoted to the principal use of education.

**EDUCATIONAL AND INTERPRETATIVE USE** means premises in which seasonal or occasional education or training is provided utilizing both the natural environment and man-made physical elements such as buildings, structures, roadways, paths, trails, etc., that together create the physical character of an area.

**EDUCATIONAL SERVICES, PRIVATE/CHARTER** means development for instruction and education purposes, involving assembly for educational, training or instruction purposes by a private school system or individual and includes administration offices, dormitory and accessory buildings. Typical facilities would include private schools, charter schools, or seminaries, community colleges, universities, technical and vocational facilities that are privately owned or operated

**EDUCATIONAL SERVICES, PUBLIC/SEPARATE** means development for instruction and education purposes, involving assembly for educational, training or instruction purposes by a public school system and includes administration offices, dormitory and accessory buildings. These facilities include public schools such as the Foothills School Division No. 38 and separate schools such as the Christ the Redeemer Catholic Separate Regional Division No. 3, or facilities owned or operated by the public school system. These facilities also include seminaries, community colleges, universities, technical and vocational facilities owned or operated by advanced education.

**ENVIRONMENTAL RESERVE** In accordance with Section 664 of the Municipal Government act, land are undevelopable because of its natural features or location, such as unstable slopes or flood prone; environmentally sensitive 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.

**ENVIRONMENTALLY SIGNIFICANT AREA** means an area which exhibits characteristics believed to contain special features or which is part of a larger system that in turn gives rise to special biological attributes which are significant to the Municipality from an environmental perspective.

## **F**

**FARM EQUIPMENT SALES AND SERVICE** means area of land or building used for the rental, lease, sale, service, restoration, inspection and/or mechanical repair of farm equipment and machinery.

**FARMERS MARTKET** see *Public Market*.

**FENCE** means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or to provide sound abatement and/or the confinement of live animals. For more regulations on landscaping, fencing, and screening refer to Section 9.14.

**FINANCIAL SERVICE** means a service related to money management and investment typically provided by a bank, trust company, investment dealer, credit union, mortgage broker or related business.

### **FLOOD:**

**DESIGNED FLOOD LEVEL** Where provincial flood hazard study information is available, the design flood is the 1:100 year return period flood calculated at the time of the study. The design flood levels are the water levels based on the design flood under encroached conditions. Where provincial flood hazard study information is not available, the design flood and associated flood levels may be defined as a historical open water and/or ice jam flood event.

**FLOOD HAZARD AREA:** The total area flooded by a 1:100 year flood. It is usually divided into floodway and flood fringe zones.



**FLOODWAY:** The portion of the flood hazard area where flows are deepest, fastest and most destructive. Floodway is described in the Alberta Environment's Flood Hazard Identification Program (<http://www.envinfo.gov.ab.ca/FloodHazard/>).

**FLOOD FRINGE:** Floodwater in the flood fringe is generally shallower and flows more slowly than in the floodway. Flood fringe is the outer portion of the flood hazard area. Flood fringe is described in the Alberta Environment's Flood Hazard Identification Program (<http://www.envinfo.gov.ab.ca/FloodHazard/>).

**FLOOD PROOFING:** with respect to a building or building extension, a design, manner of construction or siting thereof for the purpose of preventing damage by floods of a specified magnitude.

**LANDS IMPACTED BY 2013 FLOOD EVENT:** are those lands which the municipality believes were impacted by flooding on June 20th, 2013. These lands may or may not be within the flood hazard area. Some of these lands may only have been partially flooded or minimally impacted, while some may have been significantly impacted.

**FLOOD HAZARD PROTECTION OVERLAY AREA:** are those lands included within one or all of the following areas:

- Floodway;
- Flood Fringe; or
- Lands impacted by 2013 Flood Event.

*More information can be found on provisions for land subject to flooding under Section 9.13 and under Section 11.1 Flood Hazard Protection Overlay District.*

**FOOD SERVICE, ACCESSORY** means the serving of food, which may or may not have been prepared on site, in support of an approved principal use on the premises. The service may occur either on a day to day basis or for special events, and may include the service of alcoholic beverages under license from the Alberta Gaming and Liquor Commission or equivalent body. It may also include food service from food trucks licensed to operate in the MD of Foothills.

**FOOD SERVICE, DRIVE-IN** means development where the primary purpose is the sale of prepared foods and beverages to the public for consumption on or off the site. This use typically has a more limited range of menu than a restaurant and includes one or more of car attendant services drive through food pickup services, or parking primarily intended for the on-site consumption of food within a vehicle.

**FOOD TRUCK** means a licensed vehicle equipped to cook and sell food for the purposes of public consumption on a temporary site.

**FRONTAGE** 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.

**FUNERAL HOME** means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation. A crematorium is not included under the definition of Funeral Home. See *Crematorium defined separately under this Bylaw*.

## **G**

**GARAGE, PRIVATE** means a building designed and used for storage of private vehicles and includes a carport. *Conditions under which permits are not required for private garage can be found in Section 4.2 of this bylaw*

**GARDEN CENTRE:** See *Intensive Vegetation Operation* and *Retail Garden Centre*.

**GARBAGE CONTAINER** means a bin, with or without a lid, greater than one cubic metre in volume used to store garbage and refuse temporarily. This definition excludes a container used for a construction or demolition project for which a valid building or demolition permit has been issued.

**GARBAGE CONTAINER/ENCLOSURE** means solid opaque wall or fence comprised of concrete block, brick, wood, stucco, or metal, with a gate that screens a garbage container. Garbage container enclosures shall be designed in accordance with Appendix G Screening Standards for specific screening provisions where applicable.

**GAZEBO** means a freestanding, roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined in this bylaw.

**GOLF COURSE** means an outdoor establishment/development of varying size designated primarily for the game of golf. Accessory uses include a pro shop, driving range and/or practice facility, food service, and other commercial uses typically associated with a golf course clubhouse facility. *Information pertaining to Golf courses and driving ranges can be found in Section 10.11 of the bylaw.*

**GOVERNMENT SERVICES** means development providing municipal, provincial or federal government services directly to the community at large, and includes development required for the public protection of persons or property.

**GRADE** means an average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**GREENHOUSE** – See *Intensive Vegetation Operation* and *Retail Garden Centre*.

**GROCERY STORE** means the use of a building or a portion thereof for the sale of foodstuffs and convenience goods to serve the needs of surrounding residents, and the travelling public.

**GROSS AREA OF LOT** means the area contained in the Certificate of Title based on the gross proportional acreage of the Quarter Section.

**GROSS FLOOR AREA** means the total floor area of each floor of a building measured to the outside surface of the exterior walls, or where buildings are separated by fire walls, to the centerline of the common fire wall and does not include basements or covered decks.

**GROSS LOT AREA** means the area of a lot prior to any reduction in size due to the taking of additional lands for public use by the Municipality, Provincial or Federal agency or a public utility by dedication, expropriation, or purchase of land;

**GROSS UNITS PER ACRE** means the total number of units or lots per acre of parent title. The Municipality uses gross units per acre when looking at density for subdivision purposes. Gross unit per acre density is determined by dividing the total number of new lots created by the overall subdivision area. Abbreviated throughout the Bylaw as “gross upa”.

**GROUP HOME, LIMITED** means development consisting of the use of a building as a facility which is recognized, authorized, licensed or certified by a public authority as a social care facility intended to provide room and board for six (6) or less residents (excluding staff) including non-family member disabled persons, persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents, either through self-help or professional care, guidance and supervision. The residential character of the development shall be primary with the occupants living together as a single housekeeping group and using cooking facilities shared in common. The use class does not include treatment facilities such as detention and correction centers.

**GROUP HOME, MAJOR** means development consisting of the use of a building as a facility which is recognized, authorized, licensed or certified by a public authority as a social care facility intended to provide room and board for seven (7) or more residents (excluding staff) including non-family disabled persons, or for persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character of the development shall be primary with the occupants living together as a single housekeeping group and using cooking facilities shared in common.

**GUEST RANCH** means development of a privately owner-occupied ranch house which includes sleeping facilities which are rented on a daily basis to registered guests and meals are prepared in a residential kitchen.

## **H**

**HABITABLE AREA** means the finished ground floor area and the floor area of story's above the ground floor (but does not include the basement of buildings) intended primarily for human occupancy and, includes kitchen, bathroom, hallways, interior stairways, and closets, but excludes unenclosed porches, decks and verandas.

**HAZARDOUS INDUSTRY** means an industry which by reason of emissions, whether solid, liquid or gas, are offensive or hazardous to human health or safety. Such industries are generally classed as noxious in character and, without restricting the generality of the foregoing, would include petro-chemical industries, petroleum refineries, rendering plants, alfalfa processing plants, auto wreckers and scrap metal collection centers and retail outlets for goods processed or stored on the same site where the principal use is auto wreckers and scrap metal collection but does not include a medical marihuana production facility.

**HEALTH CARE SERVICES** means development used for the provision of physical and mental health services on an out-patient basis, of a preventative or diagnostic treatment of a therapeutic nature. Typical uses or facilities would include medical and dental offices, health clinics, and chiropractor offices.

**HERITAGE PROPERTY** means features in or on the land or underwater and considered to be a consultable record of past human activities, endeavors or events (e.g. buildings, street furniture, engineering works, plantings and archaeological sites).

**HIGHWAY** means a primary highway or a secondary highway or either of them, as the context may require.

**HIGHWAY (PRIMARY)** means a primary highway or a proposed highway designated as a primary highway under the Public Highways Development Act.

**HIGHWAY (SECONDARY)** means a secondary highway designated by the Minister of Infrastructure as a secondary road pursuant to the Public Highways Development Act.

**HOME BASED BUSINESS (MINOR)** means a business or occupation conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is the primary owner of the occupation or business and the following requirements apply:

- a maximum of four (4) *Business Visits* per day;
- no more than one (1) non-resident employee working on site;
- storage of materials or goods related to the business must be stored within the principal dwelling or accessory building;
- on parcels under 10 acres in size, a maximum of 3 vehicles or equipment may be stored outdoors;
- on parcels 10 acres and larger, a maximum of 5 vehicles or equipment may be stored outdoors;
- no offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot;

all in accordance with *Section 10.12* of this bylaw.



**HOME BASED BUSINESS (MAJOR)** means a business or occupation conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is the primary owner of the occupation or business and the following requirements apply:

- a maximum of eight (8) *Business Visits* per day;
- no more than five (5) non-resident employees working on site;
- on parcels 10 acres and larger, exterior storage may be allowed if, in the opinion of the Approving Authority, the exterior storage is adequately screened, a maximum of 5 vehicles or equipment may be stored outdoors;
- no offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot;

all in accordance with *Section 10.12* of this bylaw. Home based business, major does not include a medical marihuana production facility.

**HOME OFFICE** means an office situated in a dwelling where all employees of the business are residents of the dwelling, no storage of business materials are situated on site, and no traffic is generated by the business. *More information on Home office can be found in Section 10.12 of this bylaw.*

**HOTEL** means a business development that primarily provides temporary sleeping accommodation for the travelling public in rooms or suites and which may also contain commercial uses and related additional facilities or services such as eating and drinking facilities, restaurants, room service or public convention rooms.

## **I**

**INDUSTRIAL, MANUFACTURING/PROCESSING** means development principally associated with manufacturing, assembling, fabrication, processing and research/testing activities. Without restricting the generality of the foregoing, typical facilities would include plants involved in natural gas or its derivatives; pulp and paper products; stone, clay, glass, plastic, wood, rubber or metal products; cement or lime products; and automotive assembly or fabrication.

**INDUSTRIAL, STORAGE AND WAREHOUSING** means development used for either indoor or outdoor storage, warehousing, distribution or trans-shipment of raw materials, partially processed or finished goods, manufactured products, or equipment. Typical facilities would include pipe yards, vehicle or heavy equipment service and storage, lumber yards, storage/warehousing compounds or distribution centers. Generally no additional processing would occur on site.

**INDUSTRY, LIGHT** – means the use of land, buildings, or structures for an industrial activity where activities and uses are primarily carried on within an enclosed building and no significant nuisance factor is created or apparent outside an enclosed building.

**INDUSTRY, GENERAL** – means the use of land, buildings, or structures for an industrial activity which does not, in the Approving Authority's opinion, normally create a significant environmental impact or nuisance such as noise, appearance, or odor, extending beyond the boundaries of the site in which the associated activity takes place. These types of uses include manufacturing, storing, distributing, wholesaling, testing, servicing, processing, repairing or salvaging of goods and materials, excluding those uses specifically outlined in Heavy Industry.

**INDUSTRY, HEAVY** – means the use of land, buildings, or structures for an industrial activity which, in the opinion of the Approving Authority, creates significant adverse impacts beyond the boundaries of the site on which the associated activity takes place due to appearance, noise, odor, emission of contaminants, fire or explosive hazards, or dangerous goods.

**INTENSIVE LIVESTOCK OPERATION** means the concentrated rearing or confinement of livestock other than poultry or swine, at densities greater than one (1) animal unit per three (3) acres. *See Section 10.1 for more details on animal units.*

**INTENSIVE POULTRY OPERATION** means the concentrated rearing or confinement of three hundred (300) or more poultry on a lot. See Section 10.1 for more details on animal units.

**INTENSIVE SWINE OPERATION** means the concentrated rearing or confinement of swine at densities greater than the lesser of 1 animal unit per three (3) acres of land or fifteen (15) swine per lot. See *Section 10.1 for more details on animal units.*

**INTENSIVE VEGETATION OPERATION** means a system of tillage for the concentrated raising of specialty crops for retail or wholesale distribution, including but not limited to tree farms, greenhouses, plant nurseries, sod farms, berry farms, u-pick operations, and similar uses. This definition does not include a *medical marihuana production facility.*

**INTERIM USE** means the use of land that can be readily removed once the ultimate intended use of that land is deemed appropriate, can be regulated under pre-established timelines under the land use controls in effect and will not in any way adversely affect the ultimate intended use for the site. Interim uses may include, but are not limited to indoor and outdoor storage, distribution, and any other use determined to be appropriate by the Approving Authority.

**INTERMUNICIPAL DEVELOPMENT PLAN** Pursuant to Section 631 of the Municipal Government Act, this plan is prepared to address planning and development issues within the fringe areas of two or more adjacent municipalities.

**INTERNAL SUBDIVISION ROAD** means a municipal road, subject to the direction, control and management of the municipality, providing access to lots within a registered subdivision. This definition does not include roads belonging to a condominium association as common property.

**INTERPRETIVE PATHWAYS** means defined linear trails or pathways with interpretive or educational signs, art installations and/or benches or other outdoor furnishings.

## **K**

**KENNEL, COMMERCIAL** means the keeping of 4 or more adult dogs not owned by the resident(s) of the dwelling located on the same property for any purpose. More information on Kennels can be found in Section 10.13 of this bylaw. For boarding of other animals, please see the definition for Boarding Services and addition information in Section 10.5 Boarding Services.

**KENNEL, PRIVATE** means the keeping of 4 or more adult dogs on a property that are owned by the resident(s) of the dwelling located on the same property. More information on Kennels can be found in Section 10.13 of this bylaw. For boarding of other animals, please see the definition for Boarding Services and addition information in Section 10.5 Boarding Services.

## **L**

**LANDFILL** Refer to Waste Management Facility.

**LANDING, COVERED** – A structure or platform with a roof, between flights of stairs or at the head or foot of a staircase having an area not exceeding 2.2 sq. m. (23.7 sq. ft.).

**LANDING, UNCOVERED** – A structure or platform without a roof, between flights of stairs or at the head or foot of a staircase having an area not exceeding 2.2 sq. m. (23.7 sq. ft.).

**LANDSCAPING** means the modification and enhancement of a property through the use of any or all of the following elements:

- soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass and ground cover; and
- hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, but including monolithic concrete and asphalt in the form of patios, walkways, paths but excluding parking lots.

*More information on landscaping can be found in Section 9.14 of this Bylaw.*

**LANE** means a public thoroughfare with a right-of-way width not greater than 9m (29.52 ft.) and not less than 6m (19.68 ft.) which provides a secondary means of vehicle access the rear or side of a Lot or Lots.

**LAUNDROMAT** means a building or structure where coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

**LAUNDRY AND DRYCLEANING** means a building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering, dry cleaning, dry dyeing or cleaning elsewhere, and for the pressing and distribution of any such articles or goods which have been subjected to any such process, and shall include a self-service laundry and/or self-service dry cleaning.

**LETTER OF COMPLIANCE** means a letter issued by the Planning and Development Department indicating that a property complies with setback regulations of the Municipality's Land Use Bylaw. *More information on Letter of Compliance provisions can be found in Section 5.13 of this Bylaw.*

**LIBRARY AND EXHIBIT** means development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific, natural, or artistic value. Typical uses include public libraries, museums, art galleries, botanical gardens, arboreta, and archaeological and cultural exhibits.

**LICENSED** means “licensed premises” as defined by the Alberta Gaming and Liquor Commission.

**LIQUOR SALES** means for the wholesale or retail sale or distribution to the public of any and all types of alcoholic spirits or beverages as defined by the Alberta Liquor Control Act.

**LIVE/WORK UNIT** means a building or spaces within a building used jointly for business and residential purposes.

**LIVESTOCK** means animals kept or raised for use, for profit, or for pleasure; including but not limited to: beefalo, buffalo, camels, cattle, elk, goats, horses, llamas, mules, rabbits, sheep, poultry, swine, and, zebras. *More information on Agricultural uses and Livestock Regulations can be found in Section 10.1 of this bylaw.*

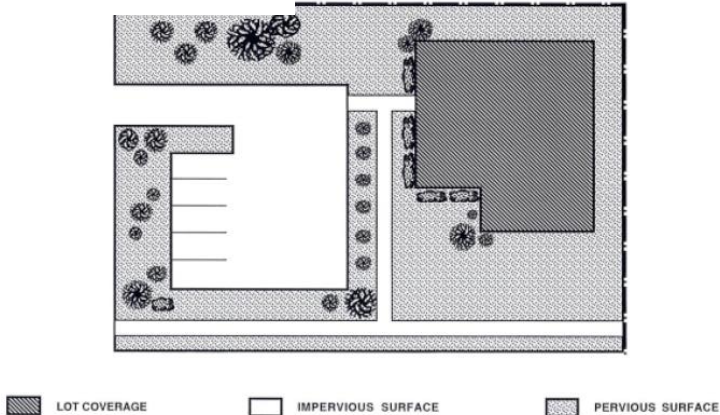
**LOT** means:

- a Quarter Section;
- a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a Land Titles Office;
- a settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a Land Titles Office;
- 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
- 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 area of a lot which a building or group of buildings with their accessory buildings and impervious surfaces cover.

Figure 2.5A



**LOT, CORNER** means a lot where two or more adjoining property lines abut a road or a highway.

**LOT 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, land leveling, re-contouring and, grading other than for building purposes but does not include aggregate extraction, commercial logging, tree clearing, dugouts/private dams, ornamental ponds, storm water ponds, lagoons for the purpose of processing wastewater or landscaping as defined by this Bylaw. *More information on Lot Grading can be found in Section 9.17 of this bylaw.*

## M

**MANUFACTURED HOME** See Dwelling, manufactured home.

**MANUFACTURING, LIGHT** means the assembling of goods, products, or equipment whose activities are primarily carried on within an enclosed building and no nuisance factor is created or apparent outside of the building.

**MANURE STORAGE FACILITY** means a storage facility for manure that is livestock excreta, associated feed losses, bedding, litter, soil and wash water, but does not include manure to which the Fertilizers Act (Canada) applies. A Manure Storage Facility will require authorization through the Natural Resources Conservation Board.

**MEDICAL MARIHUANA PRODUCTION FACILITY** means the use of land, buildings or structure for the purposes of growing, producing, processing, labeling and packaging, testing, destroying, storing, or transporting marihuana under authorization by license pursuant to the Medical Marihuana Production Regulations, SOR/2013-119, or any successor or replacement legislation or regulation which may be enacted in substitution thereof. *More information on Medical marihuana Production Facilities can be found in Section 10.15 of this Bylaw.*

**MINI STORAGE** See the definition for *Commercial Storage* and refer to *Section 10.16 Commercial Storage*.

**MINIMUM SEPARATION DISTANCE (MDS)** The Agricultural Operations Practices Act determines the minimum distances required from the outside walls of neighboring residences to the point closest to manure storage facilities or manure collection areas. *More information on Minimum Separation Distance is included in Section 9.27.29through Section 9.27.31.*

**MIXED-USE BUILDING** means a building used partly for residential use and partly for commercial use.

**MIXED-USE DEVELOPMENTS** means a parcel of land or building or structures developed for two or more different uses that may include uses such as residential, office, manufacturing, retail, public, or entertainment.

**MOBILE SALES VEHICLE** means a business operated from a licensed vehicle or mobile trailer which is established at a location on a temporary basis for the purpose of sale of goods, merchandise, and/or food and includes but is not limited to Mobile food sales, Food Trucks and Abattoir, Mobile.

**MOTEL** means a development that provides temporary sleeping accommodation for the travelling public in rooms or suites, each of which has direct access to outside and an adjacent parking stall.

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

**MOTOR VEHICLE, UNREGISTERED AND/OR INOPERATIVE** means a motor vehicle as defined by this Bylaw that is either not registered through the Traffic Safety Act or is inoperative, or both. For the purposes of this definition, inoperative means the motor vehicle cannot be used in its present condition for the purpose for which it was manufactured.

**MOBILE HOME** See *dwelling, manufactured home*.

**MUNICIPAL GOVERNMENT ACT** Provincial legislation by which municipalities in Alberta are governed. The MGA sets out the legislated roles and responsibilities of municipalities and elected officials.

**MUNICIPAL (SCHOOL) RESERVE LAND** A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel for park or school purposes.

**MUNICIPAL ROAD** means a public road, street, or undeveloped road allowance that is subject to the direction, control and management of the municipality.

**MUNICIPALITY** means the Municipal District of Foothills No. 31 or where the context requires, the geographical area of land contained within the boundaries of the Municipality's corporate limits.

**MUSEUM/ART GALLERY** means "a non-profit making, permanent institution in the service of society and its development, and open to the public, which acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, material evidence of people and their environment". (International Council of Museums and Alberta Museum Association) This definition includes art galleries with collections of works of art as well as museums with historical collections of objects.

## **N**

**NATURAL RESOURCE EXTRACTION** An enterprise which is governed by natural geographic or geological feature and may include, but is not limited to the extraction and processing of mineral deposits, petroleum and natural gas, or sand and gravel deposits. *More information can be found on provisions pertaining to Natural Resource Extraction in Section 10.17.*

**NATURAL SCIENCE EXHIBITS** means development for the preservation, confinement, exhibition or viewing of plants, animals and other objects in nature. Typical facilities would include zoos, botanical gardens, arboretums, planetariums, aviaries and aquariums.

**NEIGHBOURHOOD PUB** means development where the primary purpose is the sale of alcoholic beverages to the public for consumption on the site. This use shall be licensed by the province and typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical uses include neighborhood pubs, bars, beverage rooms, and cocktail lounges. Entertainment is a very minor component of the operation.



**NET LOT AREA** means the area of a lot after any reduction in size due to the taking of additional lands for public use by the Municipality, Provincial or Federal agency or a public utility by dedication, expropriation, or purchase of land;

**NON-CONFORMING BUILDING** means a building that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw. *More information pertaining to non-conforming buildings and uses can be found in Section 1.8 of this bylaw.*

**NON-CONFORMING USE** means a lawful specific use being made of land or a building intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and that on the date the land use bylaw becomes effective, does not, or in the case of a building under construction will not, comply with the land use bylaw. *More information pertaining to non-conforming buildings and uses can be found in Section 1.8 of this bylaw.*

**NUISANCE** means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health or 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, odor, heat, light, fumes, fire or explosive hazard; results in the unsightly or unsafe storage of goods, salvage, junk, waste or other materials; poses a hazard to health and safety; or adversely affects the amenities of the neighborhood or interferes with the rights of neighbors to the normal enjoyment of any land or building. Businesses operating within the parameters of their approvals are not presumed to be creating nuisances.

## **O**

**OFFICE** See definitions for *Home Office* and *Business Office*.

**OPEN AIR PERFORMANCE AND ART SPACES** means spaces designated for the production, installation, observation, documentation and enjoyment of works of art in any medium, including but not limited to, sculpture, painting, printmaking, textiles, photography, installation art, performance, dance, theater, music, film, video, digital media and other means of electronic and mechanical production, both permanent and non-permanent.

**ORGANIZATION** means a social unit of people that is structured and managed to meet a need or to pursue collective goals.

**ORNAMENTAL POND** means a manmade water feature created for landscaping purposes having a depth shallower than 1m (3.28 ft.) but does not include storm water management facilities. *More information on regulations around man-made water features can be found in Section 9.18 of this Bylaw.*

**OUTDOOR CAFE** means a facility where food or beverages are served or offered for sale for consumption on or within a portion or portions of such facility that are not contained within a fully enclosed building.

**OUTDOOR DISPLAY AREA** means a portion of a lot used for exhibiting in an orderly manner, completely assembled or finished products sold by an approved retail business located on the same lot.

**OUTDOOR STORAGE** means the accessory storage of equipment, vehicles, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. This does not include Recreation Vehicle Storage.

**OUTLINE PLAN** A non-statutory plan that is used as a guideline for the subsequent redesignation, subdivision and development of an area of land.

## **P**

**PARENT PARCEL(S)** The parcel(s) of land which is/are subject to an application for subdivision.

**PARK** means any public outdoor land specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, environmentally significant areas, band stand, forest reserve, wildlife sanctuary, greenbelts, conservation areas, buffers, nature interpretation areas, and similar land uses. It includes all natural and man-made landscaping, facilities sports fields, accesses, trails, buildings and structures consistent with the general purpose of public park land whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. This includes a broad range of accessory uses, including commercial, which serve park users and are compatible with park objectives.

**PARKING AREAS AND STRUCTURES** means an area or areas of land or a building or part thereof 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.

**PARKING STALL** means a space set aside for the parking of one vehicle. *More information can be found on Parking and Loading facilities in Section 9.19 of this bylaw.*

**PATIO** means a structure with the top of the floor less than 0.6m in height above finished grade without a roof or walls which is designed and intended for use as an outdoor amenity area. *See Section 4.2 for information on exemptions to Development Permit requirements for patios and Section 9.27 Special Setback Requirements for more information on setback requirements.*

**PERMITTED USE – GENERAL** means the use of land or building provided for in this Bylaw for which the Approving Authority must, if the application conforms to this Bylaw, issue a Development Permit with or without conditions.

**PERMITTED USE – SITE SPECIFIC** means a use provided for in a Site Specific Use Bylaw for which, the Approving Authority must, if the application otherwise conforms to this Bylaw, issue a Development Permit subject to the limitations outlined in the Site Specific Use Bylaw.

**PERSONAL SERVICE ESTABLISHMENT** means uses that provide personal services to an individual that 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 salons, hairdressers, manicurists, aestheticians, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries but does not include health services.

**PLAY STRUCTURE** means a structure that may contain ropes, ladders, swings, see-saws, slides, poles, and other equipment and is used primarily for the purposes of recreation and play.

**POULTRY** means chickens, ducks, geese and turkeys and game birds. *More information on Agricultural uses and Livestock regulations can be found in Section 10.1 of this bylaw.*

**PRINCIPAL** means, when used to describe a use or building, the use or building that is naturally or normally the primary use of a lot.

**PRIVATE AMENITY SPACE** means development of private open space reserved for private uses, for active or passive recreational use and includes all natural and manmade landscaping, facilities, playing fields, buildings, and other structures that are consistent with the general purpose of private amenity space, the open space and associated recreational facilities are privately owned, operated, and maintained by a landowner, a homeowners association, or a community association.

**PRIVATE LAKE** means development of a private lake or water body for private uses, for active or passive recreational use and includes all natural and manmade landscaping, facilities, buildings, and other structures that are consistent with the general purpose of a private lake, the lake or water body and associated recreational facilities are privately owned, operated, and maintained by a landowner, a homeowners association, or a community association and is appropriately designed and licensed. More information on regulations related to man-made water features can be found in Section 9.18 of this Bylaw.

**PROTECTIVE AND EMERGENCY SERVICE** means a facility providing protection of persons and property from injury, harm, or damage, together with incidental storage of emergency equipment which is necessary for the distribution of services. Typical uses include police, fire and ambulance stations.

**PUBLIC MARKET** means the use of a building, structure or lot for the purpose of selling any or all of produce, fish, seafood, flowers and crafts and may include retail stores and restaurants.

**PUBLIC OR QUASI-PUBLIC INSTALLATIONS AND FACILITIES** means a building, plant works, equipment system or service owned, operated or enfranchised by the Municipality, Province of Alberta or Government of Canada.

**PUBLIC WORKS** means any Municipal work or development done in connection with the construction, maintenance, or upgrading of Municipal roads, Municipal water and sewer systems, municipally owned sand and gravel pits, and other similar operations on municipally owned lands.

## **Q**

**QUALIFIED PROFESSIONAL** An individual with specialized knowledge recognized by the Municipality and/or licensed to practice in the Province of Alberta. Examples of qualified Professional include, but are not limited to, Agrolgists, Engineers, Geologists, Hydrologists, and Surveyors.

## **R**

**REAL PROPERTY REPORT** means a legal document that clearly 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 surveyor's opinions or concerns.

**REARING OF LIVESTOCK** means the raising, bringing up, breeding and fostering of livestock in conjunction with one another. *More information on Agricultural uses and Livestock regulations can be found in Section 10.1 of this bylaw.*

**RECREATION COMMUNITY** means development for recreation, social or multi-purpose uses primarily intended for local community purposes. Typical uses include but are not limited to community halls, non-profit social, service and outdoor recreation clubs, and centres operated by a local community association.

**RECREATION, PASSIVE** means opportunities for low-impact, non-motorized activities that occur in a natural setting which require minimal development or facilities, and the importance of the environment or setting for the activities is greater than in developed or active recreation settings.

**RECREATIONAL CABIN, PRIVATE** means a dwelling unit used on a non-permanent basis for recreational activity and accommodation. A Recreational Cabin, Private is not to be used as a permanent residence or for any commercial purposes including Airbnb or other short-term rental.

**RECREATIONAL RESORT** means a commercial development which allows for leisure and vacation accommodation in association with indoor, outdoor, or passive recreation and other amenities which form an integral part of the development.



**RECREATION SERVICES, INDOOR** means development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical facilities would include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; paint ball facilities; bowling alleys and racquet clubs, indoor soccer fields. This does not include minor or major gaming facilities or arena-private; arena-limited public; or arena-commercial for equestrian use.

**RECREATION SERVICES, OUTDOOR** means development providing facilities that are available to the public at large for sports and active recreation conducted outdoors. Typical facilities would include golf courses, driving ranges, miniature golf establishments, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, Scout/Guide camps, religious outdoor retreat camps and parks, rifle and pistol ranges, and archery ranges. This does not include arena-private; arena-limited public; or arena-commercial for equestrian use.

**RECREATION VEHICLE** means a portable structure designed and built to be carried on a vehicle or to be transported on its own wheels and which is intended to provide temporary living accommodation for travel or for recreation purposes and which does not need any special licence or permit to travel on the public road systems other than a usual trailer or vehicle licence, and without limiting the generality of the foregoing, includes such vehicles as a motor home, a camper, a travel trailer, a tent trailer, or boat but does not include a manufactured home or park model.

**RECREATIONAL VEHICLE - PARK MODEL** means a recreational vehicle intended for seasonal, vacation or recreational occupancy that is not self-contained. It is designed for park camping only, and while it is easily moved from site to site, as a normal recreational vehicle, it is not capable of “dry camping” as it does not have any water or sewer storage tanks and must be used with hookups. It is not a dwelling, manufactured home.

**RECREATIONAL VEHICLE SALES** means the storage or display for sale of more than three new or used recreation vehicles. This may include the sale of livestock trailers, fifth wheels, motor homes, campers, travel trailers, tent trailers, boats, and ATV's.

**RECREATION VEHICLE STORAGE** means a development for the purpose of storing recreational vehicles. No onsite occupancy or repair of recreational vehicles or said vehicles is permitted. For clarification, this does not include the storage of fleet vehicles as part of a business. *More information related to Recreational Vehicle Storage can be found in Section 10.16 of this Bylaw.*

**RECYCLING COLLECTION POINT** means a primary or incidental use that serves as a neighborhood drop-off point for the temporary storage of recoverable materials. No permanent storage or processing of such items is allowed.

**RECYCLING DEPOT** means development used for the acceptance and temporary storage of bottles, cans, tetra-packs, newspapers and similar household goods for reuse, where all storage is contained within an enclosed building. It may include a container yard for recycling bins.

**RELIGIOUS ASSEMBLY** means development used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

**RESIDENTIAL CARE FACILITY** means a residential facility which provides shelter and living assistance for three or more persons in sleeping units with or without kitchenettes and may include meals, housekeeping, personal care, transportation, pharmaceutical, and recreation services. Such facilities may also contain shared kitchen and dining areas, restaurant, personal service and convenience store uses.

**RESTAURANT** means an establishment where food is prepared and served on the premises for sale to the public. Ancillary activities may include entertainment and the serving of alcoholic beverages when licensed by the Alberta Gaming and Liquor Commission.

**RESTAURANT, DRIVE IN** See Food Service, Drive In;

**RETAIL GARDEN CENTRE** means a development providing for the retail sale of bedding, household and ornamental plants, and associated merchandise, and may include display gardens, but does not include on-site outdoor and indoor cultivation or propagations of plants;

**RETAIL STORE** means the use of a building or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment, but does not include a grocery store or liquor sales.

**RETAINING WALL** means a structure constructed to withstand lateral pressure in order to hold back earth, loose rock, or similar materials.

**RIPARIAN AREAS** means lands adjacent to a watercourse where the vegetation and soils show evidence of being influenced by the presence of water, the green zone around a watercourse, and the transitional zone between surface water and drier uplands which plays a vital role in the healthy functioning of both.

**RIPARIAN MATRIX MODEL** means a scientifically-based model supported by the Municipality to assist in the protection of shorelines, water quality and riparian areas, while allowing for development to occur in a sustainable manner by establishing appropriate setbacks for development from important riparian areas. *More information on the riparian matrix model can be found in Appendix F.*

## **S**

**SAND & GRAVEL OPERATIONS** means those operations engaged in the extraction of sand and gravel which may include washing, crushing, stockpiling, concrete plants and asphalt plants.

**SATELLITE DISH** means an accessory use or structure where a parabolic “dish” shaped structure is used for the transmission and reception of high frequency electromagnetic waves that are transmitted from an orbiting satellite. *More information can be found in Section 10.21 of this bylaw.*

**SEA-CAN** (sea-can, intermodal shipping container, cargo container, steel container, and railway car) means an intermodal shipping container off a chassis that was originally used for the shipping of goods, which is now used as an accessory building. A chassis may be defined as a wheeled structure which the Sea-can may be affixed to for the purposes of vehicular transportation. *Additional information on how Sea-can's relate to accessory building regulations can be found in Section 9.2 of this bylaw. Information on signage on Sea-cans can be found in Section 9.24 of this bylaw.*

**SEWAGE LAGOON** means an artificial pool constructed for storage and treatment of sewage. More information on regulations related to man-made water features can be found in Section 9.18 of this Bylaw.

**SCREENING** means a fence, earth berm, hedge or trees used to visually and/or physically separate areas or functions. *Refer to Section 9.14 Landscaping, Fencing and Screening and Appendix G Screening Standards for more information.*

**SERVICE STATION** means the servicing and minor repairing of vehicles, including the sale of fuel, lubricating oils, and minor accessories. This use may also include a truck stop.

**SETBACK** the perpendicular distance as measured between that part of a building nearest to the front, side and rear property line of a building site.

**SHOW HOME** means the use of an unoccupied residential building as a sales office for a builder and/or as a facility to demonstrate a builder's construction quality, design options or methods;

**SIGN** means any device or structure used for the display of advertisements, pictures and/or messages and without, in any way, restricting the generality of the foregoing, includes posters, notices, panels and boarding. *More information and specific definitions for signage can be found in Section 9.24 of this bylaw.*

**SITE PLAN** means a plan showing the boundaries of a lot, the location and use of all existing and proposed buildings upon that lot, the use or intended use of the portions of the lot on which no buildings are situated, the fenced, screened and grassed areas, and the location and species of all existing and proposed shrubs and trees within a development.

**SITE SPECIFIC USE BYLAW** means a bylaw which amends this Bylaw to make provision for a site specific permitted or discretionary use to be carried out on a specified lot subject to any limitations contained in the bylaw.

**SOLAR POWER EQUIPMENT** means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy. *More information can be found in Section 10.21.*

**SOLAR POWER EQUIPMENT, PERSONAL** means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy for a single landowner for domestic and/or agriculture uses. *More information can be found in Section 10.22.*

**SPECIAL CARE FACILITY** means a building or portion thereof which provides for the care or rehabilitation of one or more individuals in the case of a half-way house for five or more individuals in all other cases, with or without the provision of overnight accommodation, and includes nursing homes, geriatric centers and group homes but does not include hostels, child care facilities and senior citizens housing.

**SPECIAL EVENT** shall mean any event or activity, whether indoors or outdoors, which is held at any place within the municipality and to which members of the public are invited or admitted, whether or not an admission fee is charged, but shall not include family gatherings, community-sponsored events such as Christmas parties, breakfasts, card parties, or other similar social functions. *More information on special events can be found in the Special Events Bylaw 66/97" attached as Appendix H of this bylaw.*

**STORAGE COMPOUND** – an adequately screened area of a site set aside for the storage of products, goods, vehicles, or equipment in relation to a primary use located and approved on the same site;

**STORAGE FACILITY:** see *Commercial Storage, Warehousing and Storage*, and *Industrials Storage and Warehousing*.

**STORM WATER POND** means a catchment area for storm water and surface drainage created by either constructing an embankment or improvement and may be used for flood and downstream erosion control. *More information on regulations related to man-made water features can be found in Section 9.18 of this Bylaw.*

**STRUCTURE** means a building or other thing erected or placed in or on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land.

**SUB-DISTRICT "A"** means the subject lands require special consideration due to physical constraints and environmental characteristics, thus a Development Permit is required prior to any development on the lands as per Section 2.4 of this bylaw.

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD** means the Board appointed by Council in accordance with the Municipal Government Act and Municipal Bylaw 01/99.

**SUBDIVISION APPROVING AUTHORITY** The authority authorized by MD Council to exercise subdivision powers and duties on behalf of the Municipality. *More information can be found on the Subdivision Approving Authority in Section 3.2 of this bylaw.*

## **T**

**TELECOMMUNICATION TOWER** means a structure for transmitting or receiving television, radio, telephone, internet or other electronic communications which is regulated by Industry Canada. *Section 10.23 of this Land Use Bylaw and Appendix B give further detail on Telecommunication Towers.*

**TEMPORARY ARTIST ACCOMMODATION** means structures or spaces/units within structures, either permanent or temporary intended to be occupied or used by one or more persons, including artists or visitors to an Art Centre for overnight accommodation for a limited period of time – visitor stays not to exceed 180 days per year. This accommodation may include a communal kitchen serving several units within a structure or individual kitchens to serve each unit.

**TEMPORARY FARM HELP ACCOMMODATION** means a separate *Dwelling unit* or *Dwelling, manufactured home* used or intended to be used for seasonal accommodation or workers of the owner or operator of a farm provided such seasonal employees perform their duties on such farm, and in which lodging with or without meals is supplied to such employees.

**TEMPORARY MANURE STORAGE** means the storage of manure in a manure storage facility for a period not exceeding seven (7) consecutive months within a three-year period regardless of the amount of manure stored. *More information on regulations related to manure storage can be found in Section 10.1 of this Bylaw.*

**TOP OF BANK** means the upper valley break line or the line defining the uppermost or most obvious topographical discontinuity in slope distinguishing between the upper plateau and the valley wall.

**TOURIST HOME** means a dwelling unit operated with the intent of a vacation rental or lease, on a short term basis, that is occupied by a guest or guests for a period not to exceed 30 days. The dwelling owner/operator may or may not be residing in the dwelling during the period it is being occupied by guests. More information on Tourist Homes can be found in Section 10.25 of this bylaw.

**TOURIST INFORMATION SERVICES AND FACILITIES** means the use of a parcel of land or a building to provide information to the travelling public and may include washrooms and picnic facilities;

**TRUCK STOP** means the provision of facilities including a service station and restaurant for the temporary parking of licensed tractor/trailer units. A truck stop also may include convenience store and restaurant facilities, and may include overnight accommodation facilities solely for the use of truck crews.

**TRUCK WASH** (refer to *Car/Truck Wash*)

## **U**

**UNITS PER ACRE** see gross units per acre.

**UTILITIES** mean any one or more of the following:

- systems for the distribution of gas, whether artificial or natural;
- facilities for the storage, transmission, treatment, distribution or supply of water;
- facilities for the collection, treatment, movement, or disposal of sanitary sewage;
- storm sewer drainage facilities;
- systems for electrical distribution and lighting;
- systems for telecommunications distribution, being telephone, internet, and cable TV.

**UTILITY BUILDING** means a building in which the proprietor of a utility company maintains or houses any equipment used in connection with the utility.

**UTILITY SERVICES, MAJOR** means development for public or private utility infrastructure purposes which is likely to have a major impact on the environment or adjacent land uses by virtue of their emissions, effect or appearance. Typical facilities would include sewage and/or water treatment plants, sewage lagoons, dams, power generating stations, cooling plants, incinerators, and, and high voltage electrical transmission towers.

**UTILITY SERVICES, MINOR** means development for public or private utility infrastructure purposes which is both basic and common to the development of a municipality and has relatively minor impact on the environment or adjacent land uses by virtue of their emissions, effect or appearance. Typical facilities would include natural gas lines and regulating stations, telephone exchanges and lines, water and sewer lines, public roadways, local electrical transmission and distribution facilities, and television cable lines, but excludes telecommunication towers.

## **V**

**VARIANCE** means a relaxation of the terms of the land use in accordance with *Section 5.6 Variance* of this bylaw.

**VEHICLE** means a device on wheels, runners or tracks designed for the carrying of people or goods. Vehicles include but are not restricted to automobiles, trucks, trailers, all-terrain vehicles and snowmobiles.

**VEHICLE TRIP** means one motor vehicle travelling to and from a specific site. (round trip).

## **W**

**WAREHOUSING AND STORAGE** means the use of a building and/or site primarily for the keeping of goods and merchandise, excluding dangerous or hazardous materials, derelict vehicles or any waste material.

**WAREHOUSE SALES** means a facility used for the wholesale or retail sale of a limited range of goods from within an enclosed building where the size and nature of the principal goods being sold typically requires a large floor area for storage and display. Typical uses include but are not limited to sales of furniture, carpets, major appliances, and building materials. This use does not include the retail sale of food or of a broad range of goods for personal or household use.

**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 (not including recycling depots), incinerators, wrecking and scrap metal yards, and similar uses.

**WASTE MANAGEMENT FACILITY, MINOR** means a site used for the storage, 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 includes a dry waste site.

**WATERBODY** means any bay, lake, natural watercourse or canal, other than a drainage or irrigation channel and may include wetlands and areas where the presence of water is intermittent, provided the bed and shore are easily identifiable by reference to marked changes in vegetation caused by the presence of water..

**WATERCOURSE** means any natural or artificial stream, river, creek, ditch channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course either continuously or intermittently and has a definite channel, bed and banks and includes any area adjacent thereto subject to inundation by reason of overflow or flood water;

**WETLANDS** Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support vegetation that is adapted for life in saturated

**WHOLESALE** the sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business even if the said trade of business is the consumer or end user of the commodity;

**WIND ENERGY CONVERSION SYSTEM, PERSONAL** means a single wind energy conversion system developed to generate electrical power for a single landowner for domestic and/or agricultural uses. *More information can be found in Section 10.24.*

## **Y**

**YARD** A required open space unoccupied and unobstructed by any building or portion of a building above the general ground level of the graded lot, unless otherwise permitted in this Bylaw. *More information on yard setbacks can be found in individual land use district regulations. Figure 9.27.10 A outlines how to determine appropriate yard setbacks on corner lots with more than one road frontage.*

**YARD, FRONT** That part of a lot which extends across the full width of a lot between the front lot line that abuts a roadway and the nearest wall or supporting member of a building or structure and shall be measured at right angles to the front property boundary;

**YARD, REAR** That part of a lot which extends across the full width of a lot between the rear lot line and nearest wall or supporting member of a principal building or structure and shall be measured at right angles to the rear property boundary;

**YARD, SIDE** That part of a lot which extends from a front yard to the rear yard between the side lot line of a lot and the nearest wall or supporting member of a building or structure and shall be measured at right angles to the side property boundary;

**YARD, SIDE EXTERIOR** The side yard of a corner lot that abuts the longer of the two lot lines that abut roadways. The yard, side exterior setback shall be the same distance as if deemed a front yard setback to that particular type of road in the applicable district, however does not impose a rear yard on the opposite side as is the case of a front yard.

**YARD, SIDE INTERIOR** A side yard other than an exterior side yard.



## **SECTION 3    APPROVING AUTHORITIES**

### **PREAMBLE**

This section of the Land Use Bylaw addresses the roles of the authorities in the approval and appeal process.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

### **3.1    DEVELOPMENT AUTHORITY**

- 3.1.1 Pursuant to Section 624 of the Municipal Government Act, the office of Development Authority is hereby established and shall be filled by a person or persons to be appointed by the Chief Administrative Officer of the Municipal District of Foothills as appointed by Council and shall perform such duties as specified in this Bylaw and the Municipal Government Act. The Development Authority shall:
- a. keep and maintain for the inspection of the public during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of the same are made available to the public at a reasonable charge;
  - b. keep and maintain for the inspection of the public during office hours, a register of all applications for Development Permits including the decisions thereon and the reasons therefore and all orders issued by the Approving Authority while the development is active and for a period of seven years thereafter;
  - c. receive, consider and decide on all applications for Development Permits, except in Direct Control Districts, where Council will be the Approving Authority pursuant to Section 641 of the Municipal Government Act;
  - d. advise applicants for Development Permits whereby the uses are neither permitted uses or discretionary uses in the district in which the use is proposed to be carried on, the option of applying to Council for an amendment to this Bylaw;
  - e. sign and issue all Development Permits, notices and orders approved, given or issued by the Approving Authority;
  - f. Receive, consider and decide on requests for time extensions to Development Permits other than decisions made by the Development Appeal Board;
  - g. Receive, consider and decide on applications for renewals of temporary Development Permits provided that the applications are identical;
- 3.1.2 Council is the Development Approving Authority for all Development Permit applications in Direct Control Districts, and in all other cases, the Development Officer is the Development Approving Authority.
- 3.1.3 In the absence of the Chief Administrative Officer, Council may appoint a person or persons to fill the office of the Development Approving Authority;



- 3.1.4 For the purposes of right of entry for land use matters, the Development Approving Authority is hereby authorized to carry out the duties and powers of a Development Officer pursuant to the Municipal Government Act;

### **3.2 SUBDIVISION APPROVING AUTHORITY**

- 3.2.1 Pursuant to Section 623 of the Municipal Government Act, Council is designated as the Subdivision Approving Authority established by Bylaw 148/95 and shall perform such duties as are specified in the said Bylaw and the Municipal Government Act.

### **3.3 SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- 3.3.1 Except as otherwise specified in this Bylaw, the Subdivision and Development Appeal Board shall perform such duties as are specified in this Bylaw, the Subdivision and Development Appeal Board Bylaw, and the Municipal Government Act.

## **PART 2    PLANNING & DEVELOPMENT** **APPLICATIONS**

### **PREAMBLE**

This section outlines the requirements of a development application. It also lists circumstances, activities, structures and/or developments that do not require the issuance of a development permit, community consultation requirements, pre-application and formal review requirements and supplementary requirements.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

## **SECTION 4    APPLICATION REQUIREMENTS FOR DEVELOPMENT PERMIT AND LETTERS OF COMPLIANCE**

### **4.1    DEVELOPMENT PERMIT REQUIRED**

- 4.1.1    Except as provided in Section 4.2 of this Bylaw, no person shall undertake any development unless:
- a.    A Development Permit has first been issued pursuant to this Bylaw;
  - b.    The development proceeds in accordance with the terms and conditions of the Development Permit issued in respect of the development;
  - c.    A Building Permit has been obtained when the Building Officer so requires;
  - d.    All necessary plumbing, gas, septic and electrical permits have been issued.

### **4.2    NO DEVELOPMENT PERMIT REQUIRED**

- 4.2.1    A Development Permit is not required with respect to the following developments and/or uses but such developments and/or uses shall otherwise comply with the provisions of this Bylaw and must be carried out or performed in accordance with all other applicable legislation, regulations and bylaws:

#### **Access Road:**

- 4.2.1.1    A private driveway developed on privately owned property for the purpose of vehicular access.

- 4.2.1.2 The upgrading and/or surfacing of private driveways beyond the municipal right of way so long as the upgrading or surfacing does not:
- Adversely impact the natural drainage direction or volume into, out of, or through a property; and/or
  - Adversely impact the natural drainage storage capacity of the property.

**Agriculture and Livestock:**

- 4.2.1.3 Agricultural general uses in a District which lists Agricultural general as a permitted use.
- 4.2.1.4 The keeping of no more than three (3) animal units on parcels between three (3) and nine (9) acres,
- The keeping of no more than one animal unit per three (3) acres in excess of nine (9) acres.

*Table 10.1 A under Section 10.1 Agricultural Uses and Livestock Regulations outlines the number of animals equivalent to one animal unit.*

- 4.2.1.5 In all Agricultural District, Agricultural Business District, and Direct Control District parcels in which Agricultural, general operations are being conducted, the number of animal units per acre is allowed to be exceeded when confined on site for a period of no more than 30 consecutive days for:
- Branding;
  - Sorting;
  - Herd health management;
  - Market delivery; and
  - When confined on site for a period of no more than 60 consecutive days for calving and foaling.
- 4.2.1.6 On Agricultural District, Agricultural Business District, and Direct Control District #25 parcels, any construction, excavation or other activity necessary in order to enable the land to be used for general agricultural purposes except where:
- The site of the development is within 60m (196.85 ft.) of a municipal road or 305m (1,000.66 ft.) of any primary highway;
  - The construction, excavation or other activity involving a building to be used as a second or temporary dwelling, except as allowed under Section 10.10 Dwellings;
  - the construction involves a building to be used as an “arena, private”, “arena, limited public” or “arena, commercial” as defined under Section 2.5 Definitions of this Bylaw in which case a Development Permit is required; or
  - For lot grading that may adversely impact the natural drainage direction or volume into, out of, or through a property or the natural drainage storage capacity of the property.

**Accessory Buildings/Structures:**

- 4.2.1.7 A detached accessory building having an area 20.8 sq. m. (224 sq. ft.) or less in any land use district where an accessory building is a permitted use and a detached accessory building having an area greater than 20.8 sq. m. (224 sq. ft.) where an accessory building is a permitted use in the land use district and meets the maximum area based on parcel size as noted in the following table 4.2.1.7 A, except on any lands designated sub-district "A" or Flood Hazard Protection Overlay District.

**Table 4.2.1.7A**

PARCEL SIZE	SIZE OF ACCESSORY BUILDING
Less than 1 acre	One building up to 20.8sq. m. (224 sq. ft.), accessory to the residence
1.0 - 1.99 acres in size	One building up to 46.45 sq. m. (500 sq. ft.), accessory to the residence, and one additional building up to 20.8 sq. m. (224 sq. ft.)
2 - 2.99 acres in size	Maximum of two (2) buildings with a total cumulative size not to exceed 132.4 sq. m. (1,425 sq. ft.) accessory to the residence
3.0 - 4.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 264.8 sq. m. (2,850 sq. ft.) accessory to the residence
5.0 - 9.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 301.9 sq. m. (3,250 sq. ft.) accessory to the residence
10.0 - 14.99 acres in size:	Maximum of four (4) buildings with a total cumulative size not to exceed 360 sq. m. (3,875 sq. ft.) accessory to the residence
15.0 - 20.99 acres in size:	Maximum of four (4) buildings with a total cumulative size not to exceed 397 sq. m. (4,275 sq. ft.) accessory to the residence
21.0 acres and over in size:	Maximum of five (5) buildings with a total cumulative size not to exceed 455 sq. m. (4,900 sq. ft.) accessory to the residence.
Agricultural District and Agricultural Business District Parcels	Any size accessory building to be used for agricultural, general purposes on agricultural zoned parcels when an agricultural operation exist on the property, in accordance with Section 4.2.1.7 of this Bylaw.

- 4.2.1.8 The first personal greenhouse having an area of less than 20.8 sq. m. (224 sq. ft.) in addition to sq. ft. requirement for accessory buildings allowed under Table 4.2.1.7A, accessory to a primary residence.
- 4.2.1.9 The first private vehicle garage having an area of 111.48 sq. m. (1,200 sq. ft.) or less (attached or detached) where there is an existing permitted dwelling, excluding any lands designated sub-district "A" or Flood Hazard Protection Overlay District.
- 4.2.1.10 Works of maintenance, repair or alteration on a building, internally or externally, if in the opinion of the Development Authority such work does not include structural alterations, or change the use or intensity of use of the building.

- 4.2.1.11 The completion of a building which was lawfully approved whether or not it was under construction at the date this Bylaw comes into full force and effect, provided that:
- a. The building is completed in accordance with the terms and conditions of any permit granted by the Municipality;
  - b. The building, whether or not a permit was granted or required, is completed within a period of twelve (12) months from the date this Bylaw comes into full force and effect.
- 4.2.1.12 The repair or replacement of a legal building that is damaged or destroyed, provided that the original building was not a non-conforming building, excluding any lands designated sub-district "A" or Flood Hazard Protection Overlay District..
- 4.2.1.13 On parcels 21 acres or more, one Sea-can, no larger than 48' in length and 10' in width, is permitted per parcel, provided it meets the minimum setback requirements.

#### **Accessory Uses**

- 4.2.1.14 The storage of the following number of unoccupied recreation vehicles on a parcel where a dwelling unit exists on site,
- a. No more than five (5) unoccupied recreation vehicles on a parcel 0.81 ha (3.0 acres) or more in size.
  - b. No more than two (2) unoccupied recreational vehicles on a parcel less than 0.81 ha (3.0 acres) in size, not located within a Hamlet;
  - c. No more than one (1) unoccupied recreational vehicle on a residential lot within a Hamlet boundary;

*More information on storage of unoccupied recreation vehicles on property can be found under Section 10.18 of this Bylaw.*

- 4.2.1.15 In the agricultural or country residential district, a maximum of one radio antennas or internet towers per parcel, for personal use only provided they meet the minimum setback distances for the appropriate land use and height restrictions of 16m.
- 4.2.1.16 On an agricultural or country residential zoned parcel, a maximum of one wind energy conversion system per parcel developed to generate electrical power for a single parcel for domestic and/or agricultural uses;
- 4.2.1.17 A satellite dish used for personal use only provided:
- a. It meets the minimum building setback for the appropriate land use district;
  - b. It is within the maximum height restrictions of the appropriate land use district; and
  - c. It meets all provision outlined in Section 10.20 pertaining to satellite dish, personal.

*Provisions on Satellite dishes can be found under Section 10.21 of this Bylaw.*

4.2.1.18 Solar power equipment, personal which meets the following criteria:

- a. The installation is to be used for personal household and/or agricultural purposes only; and
- b. Solar array for personal use mounted on the wall or roof of an approved building, provided:
  - i. all equipment does not exceed the maximum building height when the array is placed at its highest proposed angle; and
  - ii. all equipment meets all minimum setback requirements for the applicable land use district;
- c. Solar array for personal use Ground/Pole/ or Fence Mounted, provided:
  - i. solar panels and associated equipment for low-voltage systems (for example but not limited to solar fence chargers, trickle chargers, and gate systems) where the solar array is no greater than 1m<sup>2</sup> in size and all equipment does not exceed the maximum building height when the array is placed at its highest proposed angle; and
  - ii. solar panels and associated equipment where the solar array is in excess of 1m<sup>2</sup> but no greater than 10m<sup>2</sup> in size and meets the following:
    - a. does not exceed the maximum building height when the array is placed at its highest proposed;
    - b. is setback 2X (double) the minimum setback requirement for the applicable land use district;
- d. The lot coverage, including all new structures constructed in conjunction with the solar equipment does not exceed the overall lot requirements for the site as outlined in the development requirements of the applicable land use district;
- e. There is no alteration to drainage or the overland flow of water within, or off of a property without prior approval from the Municipality or Alberta Environment.
- f. The addition of any accessory building in conjunction with the array (whether for mounting, battery storage, or similar purposes) is no larger than 20.8 sq. m. (224 sq. ft.) or meets the sq. ft. requirement allowed for accessory buildings under Table 4.2.1.7 A;
- g. It meets all provisions outlined in Section 10.22 of this bylaw pertaining to solar power equipment, personal.

4.2.1.19 A home based office situated in a dwelling where all employees of the business are residents of the dwelling, and no vehicle traffic is generated by the business for which the office is used, provided that an annual business license is obtained.

**Compost Activity:**

- 4.2.1.20 No Development Permit approval is required for on-site household composting or composting as part of agricultural, general use on a property so long as:
- Material is not brought on site for the purpose of composting;
  - Compost material is not removed from the property;
  - The compost site is located within the building setback area on the property in accordance with the applicable land use; and
  - There is no offensive smoke, dust, odour, or heat produced by the activity that extends beyond the boundary of the lot.

*Provisions on composting activity can be found under Section 10.8 of this Bylaw.*

**Demolition:**

- 4.2.1.21 Demolition of a building as long as all other requirements of this bylaw are complied with.

**Dugouts/Private Dam:**

- 4.2.1.22 A dugout or private dam on Agricultural district parcels when it is being used for agriculture, general use so long as it complies with all other requirements of this bylaw;

*Provisions on dugouts/private dams and other manmade water features can be found under Section 9.18 of this Bylaw.*

**Dwellings:**

- 4.2.1.23 The construction of a first detached single family dwelling, or addition to a detached single family dwelling where it is a permitted use in the applicable land use district and the lot has legal access to an approved municipal road or highway, excluding any lands designated sub-district "A" or Flood Hazard Protection Overlay District.
- 4.2.1.24 The construction of a first dwelling, manufactured home, or addition to a dwelling, manufactured home where it is a permitted use in the applicable land use district, meets the requirements listed under Section 10.10, and the lot has legal access to an approved municipal road or highway, excluding any lands designated sub-district "A" or Flood Hazard Protection Overlay District.
- 4.2.1.25 Where there is no other dwelling on the parcel, the moving onto a lot smaller than 32.37 ha (80 acres) in size (gross lot area), a first detached single family dwelling or first dwelling manufactured home which is 6.10 (20ft) or greater in width or length in accordance with Section 10.10, provided that such dwelling is placed on a foundation within 60 days of being moved onto the lot, excluding any lands designated sub-district "A" or Flood Hazard Protection Overlay District.. No such dwelling shall be occupied as a residence until it has been placed upon a permanent foundation and the appropriate Building Permit approved.



- 4.2.1.26 Where there is one other dwelling existing on a lot 32.37 ha(80 acres) or more in size (gross lot area), the construction or moving onto a lot of a second detached single family dwelling or dwelling, manufactured home in accordance with Section 10.10) including previously owned dwellings, excluding any lands designated sub-district “A” or Flood Hazard Protection Overlay District.

*Provisions on dwellings can be found under Section 10.10 of this Bylaw.*

**Fences/Gates:**

- 4.2.1.27 The erection, construction or maintenance of gates, fences or other means of enclosure, constructed in accordance with all provisions of Section 9.14 of this bylaw that meet the following criteria:
- a. Are less than 2m (6.56 ft.) in height if located wholly within the lot; or
  - b. Where chain link fence is erected on properties zoned commercial and industrial up to 8 ft. in height within setbacks if located wholly within the lot; or
  - c. Any height if it meets the setbacks noted in Section 9.14;

**Keeping of Dogs:**

- 4.2.1.28 The keeping of up to three (3) adult dogs over 6 months of age at any one time, on a lot containing a dwelling.

*Provisions on Keeping of dogs can be found under Section 9.12 and information on Dog Kennels can be found under Section 10.13 of this Bylaw.*

**Landscaping:**

- 4.2.1.29 Landscaping, as defined by this bylaw, does not require a Development Permit so long as it meets lot grading and all other requirements of this bylaw.

*Provisions on Landscaping can be found under Section 9.14 of this Bylaw.*

**Lot Grading:**

- 4.2.1.30 The construction, maintenance, and repair of private walkways and private driveways provided none of the work done adversely impacts the natural drainage of the property. or affects the adjoining municipal road allowance or highway driving surface.
- 4.2.1.31 The construction, maintenance, and repair of retaining walls provided:
- a. Retaining walls greater than 305mm (1m) in height are designed by a Professional Engineer;
  - b. They do not encroach onto public land or into a utility right of way; and
  - c. They do not impede surface drainage.

- 4.2.1.32 The stripping or stockpiling of soil, construction or upgrading of municipal roads, construction of internal roads, installation of utilities and grading of the site whereby any such activities are carried out in accordance with the approved subdivision or development permit provided it does not affect the natural drainage. *Please refer to Section 9.17 for more information on lot grading and drainage of a lot.*
- 4.2.1.33 Where lot grading is being carried out in accordance with an approved Development Permit, servicing agreement or signed development agreement between the owner/developer and the Municipality on the subject parcel.
- 4.2.1.34 Lot grading, which does not:
- a. Adversely impact the natural drainage direction or volume into, out of, or through a property; or
  - b. Adversely impact the natural drainage storage capacity of the property.
- 4.2.1.35 The placing of topsoil or fill on a property for the purposes of:
- a. Development of less than 1 acre where the placing of clean topsoil is for landscaping purposes as defined by this Bylaw;
  - b. Development of less than 1 acre where the placing of up to 1.0m (3.28 ft.) of fill adjacent to or within 15m of a building under construction that has a valid Building Permit;
  - c. The placing of clean topsoil for agricultural purposes;
  - d. the placing of up to 1m (3.28 ft.) of fill including topsoil providing topsoil is stripped and stockpiled prior to placing of fill, and then replaced;
  - e. The placing or replacing of sand and fill for the purposes of an indoor or outdoor riding arena; and
  - f. The placing of up to 15 – 20 cubic yards of topsoil for the purposes of landscaping;

Provided there is no adverse impact on the natural drainage direction or volume into, out of, or through the property or adjacent land or adverse impact on the natural drainage storage capacity of the property in accordance with provisions under *Section 9.17*.

*Provisions on lot grading and drainage can be found under Section 9.17 of this Bylaw.*

**Man-Made Water Features:**

4.2.1.36 Man-made water features including:

- a. A dugout/private dam on Agricultural District parcels when it is being used for agriculture, general use so long as it complies with all other requirements of this bylaw;
- b. Construction or upgrading of an Ornamental Pond (shallower than 1m (3.28 ft.) so long as the construction will not adversely impact natural drainage direction or volume nor adversely impact the natural drainage storage capacity of the property and it meets all other requirements of this bylaw;
- c. A storm water pond or lagoon for the purpose of processing wastewater where the construction is in accordance with Provincial approvals and approved under an approved Development Permit or signed developer's agreement entered into between the landowner/developer and the Municipality;

so long as they are in compliance with all Provincial and Federal requirements and regulations;

*Provisions on Man-made water features can be found under Section 9.18 of this Bylaw.*

**Signs:**

4.2.1.37 Campaign signs for Federal, Provincial, Municipal, Regional Health Authority or School Board elections on private property, to a maximum of one (1) sign per lot provided that:

- a. Such signs are removed within seven (7) days after the election. Candidates must ensure that the site is returned to its previous condition; and
- b. The consent of the property owner or occupant is obtained prior to the signs being placed.

4.2.1.38 Signs relating to the sale, lease or rental of a building or land to which they are attached, provided that:

- a. The sign is not illuminated; and
- b. Each sign shall not exceed 1.0 sq. m. (11 sq.ft.) in area, in a Hamlet Residential District;
- c. Each sign shall not exceed 2.32 sq. m. (25 sq. ft.) in area, in any other District; and
- d. Each sign is removed within 14 days of the sale, lease or rental.

4.2.1.39 Signs indicating the address and/or owner of a residence or the name of a home based business, provided that the signs do not exceed 0.55 sq. m. (5.92 sq. ft.). This sign is permitted to be placed at the entry of the property, provided it is solely on the landowner's property and not in the road right of way.

- 4.2.1.40 Signs indicating the name of the Development provided that they do not exceed 2.32m. (25 sq. ft.) in area, and that they are located on lands within that same Development, not within any Municipal or Provincial road right of way, or as a means of advertisement on other lands located within the Municipality. Only one sign per Development is permitted.
- 4.2.1.41 Signs on land or buildings for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes that relate to the use of the land or buildings on which they are displayed, provided that:
  - a. The sign shall not exceed 2.5m. (8 ft.) in height or 5.9 sq. m. (64 sq. ft) in area; and
  - b. There shall be a limit of one (1) sign per lot.
- 4.2.1.42 Temporary signs advertising sales displayed on the interior or exterior of the building in which such sales will be or are being conducted, and are intended to be displayed for a short time period. Such advertisements shall be removed within 14 days of the completion of said sale.
- 4.2.1.43 Temporary signs (no more than 14 days) with an area of less than 1.0 sq. m. (11 sq. ft.) intended to advertise any local event being held for charitable purposes, which may be religious, education, cultural, political, social or recreation, but not for commercial purposes.
- 4.2.1.44 Gate signage is permitted on 21 acres or more and shall not exceed 1.0 sq. m. (11 sq. ft.).
- 4.2.1.45 Signs that require cleaning, repair or repainting, provided that the sign is not being changed from its original content, and was originally approved through a Development Permit or is a sign that meets one of the above noted exemptions.

*Provisions on Signage can be found under Section 9.24 of this Bylaw.*

**Patio/Decks:**

- 4.2.1.46 Uncovered attached patios/decks at grade (less than 0.60m (2ft) above grade) within 1m (3ft) of a side or rear yard in all land use districts;

**Public Utilities:**

- 4.2.1.47 The construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement.
- 4.2.1.48 The use of land by the Municipality or by other neighbouring municipality and/or organization involving more than one municipality, which the Municipality or neighbouring municipality and/or organization involving more than one municipality, is the legal or equitable owner for a purpose approved by a simple majority vote of Council in connection with any public utility, public facilities, public work or public or quasi-public installations and facilities being carried out by the Municipality or neighbouring municipality and/or organization involving more than one municipality, or their authorized representative.

**Temporary Uses:**

- 4.2.1.49 The erection, construction or use of temporary facilities needed in connection with construction, alteration, or maintenance of a building for which a Development Permit or Building Permit has been issued if removed within 30 days of project completion. The Development Authority shall use their discretion in determining the appropriate number of temporary facilities allowed on site. An example of applicable temporary facilities may include, but are not limited to, construction trailers, portable sheds, portable toilets, and electric generators.
- 4.2.1.50 The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite.

**Other:**

- 4.2.1.51 The placement and erection of memorial, historical, cemetery markers or monuments in the municipality;
- 4.2.1.52 The use of land by Education Services, in which the Educational Service has the legal right to use the land for work or development being carried out by the Educational Service, excepting out all buildings, in which case a Development Permit is required as a permitted use to ensure appropriate engineering and development standards are met.
- 4.2.1.53 Highways, roads, wells, batteries, pipelines, or other development exempted under the Act, or any other development, which in the opinion of the Development Authority is associated with the construction, repair or upgrade of said development.
- 4.2.1.54 Use of a building as a show home for a temporary period of 24 – 36 months, where a provision for show homes is included within an approved Area Structure Plan or Area Concept Plan;
- 4.2.1.55 Operation of mobile sales vehicle or mobile trailer provided the mobile sales vehicle meets all provisions under Section 9.29 Mobile Sales Vehicles and operates on a site for no more than two hours per day (unless otherwise authorized by the Municipality or are operating under an approved special event permit).
- 4.2.1.56 No Development Permit approval is required for an Apiary, provided the hives meet the minimum setback distances for the principal building. Apiaries on Agriculture District parcels are exempt from the setback requirements provided they are wholly contained within the property.

## **4.3 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

- 4.3.1 A Development Permit shall be applied for by submitting to the Development Authority a completed application for Development Permit on the prescribed form, signed by the owner of the land concerning which the application is made, or his authorized agent, accompanied by the fee required by the current Planning Fee Schedule.

- 4.3.2 Applications for Development Permits shall be accompanied by the following information:
- a. A site plan with North at the top of the page showing:
    - i. The entire parcel and any other land that may be used in conjunction with the parcel for the proposed use. If additional lands are owned by others, must include names and signed consent for proposed development;
    - ii. The legal land description;
    - iii. Dimensions of the parcel;
    - iv. Existing or proposed setbacks, easements or right of ways;
    - v. The location of all existing and proposed buildings, wells, septic tanks, disposal fields, dugouts/private dams, lagoons, culverts and crossings that may be used in conjunction with proposed development;
    - vi. The height, dimensions and relationship to property lines of all existing and proposed buildings and structures including retaining walls, corrals, trees, landscaping, curbs, gutters, sidewalks and other built physical features;
    - vii. Any significant natural features on or adjacent to the parcel.
  - b. Statements to fully describe the intensity of the development proposed including:
    - i. Full description of any proposed business, including what it is, how it operates and the number of people to be employed;
    - ii. Product or service proposed if applicable;
    - iii. For products estimated amount that will be produced and method of distribution;
    - iv. Engineering feasibility studies may be required;
    - v. Types and frequency of vehicle trips to and from the site;
    - vi. Number of daily site visits by non-residents of the parcel;
    - vii. Proposed days and hours of operation of proposed development;
    - viii. Storage area required for materials or finished product and provisions for screening;
    - ix. If a proposed agricultural operation, number and type of trees, vegetables or animals to be produced or reared;
    - x. The number of events and/or clinics proposed to be held annually, if any, including a detailed description of any such proposed events and/or clinics;
    - xi. Proposed maximum number of occupants of any building involved in the development at any one time.
  - c. Engineering feasibility studies on water supply and treatment methods where required;

- d. Description of provisions for utilities and servicing including:
  - i. Water -proposed source, treatment, delivery method, storage and how much water will be required for development daily, weekly or monthly;
  - ii. Wastewater - proposed collection system and treatment and discharge methods;
  - iii. Natural Gas;
  - iv. Electricity;
  - v. Storm water management / drainage;
  - vi. Approaches or site access;
  - vii. Sidewalks;
  - viii. Curbs, gutters and ditches;
  - ix. Solid waste management, including garbage and refuse storage areas, as well as the fencing and screening proposed for same and methods of disposal.
- e. Description of any grading, land contouring or landscaping to be done;
- f. Any technical studies deemed necessary by the Development Authority to support the review of the Development Permit application. *Appendix A of this Bylaw references technical studies that may be required;*
- g. Detailed contour map (1m intervals) or profiles and cross-sections describing the original ground level, the finished grade elevation, the proposed depth of any excavation, the elevation of the water table as well as the depth of overburden. Note that overburden refers to all soil and ancillary material above the bedrock horizon in a given area if deemed necessary by the Development Authority;
- h. Provisions for parking and loading;
- i. Descriptions of any noxious, toxic, radioactive, flammable, or explosive materials proposed;
- j. Methods of controlling noise, dust, odors or drainage from the Lot, both during and after completion of construction;
- k. Description of landscaping and screening proposed for the site (i.e.: vegetation, fencing) and any irrigation requirements;
- l. Description of any proposed signage and /or business identification including illustrations and dimensions.

#### **4.4 SUPPLEMENTARY REQUIREMENTS**

- 4.4.1 In addition to the application requirements set out in Subsection 4.3, the Development Authority may request supplementary information to support the evaluation and assessment of a Development Permit application. *A description of potential supplementary requirements is found in Appendix "A"*
- 4.4.2 In accordance with the Municipal Development Plan 2010, preparation and approval of supporting plans such as Area Structure Plans, Area Redevelopment Plans, and Outline Plans may also be required prior to or concurrent with applications for redesignation, land use amendment, and development.



## **4.5 COMMUNITY CONSULTATION PROCESSES**

- 4.5.1 Applicants are encouraged to carry out an appropriate community consultation prior to submission of a development permit application as some types of developments may have impacts on surrounding property owners. Applicants should consult with the Development Authority for direction on the need for public consultation with respect to your application.
- 4.5.2 The Development Authority may recommend the applicant of a discretionary land use to undertake community consultation with all stakeholders and land owners within one half mile (0.5 mile) radius from the parcel prior to an application being made to the municipality if they feel that the use may have an impact on surrounding property owners. For the purposes of this section, a one half mile radius is considered to be the subject quarter section in which the parcel is located and each of the eight (8) adjacent quarter sections.
- 4.5.3 Information pertaining to community consultation process undertaken by applicants and landowners should be submitted with formal applications where applicable including a summary outlining:
  - a. The manner in which community consultation was undertaken;
  - b. Who was notified of the community consultation and how notice was given;
  - c. What concerns and/or support was provided by the community;
  - d. What changes or amendments to the application were made based on the feedback received.

## **4.6 PRE-APPLICATION MEETINGS AND FORMAL REVIEW**

- 4.6.1 Pre-application meetings shall take place prior to acceptance of a formal application between the Development Authority and the applicant and or landowners, on new applications within the Highway 2A Industrial Area Structure Plan Area unless Development Authority has granted a written waiver to such requirement.
- 4.6.2 Pre-application meetings are encouraged between the Development Authority, the applicant and or landowners, and staff from another municipality in which we have a current Intermunicipal Development Plan, in cases where development is proposed within an Intermunicipal Development Plan area.
- 4.6.3 Potential applicants are encouraged to have a pre-application meeting with the Development Authority prior to submission of a formal application in order to:
  - a. Give the applicant an opportunity to communicate what is being applied for;
  - b. Review application requirements with the Development Authority; and
  - c. Evaluate how the application may or may not comply with the Bylaw and other applicable statutory plans and municipal regulations. This process allows early identification of potential issues with prospective applications. It is beneficial to undertake this process before any major investments are made or the proponent is strongly committed to the details of the proposal.
- 4.6.4 A formal staff review is required on the prospective applications prior to acceptance of a completed application within the Highway 2A Industrial Area Structure Plan area.

- 4.6.5 Requests for a formal review on the above noted applications shall be submitted to the Development Authority with a completed application and all applicable supporting information and documents as deemed necessary by the Approving Authority and shall include the applicable formal review fee as required by the current Planning Fee Schedule.

#### **4.7 TEMPORARY USE APPROVALS**

- 4.7.1 A temporary use or development may only be permitted where the use or development is a permitted or a discretionary use in that District.
- 4.7.2 A temporary Development Permit may permit a development or use to be carried out for a specific period of time which may be limited by reference to a date or by reference to the occurrence of an event.
- 4.7.3 Upon expiration of a temporary Development Permit, the development or use thereby authorized shall cease to be carried on. All uses and/or buildings, structures, equipment, and things erected, placed upon or used in or upon lands or buildings in connection with the development shall be removed from the lands or buildings upon or in which the development was being carried out. The municipality is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit.
- 4.7.4 An Approving Authority may require the applicant to enter into an agreement with the Municipality guaranteeing the removal of the temporary development or use when the intended use is changed or discontinued and the estimated cost of site remediation after removal of the development. This agreement may require the applicant to post security, acceptable to the Approving Authority, guaranteeing the removal of the development. Where buildings are involved, an Approving Authority may require security in accordance with the current Planning Fee Schedule.
- 4.7.5 A temporary development permit may be renewed upon application to the Development Authority, provided that no changes have been made to the original application. The development shall not be carried on after expiration of the development permit and prior to renewal of the Development Permit, unless the Development Authority has agreed to allow it to continue during the processing of the renewal application.
- 4.7.6 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 had been issued.

#### **4.8 LETTER OF COMPLIANCE**

- 4.8.1 A Letter of Compliance is a letter issued by the Planning and Development Department indicating that a property complies with setback regulations of the Municipality's Land Use Bylaw.
- 4.8.2 A request for a Letter of Compliance shall be made in writing to the Development Authority and shall include:
- a. Application fee required by the *Planning Fee Schedule*;
  - b. Legal description and property address;
  - c. Certificate of title (less than one year old);

- d. Certified Real Property Report (less than one year old) prepared by an Alberta Land Surveyor, in duplicate at an appropriate scale, showing the details of the development and the relation to property boundaries so that compliance with setbacks and yard regulations may be determined; or
  - e. A Real Property Report (older than one year old), meeting all other criteria noted in 5.13.2 (d), may be accepted only if it is accompanied by a signed and witnessed affidavit stating that they have compared their knowledge of the parcel to that shown on the RPR presented and the property is identical (no additional buildings or development has been added and all setbacks remain as noted on the real property report).
- 4.8.3 When processing a compliance letter, the Real Property Report is reviewed, and then a letter is prepared advising if the buildings and structures shown on the survey are either in compliance or not in compliance with development setbacks. The Letter of Compliance does not evaluate the property for compliance to any other aspect of the land use bylaw than setbacks of buildings to property lines.
- 4.8.4 A Development Authority shall rely on the Real Property Report and is not required to undertake independent site inspections. A Development Authority shall not be liable for any damages arising from the use of a Letter of Compliance where the errors are the result of incorrect or incomplete information provided by the surveyor.
- 4.8.5 A Development Authority may issue a Letter of Compliance where a minor (no greater than 2.5%) non-compliance exists, subject to the provisions of Section 5.6 "*Variances*".
- 4.8.6 The location of all buildings as submitted on a real property report shall be measured from the outside surface of the exterior walls and/or outside surface of the foundation, to the boundaries of the property line.

## SECTION 5 DEVELOPMENT PERMIT APPROVAL PROCESS

### PREAMBLE

This section outlines the approval process for a development application, conditions imposed, and regulations pertaining to temporary approvals, variances, cancellation and expiry of permits, and re-application.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

### 5.1 NOTICE OF COMPLETE APPLICATION

- 5.1.1 The Development Authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete or incomplete.
- 5.1.2 Notwithstanding Section 5.1.1, the 20 day time period referred to in Section 5.1.1 may be extended by an agreement in writing between the applicant and the Development Authority.
- 5.1.3 If the Development Authority does not make a determination of a complete or incomplete application within the time required under subsection 5.1.1 or 5.1.2, the application is deemed to be complete.
- 5.1.4 A Development Permit application will not be deemed complete and considered by the Development Authority until all required information has been submitted as outlined in Sections 4.3 through 4.6 and the required application fee has been paid.
- 5.1.5 If the development authority determines that the information and documents submitted under 5.1.4 are complete, the development authority must issue notice to the applicant, acknowledging that the application is complete in writing and sent by ordinary mail or by email to the applicant.
- 5.1.6 if the Development Authority determines that the application is incomplete, the Development Authority must issue to the applicant a notice in writing and sent by ordinary mail or by email to the applicant indicating that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Development Authority in order for the application to be considered complete.
- 5.1.7 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in 5.1.6, the application is deemed to be refused.
- 5.1.8 If an application is deemed to be refused under 5.1.7, the Development Authority must issue to the applicant a notice in writing and sent by ordinary mail to the applicant indicating that the application has been refused and the reason for the refusal.

- 5.1.9 Despite that the Development Authority has issued a notice under 5.1.5 or 5.1.6 in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application

## **5.2 .DEVELOPMENT REFERRAL PROCESS**

- 5.2.1 Before a decision is made, an application must be referred to:
- a. Adjoining municipalities or other authorities and governmental departments for comment when required by the Municipal Development Plan, Intermunicipal Development Plans or the Subdivision and Development Regulation.
  - b. Any additional federal, provincial or municipal agencies as deemed necessary and may include internal circulation within the Municipal Office, to local Councilors, utility companies, and registered community associations that have shown interest in the application.
  - c. In accordance with Section 5.3, the Development Authority must make a decision on the Development Permit application within 40 days after receipt of a complete Development Permit application whether or not comments have been received, unless a time extension agreement has been entered into with the applicant.

## **5.3 DECISION ON DEVELOPMENT PERMIT APPLICATIONS**

- 5.3.1 Upon receipt of a complete Development Permit application for a permitted use, the Development Authority shall approve, with or without conditions as provided in Section 5.4, the application where the proposed development conforms to the provisions of this Bylaw.
- 5.3.2 Notwithstanding Section 5.3.1, if a Development Permit application for a permitted use that requires a variance to any other provision of the Bylaw, the use is considered a Discretionary use and the application must be dealt with under all provisions for Discretionary uses under this Bylaw
- 5.3.3 The Development Authority shall consider and decide on applications for Development Permits within forty (40) days of notice of receipt of a completed application. Pursuant to Section 684 of the Municipal Government Act, an application for a Development Permit is, at the option of the applicant, deemed to be refused if the decision of the Development Authority is not made within the forty (40) days of a completed application being received by the Municipality, unless the applicant has entered into an agreement with the Development Authority to extend the forty (40) day period.
- 5.3.4 Upon receipt of a complete Development Permit application for a discretionary use, the Development Authority may:
- a. Approve the application; or
  - b. Approve the application subject to all or any of the conditions and restrictions set out in Sections 5.4; or
  - c. Refuse the application.
- 5.3.5 In determining a Development Permit application, the Development Authority shall consider any technical study submitted in support of the application. Based on the information provided within the technical studies, the Development Authority shall

recommend approval or refusal of the application and/or impose such conditions that are considered necessary to mitigate any potential problems in accordance with Section 5.4 of this bylaw.

- 5.3.6 The approval of a Development Permit pursuant to this Bylaw is not to be construed as any representation or warranty by the Municipality or any of its agents, officers or employees, that the proposed development may safely be constructed or carried on, or that the land upon which the development is intended to be carried on is suited for that purpose. The holder of the Development Permit is at all times responsible to ensure the safety, viability and practicality of the proposed development and shall ensure that the same complies with all applicable Statutes, Bylaws and Regulations.
- 5.3.7 A Development Permit issued pursuant to this Bylaw is not a Building Permit, and notwithstanding that plans and specifications for buildings may have been submitted as part of an application for Development Permit, work or construction shall neither commence nor proceed until a Building Permit has been issued pursuant to applicable statutes, bylaws and regulations.
- 5.3.8 If plans show a use that is not mentioned in the application for Development Permit, approval of the application does not constitute approval of such use.
- 5.3.9 In the case of renewals, any proposed changes to the existing Development Permit or conditions thereof must be mentioned in the application and outlined in the circulations and the application shall be considered as a new application.

## **5.4 CONDITIONS**

- 5.4.1 The Development Authority may, as a condition of issuing a Development Permit for a Permitted Use or a Discretionary Use, require the applicant to enter into a Development Agreement with the municipality to do any or all of the following:
- a. Construct or pay for the construction of a road required to give access to the development;
  - b. Construct or pay for the construction of a pedestrian walkway system to serve the development and/or 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;
  - c. Install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
  - d. Construct or pay for the construction of off-street or other parking facilities;
  - e. Construct or pay for the construction of loading and unloading facilities;
  - f. Pay an off-site levy;
  - g. Pay a redevelopment levy;
  - h. Pay for all or a portion of a cost of an off-site improvement constructed or paid for in whole or in part by the municipality or another party at any time prior to the date of approval of the Development Permit which benefits the development;
  - i. Construct or pay for all or a portion of an off-site improvement having excess capacity, subject to an endeavor to assist agreement; and

- j. Provide security in the form of cash or an unconditional Letter of Credit to ensure that the terms of the Development Agreement are carried out in an amount of not less than 100% of the estimated cost of construction of all on-site and off-site infrastructure and site remediation.

5.4.2 The Development Authority may, as a condition of issuing a Development Permit for a permitted use or discretionary use, impose any condition that ensures:

- a. The development is constructed and maintained in accordance with the approved plans;
- b. The Development Standards set out in the Land Use Bylaw are met;
- c. Recommendations from technical studies and reports are complied with;
- d. Applicable provisions of Statutory Plans are complied with; and
- e. The municipality's Servicing Standards are met.

5.4.3 The Development Authority, may, as a condition of issuing a Development Permit for a Discretionary Use or as a condition of granting a variance to the Development Standards set out in the Land Use Bylaw with respect to either a permitted use or a discretionary use, impose any condition that addresses any relevant planning and development matter including but not limited to:

- a. Ensuring that the purpose and intent of the Land Use District is met;
- b. Noise;
- c. Dust control;
- d. Landscaping;
- e. Buffering;
- f. Lighting;
- g. Environmental issues;
- h. Hours of operation;
- i. Off-site road use including entering into a road use agreement; and
- j. Any other planning and development consideration that the Development Authority deems appropriate

5.4.4 All pre-release conditions must be met within 5 months of the decision being released, unless otherwise stated in the Development Permit decision;

## **5.5 DISCRETION**

5.5.1 A Development Authority may approve a discretionary use provided that it can be demonstrated by information provided by the applicant, that the proposed development:

- a. Is consistent with the Municipal Development Plan, an applicable area structure plan or area redevelopment plan, and policies adopted by municipality;
- b. Is compatible with the general purpose of the district;
- c. Should not cause traffic impacts (in terms of daily and peak hour trip generation and parking) or public transit impacts unsuitable for the area;



- d. Is serviceable with adequate capacity for drainage, water, sewage and other utilities;
- e. Is compatible with surrounding areas in terms of land use (including the use, function, enjoyment, and value of adjacent lots), scale of development, and potential effects on the stability or rehabilitation of the area;
- f. Is appropriate having regard for geotechnical considerations such as flooding and slope stability;
- g. Will not cause a negative effect on community services and facilities such as schools, parks, fire protection, and health;
- h. Any potential adverse effect can be adequately mitigated by conditions; and
- i. Is consistent with municipal land, right-of-way or easement requirements.

5.5.2 In determining the significance of an adverse effect or nuisance factor, a Development Authority may consider:

- a. The expected magnitude and consequence of the effect or nuisance;
- b. The expected extent, frequency, and duration of exposure to the effect or nuisance;
- c. The use and sensitivity of adjacent or nearby sites relative to the effect or nuisance;
- d. Adherence to relevant environmental legislation or widely recognized performance standards; and
- e. The reliability and record of the proposed methods, equipment and techniques in controlling or mitigating detrimental effects or nuisances.

5.5.3 A Development Authority may be guided in the exercise of discretion through reference to reports prepared by an accredited professional that justify alternatives to Bylaw requirements.

## **5.6 VARIANCES**

5.6.1 The Development Authority may exercise its variance powers, prescribed in Sections 5.6.2 to Section 5.6.5, and approve a development permit for a permitted or discretionary use, with or without conditions, which does not comply with the regulations of this Bylaw, if the Development Authority determines that:

- a. The proposed development would not unduly interfere with the amenities, use, enjoyment, or value of adjacent lots;
- b. The proposed development would be consistent with the general purpose or character (urban or rural) of the district;
- c. There are factors unique to the development, use and site (such as the location of existing buildings) which are not generally common to other development and land in the same district and which would result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw; and
- d. There are mechanisms to mitigate the effect on adjacent lots.

5.6.2 The Development Authority may allow with respect to existing development, a variance of any yard setback to a maximum of 90% of the setback required by this Bylaw, with the exception of Hamlet Residential District lands.

- 5.6.3 The Development Authority may allow with respect to existing development on Hamlet Residential District zoned property, a variance of a side yard setback to a maximum of 25% of the setback required by this Bylaw.
- 5.6.4 The Development Authority may allow with respect to a proposed development, a variance of any yard setback to a maximum of 25% of the setback required by this Bylaw.
- 5.6.5 The variance power given to the Development Authority under Section 5.6.4 of this Bylaw shall not be exercised with respect to a proposed development unless the landowner can demonstrate that the proposed location is the most appropriate site for the proposed development”.
- 5.6.6 The development authority may allow a variance of building height to a maximum of 50% required under this bylaw, with respect to development within the Industrial Districts, Commercial Districts and the Service District.
  - a. The variance power given to the Development Authority with respect to building height within the Industrial, Commercial and the Service Districts, shall not be exercised unless it has been determined that such a request for variance is integral to the design or operations of the development.
- 5.6.7 A Development Officer may issue a *Letter of Compliance* where a minor (no greater than 2.5%) non-compliance exists, subject to the provisions of *Section 5.6 “Variances”*.
- 5.6.8 Compliance may be granted for structures which are no larger than 16 sq. m. (172.2 sq. ft.) in size and do not exceed 2m (6.5 ft.) in height that are fully contained within the boundaries of the property, which do not meet municipal setbacks.

## **5.7 NOTICE OF DECISION**

- 5.7.1 All decisions on applications for a Development Permit shall be given in writing and sent by ordinary mail to the applicant.
- 5.7.2 If an application is conditionally approved or refused by the Development Authority, the notice of decision shall contain the conditions imposed as part of the approval or the reasons for the refusal.
- 5.7.3 Notice of decisions on approved applications for development of a discretionary use or permitted use with a variance, shall be sent by ordinary mail to the applicant, and a notice of the development shall be:
  - a. Published in a local newspaper circulating within the Municipal District of Foothills; or
  - b. Sent by ordinary mail to adjacent land owners; or
  - c. Posted conspicuously on the property.
- 5.7.4 For decisions under Section 5.7.3, the Development Authority may choose to direct mail decisions to properties beyond the adjacent/adjoining properties at their discretion.
- 5.7.5 The advertisement shall include the following information:
  - a. The legal description of the subject property, and
  - b. The approved use.

- 5.7.6 For purposes of this Bylaw, notice of decision of the Development Authority on a Development Permit application is deemed to have been given and to have been received:
- a. In the case of the applicant, seven (7) days after date of mailing the notice of decision to the applicant, and
  - b. In all other cases, on the date that the notice of decision is first published in the Western Wheel.

*Information on Development Appeals can be found in Section 8.1 "Development Appeals".*

## **5.8 PERMIT ISSUANCE AND VALIDITY**

- 5.8.1 A Development Permit comes into effect:
- a. On the 15th day after the date of issue of the notice of decision by the Development Authority, if the Development Permit for a discretionary use or a permitted use with variance is approved by the Development Authority, on a Development Permit application for development where no appeal is filed;
  - b. Notwithstanding Section 5.8.1, a. where a Development Permit for a permitted use is approved by the Development Authority and the applicant has signed a notice to waive the 15 day notification period for appeal, the Development Permit comes into effect upon issuance.
  - c. On the date of issue of the notice of decision by Council on the Development Permit application, if the Development Permit is approved by Council, or
  - d. On the date that the Development Permit is either upheld or varied and the SDAB or MGB has issued its decision in writing, if an appeal is filed from the decision of the Development Authority.
- 5.8.2 A Development Authority may suspend or revoke a permit when:
- a. The permit was issued on the basis of incorrect information or misrepresentation by the applicant;
  - b. The permit was issued in error;
  - c. Requested by an applicant; or
  - d. The development has not been completed within the required time period prescribed by the Development Permit.

## **5.9 EXPIRY OF DEVELOPMENT PERMITS**

- 5.9.1 The Development Permit shall thereafter be null and void if the development authorized by a Development Permit:
- a. Is not commenced within one year after the latest of the following dates:
    - i. The date on which the application for the Development Permit is issued by the Approving Authority.
    - ii. If there is an appeal to the Development Appeal Board in respect of the application for the Development Permit, the date of the Board's decision or the date that the appeal is abandoned or discontinued;

- iii. If there is an appeal to the Court of Appeal under the Municipal Government Act, the date on which judgment of the Court is entered, or the date on which the appeal is discontinued; or
- b. Is not completed within the date prescribed by the Development Permit; or
- c. If the development or use is abandoned for a period of six months.

## **5.10 RE-APPLICATION**

- 5.10.1 When an application for a Development Permit or a change in land designation is refused, another application with respect to the same parcel of land, may not be made by the same or any other applicant until the expiration of at least six months from the date of the last refusal:
  - a. For a Development Permit for the same or a similar use, or
  - b. For a change in land use designation;

## **5.11 FORMS, NOTICES, AND FEES**

- 5.11.1 For the purpose of administering the provisions of this Bylaw, Council may by Resolution authorize the use of such forms and notices as in its discretion it may deem necessary or desirable.
- 5.11.2 For the purpose of administering the provisions of this Bylaw, Council may by Bylaw authorize the imposition of such fees as in its discretion it may deem necessary or desirable. Changes to the fees will be made by amendment to such bylaw.
- 5.11.3

## **SECTION 6 AMENDMENTS TO THE LAND USE BYLAW, REDESIGNATIONS, AND AREA STRUCTURE PLANS**

### **PREAMBLE**

This section outlines the procedure and requirements for land use amendments including public consultation requirements, pre-application meetings and formal reviews and timing for re-submission.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

### **6.1 PROCEDURES FOR AMENDMENTS**

- 6.1.1 Any person may apply to amend this Bylaw by making an application for an amendment and submitting the prescribed application form to the planning and development department for processing and referral to Council as the Approving Authority.
- 6.1.2 Council may, on its own initiative, undertake an amendment to this Bylaw.
- 6.1.3 All amendments to this Bylaw shall be made by Council by Bylaw and in conformance with the Municipal Government Act.
- 6.1.4 Upon receipt of a complete application in accordance with Section 6.2 to amend this Bylaw, the application shall be scheduled for a public hearing in accordance with Section 692 of the Municipal Government Act within 120 days;
- 6.1.5 A minimum of 5 days' notice to the applicant shall be given advising that he/she may appear before Council to speak to the application in accordance with Section 606 of the Municipal Government Act.

### **6.2 AMENDMENT APPLICATION REQUIREMENTS**

- 6.2.1 An application for redesignation or amendment shall be made in writing to the Planning Department using the appropriate form provided by the Municipality, and should include the following application requirements:
  - a. All application fees required as outlined in the Planning Fee Schedule;
  - b. Original application form completed and signed by the registered owner of the subject lands or his/her authorized agent;
  - c. Most recent Certificate of Title;
  - d. Confirmation of Signing Authority (if applicable);
  - e. Agent Authorization (if applicable);
  - f. Completed abandoned well site declaration;

- g. Written statement to describe and justify the proposal;
- h. Description of the use or uses proposed for the land;
- i. Requirements for drainage, water, sewage and other utilities and infrastructure relative to available or future capacities;
- j. Staging, implementation schedule, and duration of construction (where application is proposed to be developed in phases); and
- k. Detailed site plan showing the proposed change within the context of the land including:
  - i. Existing parcel(s) dimensions and area;
  - ii. Proposed parcel(s) dimensions and area (if applicable);
  - iii. Existing and proposed access to parcel(s);
  - iv. North arrow to the top of the page with site plan and text oriented correspondingly;
  - v. Location of all existing buildings, wells, septic tanks and fields;
  - vi. Vegetation and physical characteristics throughout existing and proposed parcels;
  - vii. Any reserve lands provided (if applicable);
  - viii. Water courses (intermittent and perennial);
  - ix. Water bodies (including dugouts/private dams);
  - x. Ravines; and
  - xi. Slopes in excess of 15%.

6.2.2 Where the proposed amendment is for a change in text and no land is specifically affected, the requirements of sub-section 6.2.1 shall be applied only as relevant to the amendment.

### **6.3 SUPPLEMENTARY REQUIREMENTS FOR AN AMENDMENT APPLICATION**

- 6.3.1 In addition to the application requirements in Section 6.2, the municipal staff, and/or Council may require other information deemed necessary to properly evaluate the application which may include the following:
- a. A statement describing how the Municipal Development Plan, any Area Structure Plan, Intermunicipal Development Plan and other relevant statutory and non-statutory plans affecting the application and this Bylaw have been considered;
  - b. Preparation and approval of supporting plans such as Area Structure Plans, Area Redevelopment Plans, and Outline Plans in accordance municipal policy at the discretion of the Approving Authority; and/or
  - c. Any technical studies as prescribed in Appendix A “Supplementary Requirements”.

## **6.4 COMMUNITY CONSULTATION PROCESSES**

- 6.4.1 Applicants are encouraged to carry out an appropriate community consultation program prior to submission of a redesignation or land use amendment application as some types of developments may have impacts on surrounding property owners. Applicants should consult with the Approving Authority for direction on the need for public consultation with respect to your application.
- 6.4.2 Council shall have the discretion to require the party making application for a land use amendment or redesignation to undertake community consultation with all stakeholders and land owners within one half mile (0.5 mile) radius from the parcel prior to an application being made to the municipality. For the purposes of this section, a one half mile radius is considered the subject quarter section from which the parcel is located and each adjacent quarter section.
- 6.4.3 The Approving Authority may require large or complex applications to expand the community consultation process to a larger area to an application being made to the Municipality.
- 6.4.4 Information pertaining to community consultation process undertaken by applicants and landowners should be submitted with formal applications where applicable including a summary outlining:
  - a. The manner in which community consultation was undertaken;
  - b. Who was notified of the community consultation and how notice was given;
  - c. What concerns and/or support was provided by the community; and
  - d. What changes or amendments to the application were made based on the feedback received.

## **6.5 PRE-APPLICATION MEETINGS AND FORMAL REVIEW**

- 6.5.1 Pre-application meetings shall take place prior to acceptance of a formal application between the municipal staff and the applicant and or landowners, on new applications within the Highway 2A Industrial Area Structure Plan Area unless municipal staff has granted a written waiver to such requirement.
- 6.5.2 Pre-application meetings are encouraged between the municipal staff, the applicant and or landowners, and staff from another municipality in which we have a current Intermunicipal Development Plan, in cases where development is proposed within an Intermunicipal Development Plan area;
- 6.5.3 Potential applicants are encouraged to have a pre-application meeting with municipal staff prior to submission of a formal application in order to:
  - a. Give the applicant an opportunity to communicate what is being applied for;
  - b. Review application requirements with staff; and
  - c. Evaluate how the application may or may not comply with the Bylaw and other applicable statutory plans and municipal regulations.
- 6.5.4 This process allows early identification of potential issues with prospective applications. It is beneficial to undertake this process before any major investments are made or the proponent is strongly committed to the details of the proposal.



- 6.5.5 A formal staff review is required on the following prospective applications prior to acceptance of a completed application within the Highway 2A Industrial Area Structure Plan area.
- 6.5.6 Requests for a formal review on the above noted applications shall be submitted to the municipal staff with a completed application and all applicable supporting information and documents as deemed necessary by the Approving Authority and shall include the applicable formal review fee as required by the current Planning Fee Schedule bylaw.

## **6.6 NOTICE OF COMPLETE APPLICATION**

- 6.6.1 The Subdivision Authority must, within 20 days after the receipt of an application for subdivision approval, determine whether the application is complete.
- 6.6.2 An application is complete if, in the opinion of the subdivision authority, the application contains the documents and other information referenced in Sections 6.2 through 6.5 of this Bylaw, necessary to review the application.
- 6.6.3 The 20 day time period referred to in 6.6.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, pursuant to section 640.1(c) of the Municipal Government Act.
- 6.6.4 If the Subdivision Authority does not make a determination of an application within the time required under 6.6.2 or 6.6.3, the application is deemed to be complete.
- 6.6.5 If the Subdivision Authority determines that the information and documents submitted under 6.6.2 are complete, the Subdivision Authority must issue to the applicant, a notice acknowledging that the application is complete in writing and sent by ordinary mail or by email to the applicant.
- 6.6.6 If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority must issue a notice in writing and sent by ordinary mail or by email to the applicant indicating that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.
- 6.6.7 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in 6.6.6, the application is deemed to be refused.
- 6.6.8 If an application is deemed to be refused under 6.6.7, the Subdivision Authority must issue to the applicant a notice in writing and sent by ordinary mail to the applicant indicating that the application has been refused and the reason for the refusal.
- 6.6.9 Despite that the Subdivision Authority has issued a notice under 6.6.5 or 6.6.6 in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

## **6.7 CIRCULATION AND REFERRAL PROCESS**

- 6.7.1 Before a decision is made, an application must be referred to:
  - a. Adjoining municipalities or other authorities and governmental departments for comment when required by the Municipal Government Act, the Municipal Development Plan, Intermunicipal Development Plans or the Subdivision and Development Regulation.

- 6.7.2 Before a decision is made, an application may be referred to:
- a. Any additional Federal, Provincial or Municipal agencies as deemed necessary and may include internal circulation within the municipal office, to councilors, utility companies, and registered community associations that have shown interest in the application.
- 6.7.3 After thirty days from the date of referral, the application may be dealt with by Council whether or not comments have been received.

## **6.8 AMENDMENT REVIEW**

- 6.8.1 Council shall:
- a. Establish the date, time and place for a public hearing on the proposed Bylaw;
  - b. Outline the procedure to be followed by anyone wishing to be heard at the public hearing; and
  - c. Outline the procedure by which the public hearing will be conducted.
- 6.8.2 Council may, after due consideration of an application, give first reading to a Bylaw for redesignation, land use amendment, or for a bylaw amendment.

## **6.9 ADVERTISING REQUIREMENTS**

- 6.9.1 Upon setting a hearing date to amend this Bylaw the municipality shall:
- a. Arrange for notice of a public hearing to be published in two (2) issues of a newspaper circulating in the municipality, the publication date of the second issue being not less than five (5) days prior to the commencement of the public hearing in accordance with Section 606 and Section 692 of the Municipal Government Act; and
  - b. Provide notice to the following:
    - i. The applicant;
    - ii. The registered owner of the subject land where the registered owner is not the application;
    - iii. The registered owner(s) of adjacent land;
    - iv. Where, adjacent land is located in another municipality, notice to that municipality; and
    - v. Any other persons or authorities who, in the opinion of the municipal staff or the Approving authority, may be affected.
- 6.9.2 The notice of the public hearing shall contain the following information:
- a. Pursuant to Section 692(4) of the Municipal Government Act, if the proposed amendment is to change the land use designation of a parcel of land, the notice must include the legal address of the parcel of land; and a map showing the location of the parcel of land;
  - b. The date, time and place of the public hearing;
  - c. The purpose of the proposed Bylaw;
  - d. The procedure to be followed at the public hearing.

## **6.10 PUBLIC HEARING**

- 6.10.1 According to Section 692(1) of the Municipal Government Act, Council must hold a public hearing prior to giving second reading to a proposed by-law amending a land use bylaw, granting redesignation, or adopting statutory plans.
- 6.10.2 Notwithstanding Section 6.10.1, the current procedure undertaken by the municipality, under advisement of Council, is to hold a public hearing prior to first reading being granted by Council. This allows Council to make their decision further to hearing from the applicant and area landowners on the application.
- 6.10.3 At the public hearing, Council shall hear from any person or group of persons, or person acting on his or their behalf, who claims to be affected by the proposed Bylaw or resolution in accordance with Section 230 (4) of the Municipal Government Act;
- 6.10.4 At the public hearing, Council may hear from any person wishes to make representations and whom the council agrees to hear, in accordance with Section 230 (4) of the Municipal Government Act;

## **6.11 DECISION ON AMENDMENTS**

- 6.11.1 After considering the representations made at the public hearing, the Council may
  - a. Pass the bylaw;
  - b. Make any amendment to the bylaw that Council considers necessary and proceed to pass it without further advertisement or hearing; or
  - c. Defeat the bylaw;
- 6.11.2 Council should provide reasons for their decision to approve or to refuse the application as part of the notice of decision provided to the landowners.
- 6.11.3 Council may approve a site specific amendment (see Section 2.5 for interpretation of “site specific amendment”), with a sunset clause for a set timeline, in specific cases where Council or the applicant feels that the site specific use being approved should be considered temporary at which time the applicant must re-apply for the site specific amendment to continue the use on that site.

## **6.12 RESUBMISSION INTERVAL**

- 6.12.1 Where an application for an amendment to this Bylaw has been defeated by Council, another application for the same or substantially the same amendment shall not be considered within six (6) months of the date of the refusal unless Council otherwise directs.

## **PART 3    ENFORCEMENT AND APPEALS**

### **SECTION 7    ENFORCEMENT**

#### **PREAMBLE**

In accordance with the provisions of the Municipal Government Act, this section of the Bylaw outlines the procedure for enforcing the provisions outlined in this Bylaw. The intent of this section is to inform applicants and landowners of the consequences and procedures pertaining to non-compliance with the Bylaw.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

#### **7.1    GENERAL PROVISIONS**

- 7.1.1      A Designated Officer may enforce the provisions of the Municipal Government Act and its provisions, the Subdivision and Development Regulation, a subdivision approval, the conditions of a Development Permit and this Bylaw. Enforcement may be by written warning, stop order, remedial order, violation tickets or any other authorized action to ensure compliance.

#### **7.2    PROHIBITIONS**

- 7.2.1      No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use or sign that is not permitted by this Bylaw.
- 7.2.2      No person shall contravene a condition of a permit issued under this Bylaw.
- 7.2.3      No person shall authorize or undertake any development that is at variance with the description, specifications or plans that were the basis for the issuance of a Development Permit. No person shall modify any description, specification, or plans that were the basis for the issuance of any permit by a Development Authority.

#### **7.3    CANCELLATION OR SUSPENSION OF DEVELOPMENT PERMIT**

- 7.3.1      The Development Authority may cancel or suspend a Development Permit by written notice to the permit holder if, after a Development Permit has been issued, the Development Authority becomes aware that:
- a. The development application contains a misrepresentation;
  - b. Facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered;
  - c. The Development Permit was issued in error;
  - d. The applicant withdrew the application by way of written notice; or

- e. The condition(s) imposed in the Development Permit have not been complied with.

- 7.3.2 A person whose Development Permit is cancelled or suspended under this Subsection may appeal to the Subdivision and Development Appeal Board in accordance with Section 8.1.

## **7.4 RIGHT OF ENTRY TO PROPERTY**

- 7.4.1 In accordance with Section 542 of the Municipal Government Act, after providing reasonable notice to the owner or occupant, the Development Authority and/or a designated officer may enter property at any reasonable time to inspect and/or ensure that the Bylaw requirements are being complied with.
- 7.4.2 A person shall not prevent or obstruct a Designated Officer from carrying out any official duty under this Bylaw. If consent is not given, if the person refuses to produce anything to assist in carrying out any official duty, or if a Designated Officer is obstructed in the performance of their duties, the municipality may apply for an Authorizing Order pursuant to Section 543 of the Municipal Government Act.

## **7.5 WRITTEN WARNING**

- 7.5.1 A Designated Officer may issue a written warning outlining the nature of the violation, corrective measures that may be taken and a deadline for the completion of any corrective measures identified.

## **7.6 STOP ORDERS**

- 7.6.1 On finding that a development, land use, or use of a building is not in conformance with Section 645 of the Municipal Government Act or its regulations, a Development Permit, subdivision approval or the conditions of either, or this Bylaw, a Development Authority may, by written notice, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention or all or any of them to:
  - a. Stop the development or use of the land or building 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 this Part, the land use bylaw or regulations under this Part, a Development Permit or a subdivision approval within the time set out in the notice.

## **7.7 SERVICE OF STOP ORDERS**

- 7.7.1 Stop orders shall be served by:
  - a. Posting the stop order on the property, structure or site that is in contravention or serving the order personally to the registered owner of the property, and
  - b. by sending a copy of the order, via registered mail, to the registered owner of the property.
- 7.7.2 When a stop order is served by posting the order on the property, structure or site in contravention or served personally to the registered owner of the property, service has been affected as of the date and time the order was posted or delivered.

- 7.7.3 Notwithstanding Section 7.7.1(a), if in the opinion of the Designated Officer a dangerous situation is present at the location where the stop order is to be posted, the stop order shall be served via registered mail to the registered owner of the property.
- 7.7.4 Where a stop order is served via registered mail, service shall be presumed to be effected:
- a. 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta, or
  - b. 14 days from the date of mailing if the document is mailed in Canada to an address in Canada.

## **7.8 ENFORCEMENT OF STOP ORDERS**

- 7.8.1 Pursuant to Section 646 of the Municipal Government Act, if a person fails or refuses to comply with a stop order or an order of a subdivision and development appeal board, the Development Authority and/or a designated officer of the municipality may enter on the land or building and take any action necessary to carry out the order.
- 7.8.2 When a stop order or order of a subdivision and development appeal board is issued, the municipality may register a caveat under the Land Titles Act against the certificate of title for the land that is the subject of the order, provided that the caveat is discharged when the order has been complied with.
- 7.8.3 Pursuant to Section 553(1) (h.1) of the Municipal Government Act, Council may add the expenses and costs associated to carrying out a stop order to the tax roll of the land subject to the order.
- 7.8.4 Pursuant to Section 554 of the Municipal Government Act, in addition to any other remedy and penalty imposed, the municipality may apply by way of originating notice to the Court of Queen's Bench for an injunction or other order when:
- a. A structure is being constructed in contravention of an enactment that a municipality is authorized to enforce or a bylaw;
  - b. A contravention of the Municipal Government Act, another enactment that the municipality is authorized to enforce or a bylaw is of a continuing nature; or
  - c. Any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by a bylaw.

## **7.9 APPEAL OF STOP ORDERS**

- 7.9.1 A person who is named in a stop order may appeal to the Subdivision and Development Appeal Board in accordance with Section 685 of the Municipal Government Act.

## **7.10 REMEDIAL ORDERS**

- 7.10.1 Pursuant to Section 545 of the Municipal Government Act, if a Designated Officer finds that a person is contravening the Municipal Government Act, this Bylaw or any other enactment the municipality is authorized to enforce, the Designated Officer may, by written remedial order, require the person responsible for the contravention to remedy the contravention.

- 7.10.2 The remedial order may:
- a. Direct a person to stop doing something, or to change the way in which the person is doing it;
  - b. Direct a person to take any action or measures necessary to remedy the contravention of this Bylaw or other enactment, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
  - c. State a time within which the person must comply with the directions;
  - d. State that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

## **7.11 SERVICE OF REMEDIAL ORDERS**

- 7.11.1 Remedial orders shall be served personally to the occupant and / or registered owner of the property.
- 7.11.2 Where an occupant and / or registered owner of a property cannot be conveniently located or, if in the opinion of a Designated Officer a dangerous situation is present at the property, a remedial order shall be served via registered mail to the occupant and / or registered owner of the property.
- 7.11.3 Where a remedial order is served via registered mail, service shall be presumed to be effected:
- a. 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta, or
  - b. 14 days from the date of mailing if the document is mailed in Canada to an address in Canada.

## **7.12 ENFORCEMENT OF REMEDIAL ORDERS**

- 7.12.1 Pursuant to the Section 549 of the Municipal Government Act, if a person fails or refuses to comply with a remedial order, the municipality may take whatever action or measures necessary to remedy a contravention of the Municipal Government Act, this Bylaw or any other enactment the municipality is authorized to enforce or to prevent a re-occurrence of the contravention.
- 7.12.2 Pursuant to Section 546.1 of the Municipal Government Act, the municipality may register a caveat under the Land Titles Act against the certificate of title for the land, in relation to a remedial order issued pursuant to Section 545 of the Municipal Government Act. Any such caveat must be discharged when the order has been complied with or when the municipality has performed the action or measures referred to in the order.
- 7.12.3 Pursuant to Section 549(3) of the Municipal Government Act, the expenses and costs associated to an action or measure taken by the municipality to remedy a contravention are an amount owing to the municipality by the person who contravened the enactment or this Bylaw.
- 7.12.4 Council may add any unpaid expenses and costs associated to an action or measure taken by the municipality to remedy a contravention where the parcel's owner contravened the enactment or bylaw and the contravention occurred on all



or part of the parcel, pursuant to Section 553(1)(c) of the Municipal Government Act.

### **7.13 ORDER TO REMEDY DANGERS AND UNSIGHTLY PROPERTY**

- 7.13.1 Pursuant to Section 546 of the Municipal Government Act, if a Designated Officer finds that a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the Designated Officer may, by written order direct the person responsible for the contravention to remedy the contravention.
- 7.13.2 The Order to Remedy may:
- a. Require the owner of the structure to eliminate the danger to public safety in the manner specified or remove or demolish the structure and level the site.
  - b. Require the owner of the land that contains the excavation or hole to eliminate the danger to public safety in the manner specified or fill in the excavation or hole and level the site.
  - c. Require the owner of the property that is in an unsightly condition to improve the appearance of the property or if the property is a structure, remove or demolish the structure and level the site.
  - d. State a time within which the person must comply with the order
  - e. State that if the person does not comply with the order within a specified time, the municipality will take the action or measure at the expense of the person.

### **7.14 SERVICE OF ORDER TO REMEDY**

- 7.14.1 Orders to remedy shall be served personally to the occupant and / or registered owner of the property.
- 7.14.2 Where an occupant and / or registered owner of a property cannot be conveniently located, or, if in the opinion of a Designated Officer, a dangerous situation is present at the property, an order to remedy shall be served via registered mail to the occupant and / or registered owner of the property.
- 7.14.3 Where an order to remedy is served via registered mail, service shall be presumed to be effected:
- a. 7 days from the date of mailing if the document is mailed in Alberta to an address in Alberta, or
  - b. 14 days from the date of mailing if the document is mailed in Canada to an address in Canada.

### **7.15 ENFORCEMENT OF ORDER TO REMEDY**

- 7.15.1 Pursuant to Section 550 of the Municipal Government Act, if a person fails or refuses to comply with an order to remedy, the municipality may take whatever actions or measures are necessary to eliminate the danger to public safety caused by a structure, excavation or hole or to deal with the unsightly condition of property.
- 7.15.2 Pursuant to Section 546.1 of the Municipal Government Act, the municipality may register a caveat under the Land Titles Act against the certificate of title for the land, in relation to an order to remedy issued pursuant to Section 546 of the Municipal Government Act. Any such caveat must be discharged when the order has been

complied with or when the municipality has performed the action or measures referred to in the order.

- 7.15.3 Council may add any unpaid expenses and costs associated to an action or measure taken by the municipality to remedy a contravention where the parcel's owner contravened the enactment or bylaw and the contravention occurred on all or part of the parcel, pursuant to Section 553(1)(c) of the Municipal Government Act.

## **7.16 APPEAL OF ORDER TO REMEDY**

- 7.16.1 A person who receives a remedial order may, by written notice, request council to review the order within 7 days after the date the order is received, pursuant to Section 547 of the Municipal Government Act.
- 7.16.2 A person who is affected by a decision of Council, with respect to a review of an order to remedy, may appeal such decision to the Court of Queen's Bench by following the procedure established in Section 548 of the Municipal Government Act.

## **7.17 EMERGENCIES**

- 7.17.1 Despite Sections 549 and 550 of the Municipal Government Act, the municipality may take whatever actions or measures are necessary to eliminate an emergency in an effort to preserve public safety.

## **7.18 OFFENCES AND SPECIFIED PENALTIES**

- 7.18.1 A person, who violates any provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence.
- 7.18.2 No person shall:
- a. Fail to comply with a remedial order;
  - b. Fail to comply with an order to remedy;
  - c. Fail to comply with a stop order;
  - d. Obstruct or interfere with a Designated Officer, Community Peace Officer or Bylaw Enforcement Officer, in the execution of their duties.
- 7.18.3 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Appendix D "Specified Penalties for Offences".
- 7.18.4 Where there is no specified penalty listed for an offence in Appendix D of this Bylaw, the minimum fine shall be \$500.00.
- 7.18.5 Notwithstanding Section 7.18.3 of this Bylaw:
- a. Where any person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second contravention is double the amount shown in Appendix D "Specified Penalties for Offences"
  - b. Where any person contravenes the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Appendix D "Specified Penalties for Offences"

7.18.6 Notwithstanding the presence of a specified penalty for an offence, a Community Peace Officer or Bylaw Enforcement Officer may issue a summons to the person responsible for the offence by means of a violation ticket requiring a court appearance, if it is in the public interest to proceed in this manner pursuant to the provisions of the Provincial Offences Procedure Act R.S.A. 2000, Chapter P-34.

7.18.7 Payment of any fine, service of any term of imprisonment or other penalty imposed by a Court of competent jurisdiction shall not relieve any person from the requirement to remedy the conditions that constitute the original offence or to pay any fees, charges or costs associated to the enforcement of this Bylaw.

## **7.19 VIOLATION TICKETS**

7.19.1 Where a Community Peace Officer or Bylaw Enforcement Officer of the municipality believes, on reasonable and probable grounds, that a person has committed an offence with respect to this Bylaw, the officer may issue a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and as amended from time to time.

## **7.20 GENERAL PENALTY**

7.20.1 Pursuant to Section 7 of the Municipal Government Act, a person who violates any provisions of this Bylaw, or permits a contravention of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine in an amount not to exceed \$10,000.00, imprisonment for not more than one year, or to both fine and imprisonment.

## **7.21 COMPLIANCE ORDER**

7.21.1 Where a person is found guilty of an offence under this Bylaw, the Court may, in addition to any other penalty imposed, make an Order for Compliance pursuant to Section 567 of the Municipal Government Act.

## **SECTION 8 APPEALS**

### **PREAMBLE**

In accordance with the provisions of the Municipal Government Act, this section of the Bylaw outlines the procedure and associated requirements for appeals to the Subdivision and Development Appeal Board, the Municipal Government Board, and the Court of Appeal. The intent of this section is to inform applicants of their rights and procedures pertaining to subdivision and development appeals.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

### **8.1 DEVELOPMENT APPEALS**

- 8.1.1 Development appeals shall be to the Subdivision and Development Appeal Board, in accordance with the Municipal Government Act and consistent with the applicable procedures of the Subdivision and Development Appeal Board;
- 8.1.2 In accordance with Section 685 of the Act, an appeal with regard to a Development Permit may be made by the applicant of a Development Permit, if the Development Authority;
  - a. Refuses an application for development;
  - b. Issues a Development Permit subject to conditions;
  - c. fails to make a decision with respect to an application within forty (40) days of receipt of a complete application or within such longer period as the applicant may have approved in writing; or
  - d. Issues an order under Section 645 of the Municipal Government Act, or Section 7.6 of this Bylaw.
- 8.1.3 Notwithstanding sub-section 8.1.2, no appeal lies in respect of the issuance of a Development Permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- 8.1.4 An appeal made by an applicant must be commenced within 14 days of the notification of the order or decision or when the 40 day period or approved time extension on the 40 day time period expires.
- 8.1.5 Any person claiming to be affected by an order, decision, or Development Permit made or issued by an Approving Authority may appeal the decision to the Subdivision and Development Appeal Board.
- 8.1.6 An appeal made by any affected person other than the applicant must be made within 14 days of when the notice of issuance of the decision was given.
- 8.1.7 An appeal on a Development Permit decision shall be made by serving a written notice of appeal, containing reasons for the appeal, accompanied by the

appropriate administrative fee as per a fee schedule set by Bylaw of Council, to the Secretary of the Subdivision and Development Appeal Board within the fourteen (14) day period as specified in Section 686(1) of the Municipal Government Act.

- 8.1.8 Written notice or an order or decision made by the Development Authority is deemed to be served seven (7) days after the date of the decision is mailed or the date the notice of decision is advertised in the Western Wheel, whichever date is earlier.
- 8.1.9 There is no appeal on a decision by Council with respect to a Direct Control District.
- 8.1.10 The Subdivision and Development Appeal Board shall consider and make decisions on appeals pursuant to Section 687 of the Municipal Government Act.
- 8.1.11 A decision made by the Subdivision and Development Appeal Board is final and finding on all parties subject only to an appeal upon a question of law or jurisdiction pursuant to Section 688 of the Municipal Government Act.

## **8.2 SUBDIVISION APPEALS**

- 8.2.1 Pursuant to section 678(1) of the Municipal Government Act, a decision on an application for subdivision may be appealed by the applicant, by a Government department (if that department is required to be circulated on the application) or by the School Authority (with respect to matters related to municipal reserve or school reserve lands).
- 8.2.2 Pursuant to Section 678(2) of the Municipal Government Act, appeals must be made by filing a notice of appeal within 14 days of receipt of the decision of the Subdivision Authority or deemed refusal by the Subdivision Authority in accordance with Section 681 of the Municipal Government Act.
  - a. with the Municipal Government Board if the land that is subject of the application is within the Green Area, as classified by the Minister responsible for the Public Lands Act, or is within the distance of a highway, a body of water or a sewage treatment or waste management facility set out in the subdivision and development regulations, unless the affected Government department agrees in writing to grant a variance to the distance set out in the Part 2 of the Subdivision and development regulations;
  - b. In all other cases, with the Subdivision and Development Appeal Board.
- 8.2.3 Pursuant to Section 678(3) of the Municipal Government Act, the date of receipt of the decision is deemed to be 5 days from the date the decision is mailed.
- 8.2.4 Pursuant to Section 678(4) of the Municipal Government Act, a notice of appeal on a subdivision must contain:
  - a. The legal description and municipal location, if applicable, of the land proposed to be subdivided, and
  - b. The reasons for appeal, including the issues in the decision or the conditions imposed in the approval that is the subject of the appeal.
- 8.2.5 Pursuant to Section 678(5) of the Municipal Government Act, if the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

- 8.2.6 The Board hearing an appeal shall give at least 5 days' written notice of the hearing in accordance with Section 678 of the Municipal Government Act.
- 8.2.7 Pursuant to Section 680(3) A Subdivision and Development Appeal Board hearing an appeal must hold the hearing within 30 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.
- 8.2.8 Pursuant to Section 680(4) of the Municipal Government Act, a Municipal Government Board hearing an appeal must hold the hearing within 60 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.

### **8.3 COURT OF APPEAL**

- 8.3.1 Pursuant to Section 688 of the Municipal Government Act, an appeal is directed to the Court of Appeal on a question of jurisdiction or law with respect to:
  - a. A decision of the Subdivision and Development Appeal Board; or
  - b. The Municipal Government Board on a subdivision appeal.
- 8.3.2 An application for leave to appeal pursuant to subsection 8.3.1 must be filed and served within thirty (30) days after the issue of the decision sought to be appealed, and notice of the application must be given to:
  - a. The Municipal Government Board or the Subdivision and Development Appeal Board; and
  - b. Any other person(s) that the judge directs.
- 8.3.3 Pursuant to Section 688(5) of the Municipal Government Act, if an appeal is from a decision of a subdivision and development appeal board, the municipality must be given notice of the application for leave to appeal and the board.

### **8.4 APPEAL OF STOP ORDERS**

- 8.4.1 A person named in a stop order may appeal to the Subdivision and Development Appeal Board pursuant to Section 685 of the Municipal Government Act.

## **PART 4     RULES GOVERNING ALL** **DISTRICTS**

### **SECTION 9     GENERAL REGULATIONS**

#### **PREAMBLE**

This section of the Land Use Bylaw contains general regulations that apply to land throughout the MD regardless of what district the land is designated. While lands are subject to district specific regulation, this section must also be referenced for applicable regulations.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

#### **9.1     ACCESS TO PROPERTY:**

- 9.1.1     All newly created parcels must have a direct legal, physical access. The Director of Public Works and engineering, in consultation with the Approving Authority where applicable, may determine the most suitable access and egress point(s) onto a Municipal road with regard to any new accesses in the Municipality.
- 9.1.2     Section 4.2 of this bylaw outlines where no Development Permit is required for development of an access to property. It is the landowner's responsibility to ensure that they have obtained all necessary permits in all other instances.
- 9.1.3     For purposes of this Bylaw, an easement agreement or easement does not constitute legal access unless a future road dedication or utility right of way has been registered over the easement area and the Municipality has become a party to the easement to ensure that it cannot be removed without Council resolution.
- 9.1.4     All site access from roads shall be to the satisfaction of the Director of Public Works and Engineering with respect to location and design.
- 9.1.5     As a condition of development or subdivision approval, the Approving Authority may require the construction of new approaches, upgrading to existing approaches and/or the removal of approaches to achieve desired access management objectives.
- 9.1.6     All approaches shall be constructed or upgraded to the satisfaction of the Director of Public Works and Engineering in accordance with the "Rural Approach Standards Policy" which can be found in Appendix I. Where required, adjustments to approaches shall be at the cost of the applicant.
- 9.1.7     No use or development shall be permitted without provision for physical road access unless the Approving Authority imposes a condition requiring the applicant to enter into a development agreement with the Municipality to construct or pay for the construction or upgrading of public roads or walks necessary to serve the development.



- 9.1.8 The Council may allow access by way of easement in special circumstances if deemed appropriate. In such case, the Municipality will be party to the easement agreement and the agreement shall be registered on title. A road acquisition agreement and Caveat may be required over the easement area registered on title of the subject lands.
- 9.1.9 Upgrading and surfacing of private driveways within the Municipal right of way will require approval by the Director of Public Works and Engineering and shall be in accordance with the “Rural Approach Standards” included as Appendix I of this bylaw.

## **9.2 ACCESSORY BUILDINGS AND USES**

- 9.2.1 In all residential districts, the principal building on each lot shall be a detached single family dwelling. Notwithstanding anything contained in the land use rules applicable to such Districts, accessory buildings shall be considered as Permitted Uses only in cases where a detached single family dwelling is actually located on the Lot.
- 9.2.2 Notwithstanding section 9.2.1, an accessory building exceeding the maximum area allowed in accordance with Section 4.2.1.7, shall be considered as a discretionary use and required to have an approved Development Permit.
- 9.2.3 When considering the maximum area allowed for accessory buildings in accordance with Section 4.2.1.7, the following accessory buildings do not require a Development Permit and shall not be included in the total area unless noted by a Development Permit Decision:
- a. The first private vehicle garage having an area of 111.48m<sup>2</sup> (1,200 sq. ft.) or less (attached or detached) where there is an existing permitted dwelling;
  - b. The first personal greenhouse having an area of less than 20.8 sq. m. (224 sq. ft.), accessory to a primary residence;
  - c. The addition of any accessory building in conjunction with solar array (whether for mounting, battery storage, or similar purposes) is no larger than 20.8 sq. m. (224 sq. ft.).
- 9.2.4 The sum total area allowed of all accessory buildings on site may be considered when looking at the maximum area allowed noted in the land use districts.
- 9.2.5 All accessory buildings shall be located at least 2.4m (7.8 ft.) from any principal building and shall meet all minimum setback requirements.
- 9.2.6 Where another building is attached to the principal building on a site by a roof, common wall or foundation, it is considered to be part of the principal building and not an accessory building.
- 9.2.7 An accessory building shall not be used as a dwelling unless specifically approved for that purpose.
- 9.2.8 A Sea-can may be considered as an accessory building to be used for storage purposes only in accordance with the following:
- a. On parcels 21 acres or more, one (1) Sea-can no larger than 48’ in length and 10’ in width, is permitted without a Development Permit, provided it meets the minimum setback requirements for that Land use District and does not exceed the maximum requirements under the applicable land use district;

- b. In all other instances, a Development Permit is required for placement of Sea-can and must be in compliance with Table 4.2.1.7A “Maximum Area for Accessory buildings not requiring a permit”;
- c. The exterior finish should match or compliment the exterior finish of the principal building or be screened from view to the satisfaction of the Development Authority.

### **9.3 APPEARANCE OF PROPERTIES**

- 9.3.1 Properties shall be maintained in an orderly fashion including all buildings, structures, and improvements kept in a reasonable state of repair so as to not become an unsightly premise or safety hazard.
- 9.3.2 Properties that possess conditions that constitute an unsightly premise will be dealt with and enforced in accordance with the “Community Standards Bylaw” included as Appendix J of this bylaw.

### **9.4 BOUNDARY ADJUSTMENTS**

- 9.4.1 A boundary adjustment is a change of the boundaries of an existing lot such that no additional lots are created and the lot boundaries do not contravene the yard setback limits or minimum or maximum sizes for the district as set forth in this Bylaw.
- 9.4.2 No redesignation is required for boundary adjustments where the parcel size of both lots involved remain within the parcel size requirements for that land use district in which the property will be zoned following the boundary adjustment.
- 9.4.3 The portion of a lot including a road plan or railway plan that has been consolidated by a boundary adjustment or other means acceptable to Land Titles, with the title to another lot will automatically reflect the district designation of the lot with which it has been consolidated.

### **9.5 CONDOMINIUM DEVELOPMENT**

- 9.5.1 A bare land condominium may be authorized in a land use district where the said development fully complies with the requirements of that district.
- 9.5.2 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.
- 9.5.3 Development within a bare land condominium shall be subject to all of the provisions of the relevant land use district unless otherwise amended by Bylaw of Council.
- 9.5.4 Notwithstanding sub-section 9.5.2 and 9.5.3, the side yard setbacks will not apply to the common wall side of the structure where a condominium building has a common wall.
- 9.5.5 Improvements intended to service bare land condominium development shall be in accordance with municipal standards.
- 9.5.6 A bare land condominium project shall ensure that each proposed condominium unit is accessed by a public roadway, a public laneway, condominium common property, or a unit characterizing condominium common property.

- 9.5.7 The registered landowner or applicant subject to the approval within a condominium development shall be responsible for ensuring the conditions of the approved Development Permit are met to the satisfaction of the Municipality.
- 9.5.8 Where land is contained in a bare land condominium governed by condominium corporation bylaws, it is the landowner and/or applicants responsibility to consider and conform to applicable condominium corporation bylaws when applying for Development Permit and /or Building Permit applications.

*Note: The Land Use Bylaw takes precedent over all condominium bylaws and/or architectural controls, the Municipality has no legal ability to enforce condominium association bylaws, and the Condominium bylaws are not to be considered relevant considerations to the Approving Authorities when making a decision.*

## **9.6 DENSITY AND PARCEL SIZE EXEMPTIONS**

- 9.6.1 In order to ensure that the purpose and intent of the Districts are maintained, all lots shall comply with the density and/or parcel size requirements unless approved otherwise by bylaw allowing for an exemption to the density and/or parcel size.
- 9.6.2 Lots used for Public Works, school purposes, school reserve, municipal reserve and/or municipal/school reserve land shall be exempt from:
- a. The minimum lot size requirements; and
  - b. The density calculations for maximum number of Lots or dwellings per quarter section.
- 9.6.3 When looking at subdivision potential, the Subdivision Authority may consider the parent parcel size prior to any road widening being removed from the title or lands removed for the purposes of road or public utility.

## **9.7 DENSITY BONUS**

- 9.7.1 Over-dedication of Municipal reserve lands, to a minimum of 20% total dedication, provided by way of developable land, may allow the developer a density bonus of up to 25% of the allowable density, at the discretion of Council in accordance with the density provisions listed in Section 9.7.
- 9.7.2 Density bonus incentives for Municipal/School Reserve in the Municipality are intended to apply primarily to comprehensively planned residential developments where one contiguous, developable parcel of land, can be dedicated and may be considered suitable by Council.
- 9.7.3 When considering if applications are suitable for density bonus incentives Council will give consideration to:
- a. Size of the proposed development;
  - b. Type and design of the development;
  - c. Percentage of MR/School reserve lands proposed;
  - d. Site characteristics;
  - e. The needs for a school site, fire halls, recreation centers, or other amenities in the subject area;
  - f. Potential impact on the surrounding area;
  - g. Suitability of access for the site;
  - h. Servicing capability;

- i. Any other considerations Council deems appropriate.

## **9.8 DEVELOPABLE AREA FOR PARCELS**

- 9.8.1 Every lot in a subdivision must include a suitable developable area, which is defined as the minimum area required to ensure that there is adequate space for a building site, water well and sewage disposal system taking into account the setback distance requirements of the municipality's land use bylaw, any required setbacks recommended by a geotechnical engineer following a review of the site, meets provincial requirements, and meets the following criteria:
  - a. The developable 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 and the Provincial Planning Regulation;
  - b. The developable area contains a water table and soil suitable for the construction of a building site and wastewater disposal system to be utilized;
  - c. The developable 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; and
  - d. The developable area is sufficient to accommodate all buildings within the applicable setback requirements for the land use district; and
  - e. The developable area is considered developable by the Subdivision Authority.
- 9.8.2 Notwithstanding that minimum setback requirements for the land use districts do not apply to well locations and septic systems, the minimum size of developable area must meet the above criteria and shall also allow for:
  - a. The required setbacks from the well to all property lines; and
  - b. 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 standards such as those currently required in the Alberta Private Sewage Systems Standard of Practice.

## **9.9 DEVELOPMENT ADJACENT TO PUBLIC ROADWAYS**

- 9.9.1 Development shall be set back from public roads in accordance with the minimum distances established in the district provisions, unless a variance is granted in a Development Permit.
- 9.9.2 Development within 300 m (984 ft.) of a provincial highway or 800 m (2625 ft.) of an intersection with a provincial highway may require approval from the Province and/or a roadside development permit.
- 9.9.3 Development adjacent to a provincial highway may be required to satisfy conditions that exceed the provisions of this Bylaw.
- 9.9.4 The location and construction standards of an access approach onto a provincial highway shall be to the satisfaction of the Province.
- 9.9.5 Development adjacent to the intersection of two or more roads shall not impede the visibility or safe movement of traffic.

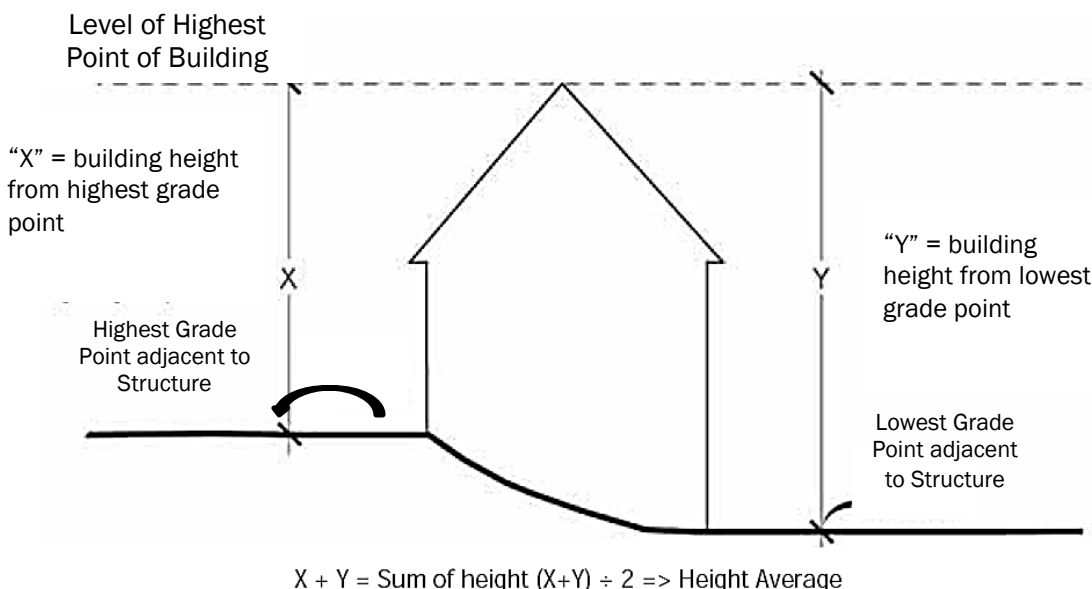
## **9.10 ENVIRONMENTALLY SIGNIFICANT AREAS**

- 9.10.1 The proponent of a development in or near an area deemed to be environmentally significant by the Approving Authority may be required to submit an environmental impact analysis as part of a Development Permit application, redesignation and/or land use amendment, or subdivision application.
- 9.10.2 When considering development involving land in or near an environmentally significant area, the Approving Authority may refer the application to federal or provincial departments and other relevant environmental agencies for comments prior to reaching a decision.
- 9.10.3 A Development Permit issued for a permitted or discretionary use within an environmentally significant area may include conditions for meeting specific environmental objectives determined by the Approving Authority. Such conditions may include, but are not limited to, restrictions on site clearing and grading, additional setback requirements, retention of shelterbelts, fencing, siting and standards of buildings, emission controls, and buffering requirements.
- 9.10.4 Removal of natural vegetation and alterations to the natural drainage of lands within or adjacent to an environmentally significant area shall be discouraged.
- 9.10.5** A Confined Feeding Operation (CFO) shall be discouraged within an environmentally significant area or in a location that may have an adverse impact on an environmentally significant area.

## **9.11 HEIGHT AND GRADE**

- 9.11.1 Building height shall conform to the maximum height specified in the Land Use rules for the appropriate Land Use district.
- 9.11.2 On sloped grades the height of the building shall 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.

**Figure 9.11.2 A Showing How Height Is Calculated**



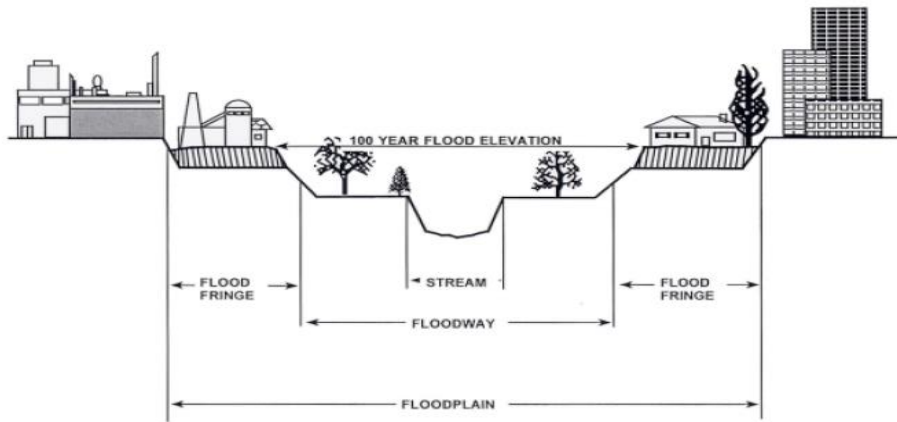
## **9.12 KEEPING OF DOGS**

- 9.12.1 In accordance with Section 4.2, no permit is required for the keeping of up to three (3) adult dogs over 6 months of age at any one time, on a lot containing a dwelling, in all land use districts so long as the dogs are managed in accordance with all other municipal bylaws.
- 9.12.2 For circumstances outside of the above referenced provisions and additional information on the keeping of dogs, please see Section 10.13 Kennels for regulations and permit requirements.
- 9.12.3 The keeping of dogs in the Municipality shall be done so in accordance with “The Regulation and Control of Dogs”, attached as *Appendix K* of this Bylaw and the “*Community Standards Bylaw*” attached as Appendix J.

## **9.13 LAND SUBJECT TO FLOODING**

- 9.13.1 The *Flood Hazard Area* is defined in Section 2.5 as the total area flooded by a 1:100 year flood and is divided into the following zones and is identified in the diagram 9.13 1 A
  - a. **FLOODWAY:** The portion of the flood hazard area where flows are deepest, fastest and most destructive. Floodway is described in the Alberta Environment’s Flood Hazard Identification Program (<http://www.envinfo.gov.ab.ca/FloodHazard/>).
  - b. **FLOOD FRINGE:** Floodwater in the flood fringe is generally shallower and flows more slowly than in the floodway. Flood fringe is the outer portion of the flood hazard area. Flood fringe is described in the Alberta Environment’s Flood Hazard Identification Program (<http://www.envinfo.gov.ab.ca/FloodHazard/>).
- 9.13.2 *Lands Impacted by 2013 Flood Event* are those lands which the municipality believes were impacted by flooding on June 20th, 2013. These lands may or may not be within the flood hazard area. Some of these lands may only have been partially flooded or minimally impacted, while some may have been significantly impacted.
- 9.13.3 *Flood Hazard Protection Overlay Area:* are those lands included within one or all of the following areas:
  - a. Floodway;
  - b. Flood Fringe; or
  - c. Lands impacted by 2013 Flood Event.
- 9.13.4 Provisions for land subject to flooding are provided for in Section 11.1 Flood Hazard Protection Overlay.
- 9.13.5 It is the landowner’s responsibility to determine if their lands are located within the Flood Overlay District and comply with all provisions thereof.
- 9.13.6 More information can be found on provisions for land subject to flooding under Section 11.1 Flood Hazard Protection Overlay District.

Figure 9.13.1 A - 100 Year Flood Elevation Illustration



## 9.14 **LANDSCAPING, FENCING, AND SCREENING**

- 9.14.1 In accordance with section 4.2, landscaping, as defined by this bylaw, does not require a Development Permit so long as it meets lot grading and all other requirements of this bylaw. Please refer to Section 9.17 “Lot Grading and Drainage”.
- 9.14.2 The Development Authority may require that landscaping and/or screening is provided in conjunction with any development, and is addressed as part of the Development Permit application. The intent of landscaping and screening is to contribute to a reasonable standard of appearance for developments, to provide a positive overall image for the municipality and to encourage good environmental stewardship.
- 9.14.3 Landscaping and screening requirements may be applied to commercial and industrial uses. Where landscaping and screening is required, it shall be completed in accordance with the municipality’s “Screening Standards” included as Appendix G of this bylaw.
- 9.14.4 Landscaping may be required as a condition of a Development Permit in accordance with all requirements of this bylaw and the screening standards.
- 9.14.5 On corner lots, setbacks for landscaping and fencing must be in accordance with sub-section 9.27.9 of this Bylaw.
- 9.14.6 Notwithstanding sub-section 9.14.5, standard barbed wire fencing or equivalent shall be permitted within the identified sight triangle so long as it does not form a visual barrier for sightlines.
- 9.14.7 All trees, hedges, shrubs forming a shelterbelt or solid fences (including chain link fences with solid slats that may create visual barrier) shall be located no closer than:
- 20 m (65.62 ft.) from the centerline of a municipal road or municipal right-of-way;
  - 25m.(82.02 ft.) from the centerline of a secondary highway and Dunbow road; and
  - 40m (131.23 ft.) from the ultimate right of way of any Primary Highway.



- 9.14.8 Notwithstanding sub-section 9.14.7, single tree planting may be located within 2m (6.56 ft.) of the property line.
- 9.14.9 Where berms are used for screening purposes, the berm shall be constructed in accordance with the screening standards.
- 9.14.10 No Development Permit is required for fences and/or gates where:
- The fence and/or gate is less than 2m (6.56 ft.); and
  - A fence and/or gate of any height where it meets the minimum setback requirements as outlined in Section 9.14.7;
- 9.14.11 Where fencing is used for screening purposes, the fence shall be constructed in accordance with the screening standards.
- 9.14.12 The following shall apply to all fencing undertaken in the Municipality;
- If solid metal fencing is installed a border capping unfinished edges on the top and bottom of the fence shall be included;
  - Fencing shall be consistent with the character and quality of the design and materials of the structures on the property; and
  - The minimum setback distances required for yards do not apply to fences 2m (6.5 ft.) or less in height.

## **9.15 LIGHTING**

- 9.15.1 All new lighting in the municipality should be installed in accordance with the “Dark Sky Bylaw” attached as Appendix E of this bylaw. The municipality passed this bylaw to regulate the type of light source and fixtures permitted in the municipality thereby mitigating light pollution and reducing existing light pollution.
- 9.15.2 The following shall affect ALL exterior lighting undertaken in the Municipality.
- the installation of any exterior lighting in the Municipality shall meet the requirements set forth in the “*Dark Sky Bylaw*” attached as *Appendix E* of this bylaw;
  - Outdoor lighting on a site shall be located and designed so as to not interfere with the use and enjoyment of neighboring properties, or with the safe and effective use of public roadways;
  - The maximum permitted height for a freestanding light pole is 9.0m (29.5 ft.) above building grade unless otherwise determined by the Approving Authority who shall have regard for the scale and character of adjacent development and any matters of aesthetics or public safety considered to be relevant;
  - In accordance with the *Dark Sky Bylaw*, all luminaires lawfully in place prior to April 16, 2009 shall be grandfathered until such time as they are moved, repaired, or replaced at which time they shall be brought into conformance with the said bylaw.

## **9.16 LOT DIMENSIONS**

- 9.16.1 No Development Permit shall be issued for any development on a lot the area or width of which is less than the minimum prescribed for the District in which the Lot is located, except that a lot of separate record in the Land Titles Office, existing at the date of the passing of this Bylaw, containing less than the required minimum area or width may be used subject to the discretion of the Development Authority if all other requirements of this Bylaw are observed.

- 9.16.2 Whenever it is intended to use two or more abutting lots described within existing Certificates of Title to form a larger area of land for the purpose of carrying out a development thereon, the larger area so formed shall be used in the determination of the lot area, and the boundaries of the larger area so formed shall be used in the determination of the lot width, lot depth and setback requirements prescribed for the District in which the larger area so formed is located. A Development Permit shall not be issued until assurance satisfactory to the Development Authority is given by appropriate agreement or otherwise, that the individual lots forming part of the larger area will not be subdivided and will not be used for any other purpose for so long as the proposed development is carried out on the larger area so formed.

## **9.17 LOT GRADING AND DRAINAGE**

- 9.17.1 Section 4.2 of this bylaw outlines all provisions where no Development Permit is required for the construction of lot grading and drainage. All other instances are considered requiring a Development Permit. It is the landowner's responsibility to ensure that they have obtained all necessary permits.
- 9.17.2 The regulations contained within this subsection are intended to apply primarily to those situations where lot grading is proposed
- a. Independent of, or prior to, approved Development Permit on the same parcel;
  - b. Independent of, or prior to, a signed development agreement between the owner/developer and the Municipality; or
  - c. Independent of, or prior to an approved resource extraction use on the same parcel.
- 9.17.3 The Approving Authority may require, as a condition of a Development Permit, redesignation, land use amendment, or subdivision, that a developer submit a lot grading and/or drainage or Storm water management plan.
- 9.17.4 Unless lot grading is part of a signed development agreement, every application for lot grading is considered a Discretionary Use within the designated land use district of this Bylaw which affects the subject land and shall require a Development Permit unless exempted from a Development Permit under Section 4.2 "No Development Permit Required".
- 9.17.5 An application for Development Permit with respect to lot grading shall, in addition to the information requirements of Section 4.3 and Section 4.4, include engineered plans and a written description of the proposal describing:
- a. The location and dimensions of the proposed disturbed area;
  - b. Existing conditions of the land including topography, vegetation, surface drainage patterns, and water courses;
  - c. The type of lot grading activity proposed including:
    - i. Proposed grade elevations all over disturbed areas;
    - ii. Proposed surface drainage patterns;
    - iii. Amount of topsoil to be removed and replaced;
    - iv. Amount off clay cut and/or fill;
  - d. Any impact on existing drainage in terms of volume and flow rate;
  - e. Engineering analysis will be required for changing of existing drainage pattern;
  - f. Proposed access, haul routes and haul activities;

- g. Proposals for preventing nuisance from dust;
  - h. A reclamation plan that includes measures for controlling erosion and sediment, vegetation, weeds, etc.; and
  - i. The costs required to reclaim the property.
- 9.17.6 All lot grading shall, to the extent practical, retain the natural contour of the land, minimize the necessity to use retaining walls or any other controlling structure and ensure positive drainage to appropriate receiving water courses. If a person alters the lot drainage on a property so that water drains onto adjacent parcels, that person shall be responsible for corrective drainage structures, including retaining walls, to divert water from neighboring properties.
- 9.17.7 Where, in the process of an approved development, areas require lot grading, the topsoil shall be removed before work commences and replaced following the completion of the work.
- 9.17.8 Borrow areas may be allowed in any land use district provided that:
  - a. A Development Permit has been issued for lot grading;
  - b. The excavated material is used as fill in a development within the municipality or an adjacent municipality for development that has been approved by that municipality;
  - c. The maximum area of excavation does not exceed 8 ha; the maximum amount of material to be removed from the site does not exceed 40,000 m<sup>3</sup> and; the excavated material does not contain sand or gravel;
  - d. There is no impact on water flows to or from adjacent lands;
  - e. A reclamation plan has been prepared for the site, to the satisfaction of the Approving Authority in consultation with the Municipal Engineer; and
  - f. The time from commencement of excavation to completion of reclamation does not exceed 120 days.
- 9.17.9 A Development Permit shall be required for any berm that exceeds 1m (3.28 ft.) in height and shall be subject to no impact on existing drainage. The berm shall be located and landscaped to the satisfaction of the Director of Public Works and Engineering.
- 9.17.10 Topsoil may only be relocated from one property to another in accordance with a Development Permit, subdivision approval, or development agreement unless it is exempted by Section 4.2. of this bylaw.
- 9.17.11 The Development Authority may require the applicant of a proposed development to provide landscaped screening of large stockpile areas in accordance with the "Screening Standards". The Development Authority will use their discretion when accepting applications and imposing conditions on approvals, in determining if the screening standards apply and to what extent.

*Additional information and provisions that pertain to lot grading can be found in Section 9.14 "Landscaping, Fencing, and Screening"; and Section 9.18 "Man-made Water Features".*

## **9.18 MAN MADE WATER FEATURES**

- 9.18.1 A Development Permit is required for the construction of man-made water features except where exempt from getting a Development Permit under Section 4.2 “No Development Permit Required” of this bylaw.
- 9.18.2 An application for a Development Permit shall be obtained through the Municipality with respect to a dugout/private dam when a parcel is less than 21 acres or on a parcel over 21 acres, when it is being used for purposes other than agriculture, general use.
- 9.18.3 Some dugouts/private dams require licences and approvals under the Water Act in addition to Municipal requirements. It is the landowner’s responsibility to consult with Alberta Environment on application approvals and license requirements.
- 9.18.4 Dugouts/private dams shall:
- a. Be located a minimum of 30m (98.43 ft.) from centerline of any Municipal Road to the top of the bank;
  - b. Be located a minimum of 25m (82.02 ft.) from the center of any Secondary Highway to the top of bank;
  - c. Be a minimum of 40m (131.23 ft.) from the ultimate right of way of any Primary Highway to the top of bank; and
  - d. Not encroach upon, or affect, any watercourse or drainage easement.
- 9.18.5 Dugouts/private dam should be located in accordance with the recommended setbacks set out by Alberta Agriculture, Food & Rural Development as per their latest revision/amendment. It is the landowner and/or developers responsibility to check with Alberta Agriculture, Food & Rural Development and other applicable government departments for current regulations. More information on special setback requirements can be found in Section 9.27 of this bylaw.
- 9.18.6 Landowners and/or developers are responsible to enquire about and comply with all necessary regulations and licensing requirements through provincial bodies such as Alberta Environment when developing any man-made water feature or enhancing existing feature. Exemption from the requirement for a municipal approval does not exempt the landowner and/or developer from the necessary Provincial approvals.
- 9.18.7 Private lakes, storm water ponds and lagoons for the purposes of processing wastewater may require approval and licensing through Alberta Environment in addition to any requirements of this Bylaw. It is the landowner and/or developers - responsibility to ensure that the additional approvals are obtained and necessary Federal/Provincial regulations met.

## **9.19 PARKING AND LOADING FACILITIES**

- 9.19.1 Any parking stall or any loading space provided shall be developed to the specifications as outlined by the Development Authority in accordance with Table 9.19 A and serviced and landscaped to the satisfaction of the Director of Public Works and Engineering.
- 9.19.2 The Development Authority may require a parking assessment be prepared to a standard acceptable to the Approving Authority to facilitate the determination of parking requirements as part of an application for redesignation, land use amendment, or Development Permit, to document the parking demand and supply characteristics associated with the proposed development. The Municipality may

consider the recommendations of such parking assessment in exercising discretion to allow a reduction of the minimum number of spaces specified in this Bylaw, but is not bound by such recommendation.

- 9.19.3 Parking stalls and loading spaces shall be so constructed that:
- a. Every access to an off-street parking stall or loading area shall be hard-surfaced if the access is from a street or public lane that is hard-surfaced;
  - b. Adequate access to, and exit from, each stall is provided at all times by means of maneuvering aisles designed to the satisfaction of the Approving Authority in consultation with the Director of Public Works and Engineering and the Municipal Fire Chief and Protective services in accordance with provincial fire code and emergency response requirements;
  - c. Curb cuts will be provided and located as necessary to the satisfaction of the Approving Authority in consultation with the Director of Public Works and Engineering; and
  - d. Adequate curbs or concrete bumpers will be provided to the satisfaction of the Director of Public Works and Engineering.
- 9.19.4 Some parking lots and loading areas may require landscape screening in accordance with the "Screening Standards" attached as Appendix G of this bylaw. The Approving Authority will use their discretion when accepting and imposing conditions on applications as to whether or not the screening standards apply and to what level.
- 9.19.5 For residential development, including home businesses, on-site parking stall for heavy vehicles and/or mobile equipment shall be located indoors or outdoors in a location which is generally not visible from public roads or adjacent properties. Parking of heavy vehicles shall not be permitted in a front yard unless sufficient screening is provided to the satisfaction of the Approving Authority.
- 9.19.6 Required on-site parking shall be subject to all setbacks and yard requirements specified elsewhere in this Bylaw.
- 9.19.7 For recreation facilities (indoor or outdoor) with maximum occupancy (or maximum number of users) over 500 people, a parking study completed by an accredited transportation engineer is required. Minimum parking requirements will be based on the results of this study;

#### **Parking stall Dimension Requirements**

- 9.19.8 Parking requirements shall be calculated on the basis of gross floor area, unless otherwise stated, and where a fractional figure occurs it shall be rounded to the next higher figure.
- 9.19.9 Size of parking stalls and aisles shall be provided in accordance with Table 9.19 A with consideration to the following standards:
- a. Each required off-road parking stall shall have a vertical clearance of at least 2.0 m (6.6 ft.);
  - b. Parking for the physically handicapped shall be provided as per the Provincial regulations and shall be considered as part of the number of stalls required for the project. A minimum of 2% of the total number of stall shall be provided and clearly identified for use by the physically disabled;
  - c. Parking stalls for the physically disabled shall:
    - i. Be a minimum of 3.9 m (12.8 ft.) in width;

- ii. Be located as close as possible to ramps, walkways, and building entrances;
- iii. Be arranged in such a way that users of wheelchairs are not required to pass behind parked cars; and
- iv. Have no more than two (2) parking stalls for physically disabled persons placed adjacent to each other.
- d. Parking stall design standards contained in Table 9.19 A may be altered at the discretion of the Approving Authority when uses may require larger stalls;
- e. Parking stalls for recreation vehicles, where applicable shall be a minimum 3.0m (9.80 ft.) in width and 7.0m (22.96 ft.) in length.

**Number of Vehicle Parking Stalls required**

- 9.19.10 In districts and for uses allowing for on-street parking, the number of parking stalls made available on-street will be removed from the off-street parking requirement.
- 9.19.11 Parking requirements are listed by land uses and type of development in the Tables 9.19 B through 9.19 F.
- 9.19.12 When a building is enlarged, altered, or a change in the use occurs in such a manner as to cause a more intensive use of the building, provision shall be made for the additional parking and loading spaces required under the parking provisions of this Bylaw. The calculation shall be based on the number of additional parking stalls required as a result of the enlargement, alteration, or change in the use of the building, in addition to any parking stalls that may have been removed due to the enlargement or alteration.
- 9.19.13 Where a development on a parcel contains more than one (1) use of a building or development, the required number of parking stalls and loading spaces shall be the sum of the requirements for each use, unless it is demonstrated that there will be a complementary or non-overlapping use of parking stalls that warrants a reduction in the total requirement.
- 9.19.14 Parking requirements for uses not mentioned in the following tables shall be provided as determined by the Development Authority in consultation with the Director of Public Works and Engineering.
- 9.19.15 Off-road parking stalls shall be provided as required by the Development Authority with consideration given to the parking requirements outlined in Tables 9.19 B – 9.19 F.
- 9.19.16 Guest parking for dwelling, attached shall be available at an entrance of the site and shall be clearly identified as guest parking.
- 9.19.17 Guest parking for manufactured home parks shall be conveniently located on the site.
- 9.19.18 Parking for housing for seniors citizens, regardless of housing type shall be provided at a minimum of one (1) stall per four (4) sleeping units.
- 9.19.19 The Development Authority has discretion to amend the parking requirements if deemed necessary. The parking requirements are meant as a guideline.
- 9.19.20 In the case of a use not specified in Table 9.19 B through Table 9.19 F, the number of parking stalls provided shall be the same as for a similar use as determined by the Approving Authority.

**Table 9.19 A Parking Stall Design Standards**

<b>PARKING ANGLE (IN DEGREES)</b>	<b>MINIMUM STALL WIDTH</b>	<b>MINIMUM STALL LENGTH</b>	<b>MINIMUM AISLE WIDTH</b>
Parallel	2.75m (9.0 ft.)	7.0m (23.00 ft.) (or 5.5m (18ft) for open end spaces)	3.5m (11.48 ft.)
30	2.75m (9.0 ft.)	5.1m (16.73 ft.)	3.5m (11.48 ft.)
45	2.75m (9.0 ft.)	6.0 (19.69 ft.)	3.5m (11.48 ft.)
60	2.75m (9.0 ft.)	6.4m (21.00 ft.)	5.5m (18.04 ft.)
90	2.75m (9.0 ft.)	6.0m (19.69 ft.)	7.0m (22.97 ft.)

**Table 9.19.B Parking Requirements for residential and residential related land uses:**

<b>TYPE OF DEVELOPMENT</b>	<b>MINIMUM PARKING REQUIREMENT</b>
Dwelling Detached Single Family	2 per dwelling unit
Dwelling, Duplex	
Dwelling, Semi-detached	
Dwelling, Manufactured	
Dwelling, Moved On	
Dwelling, Temporary	
Dwelling, Four plex Dwelling, Townhouse	1 parking stall per 1 bedroom Dwelling Unit 2 parking stalls per 2+ bedroom Dwelling Unit 1 guest parking stall per 7 Dwelling Units
Manufactured Home Park	2 parking stalls per manufactured home parcel 1 guest parking stall per 4 manufactured home parcels
Mixed Use	Must combine residential requirement with the proposed commercial use for total parking and loading requirements
Bed & Breakfast	1 per each guest room plus spaces required for the corresponding base dwelling unit plus spaces required for each employee
Home Based Business, Minor and Major	1 per non-resident, on-site employee working on the site at the same time in addition to the required residential parking



**Table 9.19 C: Parking Requirements for agricultural related land uses:**

<b>AGRICULTURE</b>	
Agricultural, General	None beyond spaces required for residential dwelling units
Agricultural, Intensive	2, plus 1 per employee
Arenas/Equestrian Establishments	1 per 4 seating spaces + 1 per 46.5 sq.m. (500 sq. ft.)
Intensive Vegetation Use	2 per 100 sq.m. (1076.4 sq. ft.) of retail sales structure; plus 1 per 100 sq. m. (1076.4 sq. ft.) of yard and/or warehouse

**Table 9.19 D Parking Requirements for commercial land uses:**

<b>COMMERCIAL</b>	
Accommodation Services	1 parking stall per sleeping unit; plus 1 per 4 seats of any associated eating or drinking establishment; plus 1 parking stall per three employees on shift
Amusement and Entertainment Services	1 parking stall per 10 sq.m (108 sq. ft.)
Commercial Schools	2.2 parking stalls per 100 sq. m. (1,076 sq. ft.)
Convention and Exhibition Facility	1 per 5 fixed seating spaces; plus 10 per 100 sq.m. of floor area used by patrons
Day Care Services	1 parking stall per employee
Drive through businesses	8 parking stalls, except where more are required under other requirements of this section
Eating and drinking establishments	1 parking stall per 4 seats
Professional, business, financial and office support services	3 parking stalls per 100 sq. m (1,076 sq. ft.) of gross floor area; or 3 parking stalls for each full or part-time professional, whichever is greater
Retail Stores	1 per 37 sq. m. (400 sq. ft.)
Service Repair Shops	1 per 37 sq. m. (400 sq. ft.)
Shopping center	6 per 93 sq. m. (1,000 sq. ft.) gross leasable area
Any development within a commercial use class not listed separately in this table with a floor area of	Less than 1,000 sq.m. (10,764 sq. ft.) shall have 1 parking stall per 30 sq. m.(323 sq. ft.) of gross floor area; or 1000 sq. m. (10764 sq. ft.) to 4,000 sq.m. (43,056 sq. ft.) Shall have 1 parking stall per 20 sq.m. (215 sq. ft.) of gross floor area; or Greater than 4,000 sq. m. (43,056 sq. ft.) shall have 1 parking stall per 17 sq. m. (183 sq. ft.) of gross floor area

**Table 9.19 E**

**Parking Requirements for Institutional, Educational, Recreational and Cultural Services land uses:**

<b>INSTITUTIONAL, EDUCATIONAL, RECREATIONAL AND CULTURAL SERVICE USES</b>	
Cemetery, Crematorium, Columbarium, and Funeral Home	3 parking stall per 5 seats of public seating, plus 1 space per funeral home vehicle
Educational Services	For Elementary and Junior High Schools: 1 parking stall for each employee; plus 2 per classroom or 1 per 10 students, whichever is greater.  For Senior High Schools, 1 parking stall for each employee; plus 5 per classroom or 1 per 5 students, whichever is greater.
Government Services	5 per 100 sq. m. (1,076.4 sq.ft.)
Health Care Services	4 per doctor or dentist
Recreation, Indoor	1 per 3.5 seats; or 3 per 10 sq.m. (107.6 sq.ft.) gross floor area used by patrons
Recreation, Outdoor	1 per 3.5 seats; or 3 per 10 sq.m. (107.6 sq.ft.) gross floor area used by patrons
Religious Assembly	1 per 3 fixed seating spaces; or 20 per 100 sq.m. (1,076.4 sq.ft.) of floor area used for assembly, recreation, or other ancillary uses

**Table 9.19 F Parking Requirements for industrial land uses:**

<b>INDUSTRIAL USES</b>	
General Industrial Manufacturing/Processing	1 parking stall per 100 sq. m. (1,076 sq. ft.) of gross floor area; or 3 parking stalls per tenant or establishment, whichever is greater
Industrial Storage and Warehousing	1 parking stall per 100 sq. m. (1,076 sq. ft.) up to 2,000 sq. m. (21,528 sq. ft.); plus 1 parking stall per each additional 400 sq. m. (5,382 sq. ft.)

### **Off-Street Loading Requirements**

- 9.19.21 Where a proposed development will, from time to time, require pick-up or delivery of commodities, adequate space for loading and unloading shall be provided and maintained on the parcel to the satisfaction of the Development Authority. When a loading area is required by the Approving Authority, the loading area shall be clearly marked by a sign.
- 9.19.22 The number of on-site loading spaces required for each use is specified in Table 9.19 G.
- 9.19.23 Where more than one calculation of loading space requirements is specified for a land use, the greater requirement shall be applied.
- 9.19.24 Where the loading requirements (Table 9.19 G) does not clearly define requirements for a particular development, the single use or combination of uses deemed by an Approving Authority to be most representative of the proposed development shall be used to determine the loading requirement. Alternatively, a Development Authority may specify another loading requirement deemed appropriate for the development.
- 9.19.25 A loading space shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the site without backing to or from adjacent streets.
- 9.19.26 The Approving Authority, having regard to the types of vehicles that are likely to use the loading space, may change minimum loading space dimensions.
- 9.19.27 A loading space shall have an area of not less than 28 sq. m. (301.39 sq. ft.), 3.5m (11.48 ft.) in width, and 3.5m (11.48 ft.) of overhead clearance.
- 9.19.28 The siting and location of loading areas shall not conflict with planned pedestrian movements and circulation on a parcel.
- 9.19.29 Loading space requirements for uses other than those set out in this section shall be determined by the Approving Authority, having regard to similar uses for which specific loading facility requirements are set.

Table 9.19 G – Loading Requirements

LOADING REQUIREMENTS	
Uses	Number of Loading Spaces
Residential and Residential Related uses	None
Riding Arenas	As determined by Approving Authority
Commercial uses, except those listed below	1 per 1,900 m <sup>2</sup> (20,451.4 sq.ft.)
Hotel Motel Food Services, Restaurant Neighborhood Pub Nightclub	1 per 2,800 m <sup>2</sup> (30,138.9 sq.ft.)
Industrial Uses	As determined by Approving Authority
Institutional and Basic Service Uses, Community, Recreational, & cultural Uses	1 per 2,800 m <sup>2</sup> (30,138.9 sq.ft.)
School, Elementary School, Junior high	3.0 per 100 students, minimum 5; Plus minimum 5 bus loading spaces
School, Senior High University or College	2 per 100 students, minimum 5; Plus minimum 5 bus loading spaces

## 9.20 PUBLIC ACQUISITION OF LANDS

9.20.1 Where, a lot is reduced in size, from the *Gross Parcel Area* due to the unanticipated taking of additional lands for public use by the Municipality, Provincial or Federal Agency or a public utility by dedication, expropriation or purchase, the lot shall be considered to exist as it did prior to the taking of the lands for the purpose of further development upon the lot under its existing district provisions, provided such taking:

- Does not affect required on-site sewage disposal;
- Does not result in the parcel being rendered unsuitable for any of the uses listed as a permitted or discretionary use in the district in which the lot is located;
- Does not affect the minimum parcel size or yard requirements of the district in which the lot is located; and
- Does not increase the maximum density approved at the time of subdivision of the lands.

If, in the opinion of the Approving Authority, the size reduction of the lot constitutes the lot unsuitable for any permitted uses within the current land use district, the lot shall be rezoned appropriately.

## **9.21 RELOCATION OF STRUCTURES**

- 9.21.1 Except as otherwise allowed for in Section 4.2 of this Bylaw, no person shall relocate a building or structure, or portion thereof, onto a site without first obtaining a Development Permit for the moved-on building or structure. The relocated building or structure shall be considered as a Discretionary Use and shall comply with the appropriate Land Use District provisions.
- 9.21.2 The Development Authority shall not approve a Development Permit for a relocated previously used single detached dwelling, manufactured home or accessory building (where the accessory building is a discretionary use) unless the building is designed, constructed, sited and finished in a manner that is visually compatible, in the opinion of the Approving Authority, with the neighborhood in general.
- 9.21.3 Any renovations or improvements required to ensure that the relocated building or structure complies with this Bylaw shall be listed as conditions of the Development Permit.
- 9.21.4 All structural and exterior renovations to a relocated dwelling are to be completed within one year of the issuance of the Building Permit, failing which the relocated dwelling shall be removed unless a Development Permit has been issued extending the time for completion.

## **9.22 ROAD ALLOWANCES, ROAD PLANS, AND RAILWAYS**

- 9.22.1 All lands forming part of a closed road allowance, closed road plan or closed railway plan shall be designated Agricultural District. Upon the issuance of a separate certificate of title for all or a portion of the road allowance, road plan or railway plan the lands shall continue to be designated Agricultural District unless a bylaw is passed changing such designation
- 9.22.2 No building or portion thereof shall be located on municipal lands, road rights-of-ways or railway plans unless a bylaw has been passed or Development Permit has been approved allowing for such.

## **9.23 SERVICES AND UTILITIES**

### **General Provisions:**

- 9.23.1 Water, wastewater, storm water services provided by the municipality may be subject to applicable levies or improvement fees as per the latest edition of any Municipal bylaw.
- 9.23.2 All new municipal services being constructed or services being upgraded in the municipality shall be done to the satisfaction of the Municipality.
- 9.23.3 Dedication of lands for the purposes of public utilities may be required at the time of Subdivision.
- 9.23.4 The Developers/landowners are responsible for ensuring that separation distances between water sources and sewage disposal systems on their property meet all regulations in accordance with the Alberta Private Sewage Systems Standard of Practice.
- 9.23.5 The Developer shall be responsible for obtaining all easements and right of ways for the installation of municipal improvements located outside of the right-of-way or utility lot. All permanent easements, including plans and documents, shall be registered at the Land Titles Office naming the municipality as the Grantee prior to application for a Construction Completion Certificate.

- 9.23.6 The Developer shall enter into a Development Agreement for the construction, upgrading, contribution toward, or extension of existing municipal services as a condition of a Development Permit in accordance with Section 650 of the Municipal Government Act and as a condition of subdivision approval in accordance with Section 655 of the Municipal Government Act.

**Utilities:**

- 9.23.7 The Developer/landowner shall be responsible for extension of utilities such as gas, power, and telephone services to each new lot.
- 9.23.8 The developer/landowner is responsible for checking what services are currently available to the site, ensuring that they are adequate and for providing for additional services if necessary to the satisfaction of the utility company and Municipal Engineer.

**Water Supply:**

- 9.23.9 The type of water supply to service a residential development shall be in accordance with the site requirements specified in the applicable land use district or an alternate type of system as specified by Bylaw.
- 9.23.10 Proof of water shall be in accordance with the Municipal Water Policy Guidelines, the Provincial Water Act requirements and the Alberta Environment's regulations and licence requirements where applicable.

**Sewage Disposal/Wastewater:**

- 9.23.11 The type of wastewater disposal/septic systems installed in a development shall be in accordance with the site requirements specified in the applicable land use district or an alternate type of wastewater disposal/septic system as specified by Bylaw.
- 9.23.12 Septic systems or alternate means of waste removal shall be approved by the Municipal Plumbing Inspector prior to any commencement of construction of the proposed development.
- 9.23.13 All wastewater disposal/septic systems shall meet all requirements of the Alberta Private Sewage Systems Standard of Practice.
- 9.23.14 All private wastewater/sewage disposal systems shall be sited in accordance with the Alberta Agriculture, Food and Rural Development minimum setback requirement to man-made water features. See Section 9.18 on Man-made water features for more information pertaining to setback requirements.

**Storm water:**

- 9.23.15 A storm water management plan, prepared by a qualified Professional Engineer, may be required for all future subdivision and/or development in accordance with Provincial regulations and Municipal standards.

**Solid Waste:**

- 9.23.16 Lot owners and residents are encouraged to take their solid waste to the Foothills Regional Waste Facility or a Transfer station.
- 9.23.17 Burning barrels may be used only if constructed with a non-combustible apron around the perimeter of at least 24" (61 cm) and if fully covered with a screen mesh that prevents the escape of sparks or combustible materials. Fire permits may be granted by local fire guardians for all other fires. Failure to comply may result in Fire Response charges and a fine for non-compliance in accordance with the Municipal Fire Bylaw.

## **9.24 SIGNAGE**

### **Definitions for this Section:**

9.24.1 For the purpose of this Section, the following definitions shall apply:

**Billboard Sign:** a sign, primarily self-supporting and permanently affixed to the ground, that advertises goods, products, services, events or facilities which are at a location other than the property on which the sign is located.

**Directional Sign:** a sign which is required to provide direction to a business, trade or institution and advertises goods or services which are at a location other than the property on which the sign is located. A directional sign may also be a temporary sign depending upon how it is to be used.

**Fascia Sign:** a sign placed flat and parallel to the face of a building so that no part projects more than 0.3m. (1 ft.) from the building.

**Free Standing Sign:** a sign on a standard base or column permanently fixed to the ground and not attached to any building or other structure. The sign advertises goods and services which are at the location on which the sign is located.

**Functional Sign:** a sign which is not intended to be used for promotional purposes. It is required by public authorities, utility companies and other companies. Its sole purpose is for the direction and control of traffic, pedestrians or parking (i.e. identification of service locations and on-site hazards).

**Portable Sign:** a sign on a standard, column or A-frame boards fixed to its own self-contained base and capable of being moved manually, which is not attached to a building or to the ground, or any sign mounted on a vehicle, trailer or wagon, that is parked on a lot, whose sole purpose is advertising.

**Roof Sign:** any sign erected upon, against, or directly above a roof or on top of or above the parapet wall of a building.

**Sign:** any device or structure used for the display of advertisements, pictures and/or messages and without, in any way, restricting the generality of the foregoing, includes posters, notices, panels and boarding.

**Sign Area:** the total surface within the outer edge of a frame or graphics, the sum of the area of the smallest rectangle enclosing the letters, numerals or graphics.

**Temporary Sign:** a sign which is not permanently anchored to the ground or affixed to a building, advertising for a limited time goods, services or activities and which by their nature, could readily be relocated to service a similar purpose in another location. These include garage sale signs, banners, portable signs, pennants, signs advertising a demonstration of agricultural methods and signs announcing the sale of goods or livestock on land not normally used for commercial purposes.

**Vehicle Sign:** a sign that is affixed or painted onto a vehicle, including but not limited to: trailers, with or without wheels, Sea-cans, wagons, cars, trucks, tractors, recreational vehicles and mobile billboards, that are not normally used in the daily activity of the business and that is visible from a road so as to act as a sign for the advertisement of products or services or to direct people to a business or activity.



**General Provisions:**

- 9.24.2 Any person applying to erect, enlarge or structurally alter a sign that is on privately owned lands shall comply with the provisions of this Part. These regulations do not deal with signage within Municipal or Provincial right of ways.
- 9.24.3 A sign which is separate from a building must be located so as to comply with the front yard setback, requirements applicable to the principal building unless otherwise provided, or exempted by a designated officer in writing.
- 9.24.4 Signs that are located in the right of way of a municipal or provincial road are governed by the *Temporary Signs on Highways Bylaw #18/2006*.

**General Sign Regulations:**

- 9.24.5 All signs, whether or not they require a Development Permit, shall meet the following general provisions:
- a. A sign shall not be located such that it obstructs visibility at roadway intersections;
  - b. No signs shall be erected on or affixed to private property without the consent of the owner;
  - c. Signage which makes use of illumination, whether it be on the exterior or from the interior of the sign, shall adhere to the *Dark Sky Bylaw* included as Appendix E of this bylaw;
  - d. Animated signs or illuminated signs shall not be permitted in developments where, in the opinion of the Development Authority, they might:
    - i. Affect residents in adjacent housing or residential districts and are visible from any residential property within a distance of 90m (295 ft.);
    - ii. Interfere with the interpretation of traffic signs or controls;
    - iii. Cause interference to the motoring public; or
    - iv. Contravenes the Municipality's *Dark Sky Bylaw* included as Appendix E of this bylaw.
  - e. Temporary signs relating to a specific sale, event or work shall be removed by the advertiser within 14 days after the completion of the sale, event or work to which the sign relates;
  - f. A sign which is separate from a building must be located so as to comply with the front yard setback requirements applicable to the principal building unless otherwise provided, or exempted by a designated officer in writing.
  - g. All signs shall be kept in a safe, clean and tidy condition and may be required to be renovated or removed if not properly maintained;
  - h. Existing signs which conform to this Bylaw, may be cleaned, maintained, repaired and repainted without need for an additional Development Permit;
  - i. All signs must comply with applicable provincial legislation and approvals; Currently, no sign, notice or advertising device shall be erected within 300m (984 ft.) from the limit of a controlled highway or 800m (2625 ft.) from the center point of an intersection of a controlled highway another highway or other public roadway without a permit from the Minister of Transportation pursuant to Section 5 of the Highway Development Control Regulation, Alberta Regulation 242/90.

- j. Setbacks, approval requirements and provincial regulations may be subject to change from time to time. It is the responsibility of the landowner / developer to contact the appropriate department for updated and current regulations.

**Signs requiring a Development Permit:**

- 9.24.6 Unless otherwise exempted under *Section 4.2* of this bylaw, a Development Permit shall be obtained for all signs, structures for signs and any enlargement, relocation, erection, construction or alteration of an existing sign.
- 9.24.7 An application for a Development Permit to structurally alter or erect a sign that requires a Development Permit shall be made to the Development Authority and shall include the following:
  - a. A letter of consent from the registered owner of the land or building upon which the sign will be located;
  - b. The name and address of the sign company responsible for the sign;
  - c. The owner of the sign;
  - d. Two copies of a rendering / illustration of the proposed sign with dimensions and total sign area, height of top and bottom of the sign above average ground level and thickness of the sign;
  - e. Materials, finishes, colours, size of lettering and graphics;
  - f. Mounting or installation details: the Development Authority may require that a structural drawing be prepared and sealed by a Professional Engineer;
  - g. The location of all existing and proposed signs on the building façade or on a site plan of the parcel indicating the front and side property liens, setbacks and distances from existing buildings;
  - h. Mounting height or clearance to grade; and
  - i. The appropriate fee as outlined in the Planning Fee Service Bylaw, as amended from time to time by Council resolution.
- 9.24.8 Where a sign is located within 300m (984 ft.) of a Provincial highway or 800m (2,624.8 ft.) of such intersection, the landowner and / or applicant must have an approved Roadside Development Permit, from the Province, before the Municipality will consider applications for a Development Permit.
- 9.24.9 Where an applicant wishes to deviate from the terms of the Development Permit, the applicant shall notify the Development Authority, submit amended drawings and, if required by the Approving Authority, make application for a new Development Permit and submit the prescribed fee.

**Prohibited Signs:**

- 9.24.10 The following signs are prohibited in the municipality:
  - a. Signs attached to shipping containers or Sea-cans, including signage painted or adhered directly onto a container;
  - b. Signs attached to licensed or unlicensed vehicles, not including imagery or wording either painted or adhered by magnetic or glued on decals directly onto the vehicle in question;
  - c. Signs that are prohibited in accordance with the *Dark Sky Bylaw* included as Appendix E of this bylaw;
  - d. Signs that promote intolerance, hatred or ridicule of any race, religion or other segment of society;

- e. Signs featuring nudity;
- f. Signs that display intermittent, flashing or rotating lights;
- g. Signs using a red or yellow background;
- h. Signs that incorporate moving parts; and
- i. Signs on hay and/or straw bales.

**Signs – Offences:**

- 9.24.11 No person shall erect, place, affix or locate, or allow any other person to erect, place, affix or locate:
- a. A sign that obstructs visibility at roadway intersections;
  - b. A sign erected on or affixed to private property without the consent of the owner;
  - c. A sign that uses illumination not compliant with the *Dark Sky Bylaw*, as included in *Appendix E* of this Bylaw;
  - d. An animated or illuminated sign without Development Authority approval;
  - e. A temporary sign at any location exceeding 14 consecutive days;
  - f. A sign not complying with setback requirements;
  - g. A sign that is located within 300 m (984 ft) from the limit of a controlled highway without permit;
  - h. A sign that is located within 800 m (2625 ft) from the centre point of an intersection of a controlled highway another highway or other public roadway without permit;
  - i. A sign that requires a development permit without such permit;
  - j. A sign that is prohibited pursuant to Section 9.24.9; or
  - k. A sign that does not comply with the provisions set out in this Bylaw.

**9.25 SITE RECLAMATION**

- 9.25.1 Site reclamation shall be in accordance with the Environmental Protection and Enhancement Act.
- 9.25.2 Reclamation of specified land shall ensure that the specified land shall be returned to an equivalent land capability that allows for the developments of uses compatible with adjacent land uses.
- 9.25.3 Reclamation plans shall include current and final land use (following reclamation). Only upon issuance of a reclamation certificate by Alberta Environment, or a transfer of the registration to another operator, can any surface lease agreement with the landowner be surrendered.
- 9.25.4 Except where exempted by the Environmental Protection and Enhancement Act, landowners shall obtain a Reclamation Certificate. The registration holder shall continue to remain liable for conservation and reclamation issues at the site until a Reclamation Certificate is issued.
- 9.25.5 Where a Development Permit is approved including reclamation requirements, a security may be imposed as a condition of the permit to ensure that the reclamation is completed to the satisfaction of the Director of Public Works. In the event that

the reclamation is not completed in the required time specified in the approval, the security may be called upon.

## **9.26 SPECIAL EVENTS**

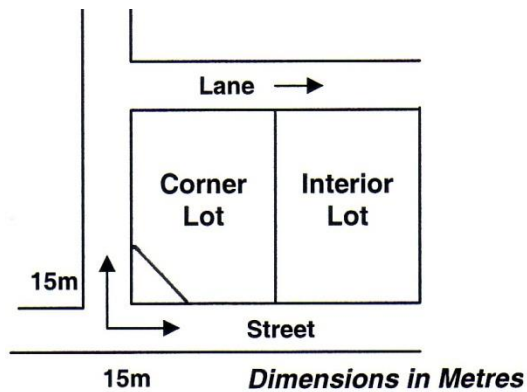
- 9.26.1 No person shall operate, maintain, hold, conduct, promote or advertise a Special Event in the municipality unless he or she has first obtained a Development Permit and special event permit from the Municipality in respect of such activity.
- 9.26.2 Special Events must be in accordance with *Bylaw 11/97 for the regulation of "Special Events"* included as Appendix H of this bylaw.

## **9.27 SPECIAL SETBACK REQUIREMENTS**

### **General Provisions:**

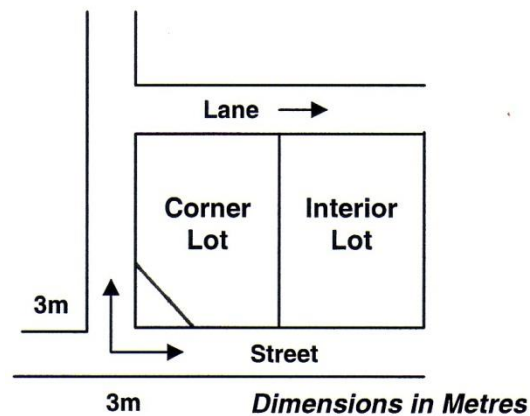
- 9.27.1 The minimum setback distances required for front, side, and rear yards do not apply to driveways, sidewalks, or steps with associated landings under 0.6m (2 ft.) above grade, wholly within the lot.
- 9.27.2 At grade (less than 0.60m (2ft) attached patios and decks may be constructed to within 1m (3ft) of a side or rear yard in all land use districts.
- 9.27.3 Above grade (0.60m (2ft) and more above grade) attached patios and decks must meet the setback requirements of the land use district in which they are located.
- 9.27.4 A deck with a roof shall be considered a part of the structure they are abutting and shall meet all applicable setbacks.
- 9.27.5 Balconies, eaves, fireplaces, sills, canopies, and cornices may project into the minimum front or side yard setback to a maximum of 600mm (1.97 ft.) or into the minimum rear yard setback to a maximum of 1.5m (4.92 ft.) on Agricultural, Country Residential, Cluster Residential parcels, and may project into the minimum rear yard setback, of a Estate Residential, Hamlet Residential District, and Residential Manufactured Home district to a maximum of 0.8m (2.62 ft.) for the principal building and 0.1m (0.33 ft.) for an accessory building.
- 9.27.6 If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening or road dedication purposes, the front, side and rear yard setback shall be the greater of 15m (49.21 ft.) from the future front yard boundary or the distance set out in minimum requirements for yard setbacks in the appropriate land use district.
- 9.27.7 Utilities, underground parking, and similar structures constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments do not result in a grade inconsistent with abutting properties and the encroachments are covered by sufficient soil depth or surface treatment to foster landscaping.
- 9.27.8 Where more than one minimum setback distance is applicable under this Bylaw, the greater distance shall prevail.
- 9.27.9 Notwithstanding any other provision contained in this Bylaw no person shall place or maintain any object, structure, fence, hedge, shrub, or tree in or on that part of a corner lot location:
  - a. within Agricultural District, Country Residential District, Cluster Residential District, Rural Business District, Natural Resource Extraction District, all Park and Recreation Districts which lies within a triangle as illustrated on the sketch below:

Figure 9.27.9 A



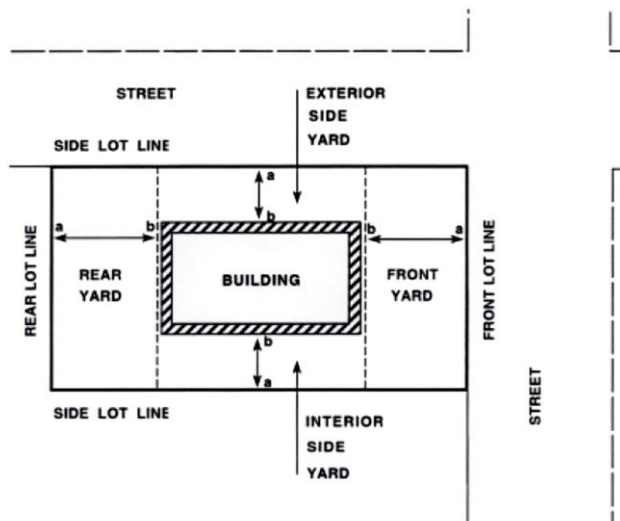
- b. within all other Residential and Commercial Districts not noted above, all Industrial Districts, Service, Districts, and Utility districts which lie within a triangle as illustrated on the sketch shown below:

Figure 9.27.9 B



- 9.27.10 In the case of a corner lot, the front yard shall be the narrower of the two frontages as shown in Figure 9.27.10.A. If they are equal, it shall be at the discretion of the Approving Authority.

Figure 9.27.10 A



Distance "ab" represents the depth of the required yard measured as least horizontal dimensions between lot line and nearest part of main building. Distance "ab" must be the minimum distance specified in bylaw.

- 9.27.11 For all corner lots, the minimum setback on the exterior side yard shall be the same distance as if deemed a front yard setback to that particular type of road in the applicable district, however this does not impose a rear yard on the opposite side as is the case of a front yard.
- 9.27.12 Notwithstanding subsection 9.27.9 and 9.27.10, standard barbed wire fencing or equivalent shall be permitted within the identified sight triangle.
- 9.27.13 Sight triangle requirements shall be considered and applied in conjunction with the Alberta Transportation and Utilities Highway Geometric Design Guide, based on consideration of existing right-of-way and design speed.
- 9.27.14 All residential un-sprinklered buildings, located in excess of 10 minutes for fire department notification and scene response time (determined by the local fire department), with a setback distance of less than 2 meters must be constructed in accordance with the Alberta Building Code Requirements for High Intensity Residential Fire.
- 9.27.15 All attached garages, located outside of the 10 minutes fire department notification and scene response time (determined by the local fire department), must be constructed in accordance with the Alberta Building Code Requirements for High Intensity Residential Fire.

**Environmental Considerations:**

- 9.27.16 On a lot adjacent to a water body where the bed and shore is crown owned such as a river, creek, and/or lake, a minimum setback of 30.0 m (98.43 ft.) from the top of bank to any development shall be required to reduce environmental impacts and manage risk.
- 9.27.17 Developers may be required to utilize and follow the "*Riparian Setback Matrix Model*" and associated "Developers Guidelines" to determine appropriate development setbacks from riparian areas in the municipality. The "*Riparian Setback Matrix Model*" and associated "Developers Guidelines" are attached as *Appendix F*.
- 9.27.18 See Section 9.13 for information pertaining to development in and near areas subject to flooding.
- 9.27.19 On a lot adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- 9.27.20 If, in the opinion of the Approving Authority, a slope might be unstable, a geotechnical assessment by a professional engineer may be required in order to evaluate stability, and to recommend appropriate development setbacks, consistent with provincial guidelines.
- 9.27.21 If the Approving Authority is satisfied by the submission of a Professional environmental and/or geotechnical assessment that the variance of a setback is warranted, the setback may be increased or reduced accordingly.
- 9.27.22 Within the minimum setback as required by Section 9.27.16 through 9.27.21, land disturbance and the removal of trees or vegetation shall be minimized to reduce environmental effects and the risk of property damage.



**Setbacks to Municipal Utilities and Services:**

- 9.27.23 All development shall comply with the applicable Provincial legislation and approvals with respect to setback to Municipal Utilities and Services unless the setback is varied by the Approving Authority with the written consent of the Deputy Minister of Environment.

*In accordance with Part 2 of the current Subdivision and Development regulation, a dwelling, whether temporary or permanent, a food establishment, a school, or a hospital shall not be located:*

- *Within 450 metres of the working area of an operating sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site;*
- *Within 300 metres of the disposal area of an operating or non-operating sanitary landfill, modified sanitary landfill or dry waste site;*
- *Within 450 metres of the disposal area of a non-operating hazardous waste management facility;*
- *Within 300 metres of the working area of an operating waste processing site, waste storage site, waste sorting station or waste transfer station; or*
- *Within 300 meters of the working area of an operating wastewater treatment plant;*

*Unless the setback is varied by the Approving Authority with the written consent of the Deputy Minister of Environment.*

*Note: Setbacks, approval requirements and Provincial regulations may be subject to change from time to time.*

- 9.27.24 It is the responsibility of the landowner/developer to contact the appropriate department for updated and current regulations in accordance with 9.27.23.
- 9.27.25 Utilities and Deep services within a property shall be constructed to the satisfaction of the Director, Public works and Engineering.

**Setbacks to Sour Gas Facilities:**

- 9.27.26 Development setbacks from Sour gas facilities shall be consistent with the current AER code of practice and requirements of the Province and shall be in accordance with the Section 9(1) of the Subdivision and Development Regulations.

**Setbacks to Pipelines:**

- 9.27.27 Development setbacks from pipeline rights-of-way, oil and gas installations and other utility corridors shall be consistent with the AER code of practice and shall meet or exceed the requirements of the Province.

**Abandoned Well Sites:**

- 9.27.28 It is the responsibility of the applicant and/or agent to provide information as to any abandoned well sites located on the lands subject to a redesignation, subdivision, or Development Permit application being submitted to the municipality for processing. Setbacks for abandoned well sites shall be consistent with the recommendations and requirements of AER.

**Confined Feeding Operations:**

- 9.27.29 The setback requirements in all land use districts for Confined Feeding Operations shall be as determined by the current Agricultural Operations Practice Act (AOPA) regulations.
- 9.27.30 Notwithstanding any other provision of this Bylaw that requires a minimum setback, the minimum distance of separation between a dwelling and a Confined Feeding Operation allowed under the Agricultural Operation Practices Act shall be equivalent



to the required distance of separation between a proposed Confined Feeding Operation from an existing dwelling, as determined by the Natural Resources Conservation Board. or

- 9.27.31 In all land use districts, dwelling unit shall be discretionary if it is within the minimum distance separation for a Confined Feeding Operation allowed under the Agricultural Operation Practices Act.

## **9.28 USE AND ENJOYMENT OF PROPERTY**

- 9.28.1 All landowners and residents shall act in accordance with the “*Community Standards Bylaw*” adopted by Council under bylaw 34/2009 included in Appendix J of this bylaw, dealing with unsightly properties, maintenance standards for residential development, nuisance, and noise.
- 9.28.2 In accordance with the “Community Standards Bylaw”, a landowner and/or resident shall not cause or allow property or the use of that property to constitute an unreasonable interference with the use and enjoyment of other properties.

## **9.29 MOBILE SALES VEHICLES**

- 9.29.1 An approved Development permit is required for operation of a mobile sales vehicle on a site for more than two hours per day (unless otherwise authorized by the Municipality or are operating under an approved special event permit).
- 9.29.2 All mobile sales vehicle operations must comply with the following provisions prior to commencement of operation:
- a. The owner/operator of the business must have permission of the property owner where they are situated for sales;
  - b. Must have a current and up to date business license with the MD of Foothills;
  - c. Must have all appropriate Alberta Health Services and Fire Protection Services approvals and permits;
- 9.29.3 Mobile sales vehicle shall not be parked on, nor operate the business on Municipal roads and right of ways;

## SECTION 10 SPECIFIC USE REGULATIONS

### PREAMBLE

This section of the Land Use Bylaw contains specific use regulations that outline additional controls for particular uses that may occur in various districts. The uses contained in this section require additional regulations to the ones contained in the districts. They are consolidated here to avoid repetition in the districts under which they are a permitted or discretionary use.

*Note: The text contained within this box does not form a part of the Land Use Bylaw and is only provided as context for the reader.*

### 10.1 AGRICULTURAL USES AND LIVESTOCK REGULATIONS

- 10.1.1 The keeping of livestock shall not be permitted on parcels less than three (3) acres in size.
- 10.1.2 Section 4.2.1.3 – 4.2.1.5 of this bylaw outlines all provisions where no Development Permit is required with respect to agricultural uses and livestock regulations. All other instances are considered requiring a Development Permit. It is the landowner's responsibility to ensure that they have obtained all necessary permits.
- 10.1.3 The keeping of more than three (3) animal units on parcels between three (3) and nine (9) acres and/or the keeping of more than one animal unit per three (3) acres in excess of nine (9) acres will require a Development Permit.
- 10.1.4 Table 10.1 A outlines the number of animals equivalent to one animal unit for the purposes of this Bylaw.

**Table 10.1 A Number of Animals Equivalent to One Animal Unit**

TYPE OF ANIMAL	# OF ANIMALS EQUIVALENT TO ONE ANIMAL UNIT
<b>Cattle:</b>	
Dairy Cows	1
Beef, Cows or Bulls (greater than 1,000 lbs. – may include calf at side)	1
Buffalo or Beefalo	1
Feeder Cattle (between 500 lbs. and 1,200 lbs.)	2
Replacement Heifers (between 500 lbs. and 1,000 lbs.)	2
Calves (less than 500 lbs. – excludes calves at side)	5
<b>Swine:</b>	
Sow, farrow to weaning (includes gilts suckling 18 kg)	2
Feeder Hogs (54 kg average)	2
Weaner Hogs (less than 20 kg)	5

TYPE OF ANIMAL	# OF ANIMALS EQUIVALENT TO ONE ANIMAL UNIT
<b>Poultry:</b>	
Chickens or Ducks	30
Geese or Turkey Hens, heavies	10
Geese or Turkey Toms, heavies	10
Geese or Turkey broilers	10
<b>Sheep:</b>	
Rams or Ewes plus Lambs at side	5
Lambs	12
<b>Horses:</b>	
Horse (1 year and older)	1
Mare with Foal	1
Weanling	2
Miniature	4
<b>Miscellaneous:</b>	
Donkeys	2
Mules	1
Elk, Bulls	3
Elk, Cows	4
Elk, Calves	12
Llamas	5
Alpaca	6
Goats	5
Ostriches	3
Emu	7
Rabbits	40
<b>NOTE: The Approving Authority may determine the number of animals equivalent to one animal unit for any kind of animal not named above.</b>	

- 10.1.5 The owner and occupier of a lot or lots upon which livestock is kept is responsible for confinement of the livestock within boundaries of the lot or lots.
- 10.1.6 The following applies to all parcels of land on which livestock are kept:
- Pasture management shall be maintained to ensure that there is no overgrazing;
  - Manure management shall occur to ensure no contamination of runoff onto adjacent lands, riparian areas, or to a watercourse; and
  - Manure management shall be undertaken to reduce odor.

*More Information on Confined Feeding Operations can be found in Section 10.9.*

**Applications for Agriculture, Intensive Use:**

- 10.1.7 A Development Permit is required for all agricultural, intensive uses whether such uses involve a new facility or expansion of an existing facility.
- 10.1.8 A new intensive livestock operation or an expansion of an existing intensive livestock operation and related short-term manure storage should be setback a minimum of 150 meters from neighboring dwellings. In determining the extent of the setback, the distance shall be measured from the neighboring dwelling (not the property line of the lot upon which it is located) to the point closest to the intensive livestock operation, including related manure storage facilities. Activities associated with the intensive livestock operation or related short-term manure storage, such as feed handling and storage, office, water supply, and land upon which manure is spread shall not be considered to be part of the intensive livestock operation or related short-term manure storage, for the purposes of determining the minimum setback limit.
- 10.1.9 A facility for the short-term storage of manure must be setback a minimum of 100 metres (328 feet) from any spring or water well and 30 meters (99 ft.) from any open body of water. The Approving Authority may consider a variance to the setback based upon circumstances particular to a specific application.
- 10.1.10 If there is a concern with the environmental impact of an agricultural intensive use (whether new or expanded), the Development Permit application will be referred for comment to Alberta Environmental Protection, the Regional Health Authority and Alberta Agriculture, Food and Rural Development, who will be given 30 days to respond with their comments unless a longer period is agreed to by the Municipality.
- 10.1.11 It is the responsibility of the owner and operator of any agricultural intensive use to ensure that all manure storage facilities are designed and constructed to avoid contamination of groundwater, prevent contaminated surface water from leaving the property, and reduce odor nuisance.
- 10.1.12 The owner and operator of an intensive livestock operation shall be required to satisfy the Development Authority that sufficient land is available for the use of the manure produced by the operation.
- 10.1.13 In no circumstances shall a new or expanded agricultural, intensive use be permitted within 122m (400 ft.) from a water course or water body which is not entirely surrounded by the lot or lots on which the operation is located, unless suitable containment facilities are constructed to the satisfaction of the Approving Authority.
- 10.1.14 All agricultural, intensive use applications must comply with all applicable provisions of the Agricultural Operation Practices Act, Code of Practice.
- 10.1.15 Seasonal feeding or wintering livestock between November 1 and May 31 are to be considered under the applicable agricultural, intensive use requirements.
- 10.1.16 The Development Authority may impose more restrictive conditions on approval of an application for a Development Permit for an intensive agricultural operation than those set out above.

*Riding arenas and commercial boarding are all dealt with under separate title within the Section 10.3 and Section 10.5 respectively.*

## **10.2 AMATEUR RADIO ANTENNAS**

- 10.2.1 An amateur radio antenna may be dealt with as an accessory use to the principal use on the property where the use is not exempt from a Development Permit in accordance with Section 4.2 of this bylaw.
- 10.2.2 An amateur radio antenna shall be:
  - a. A free standing, ground-mounted unit installed to the manufacturer's specifications;
  - b. Shall meet the minimum setback distance requirements;
  - c. No higher than 16m (52.49 ft.) from the ground;
  - d. Not illuminated nor have any signs; and
  - e. Landscaped if required by an Approving Authority to reduce the visual impact on adjacent properties.

## **10.3 RIDING ARENAS**

### **General Provisions:**

- 10.3.1 A Development Permit is required for all riding arenas.
- 10.3.2 Riding arenas are divided into the following categories in accordance with the definitions listed in section 2.5:
  - a. Arena, private;
  - b. Arena limited public; and
  - c. Arena, commercial
- 10.3.3 A redesignation or land use bylaw amendment shall be required for all limited public arenas and commercial arenas. Redesignations for arena use approved by Council will list such use as a permitted or discretionary use on the specific lands applied for. A Development Permit approval shall still be obtained further to the site specific amendment. *See Direct Control District 29 for more information on Limited Public and Commercial Riding Arenas.*
- 10.3.4 Where arenas are not connected to the principal building (dwelling), they shall be located at least 7.8 ft. (2.4m) from any principal building (dwelling) and must be in accordance with minimum setbacks and height requirements in the applicable land use district.
- 10.3.5 Applicants/landowners must comply with Section 10.1 of the Bylaw regarding agricultural use and livestock regulation. If there are more animal units kept on site than is considered under Agricultural, general, then a Development Permit shall be obtained in addition to, or in conjunction with the arena approval.
- 10.3.6 Animal units brought on site temporarily (not kept on site over-night) shall not be included in the number of animals units used to determine general or intensive agricultural use, but must comply with the provisions of a site specific amendment and/or an approved Development Permit for animal units permitted on site at any one time.
- 10.3.7 The Approving Authority may require the applicant provide a traffic impact assessment as part of the Development Permit.

- 10.3.8 Approval of overnight camping or facilities to accommodate overnight camping for participants shall be at the discretion of the Council as part of a site specific amendment.
- 10.3.9 The Approving Authority may impose limits and restrictions on the development which may include, but are not limited to:
- The maximum number of livestock permitted to be kept on the site over specific periods of time;
  - The size and number of facilities and or structures permitted on the site;
  - The maximum number of non-resident vehicle trips per day;
  - Number of events or contests permitted annually;
  - Maximum number of overnight camping units allowed per event and number of events where camping shall be permitted;
  - A manure management plan; and
  - Any other condition that the Approving Authority deems necessary.

**Table 10.3 A Criteria for Private Arenas:**

<b>Private Arena</b>	
Facility or structure intended for equestrian related activities intended to be used solely by the occupants of the residence on the property and/or by no more than four (4) non-resident guests per day other than the occupants of the property upon which the facility is located.	
Animal Units	1 animal unit per 3 acres of land
Non-resident vehicle trips per day	To a maximum of 4 vehicle trips per day
Arena structure size	Maximum 1500 sq. m (16,146 sq. ft.) *Site specific bylaw amendment required for private arena larger than 16,146 sq. ft. in size
Overnight camping	Not Permitted
Engineering Requirements	Other requirements as determined by the Approving Authority
Other Requirements	Manure management plan to the satisfaction of the Approving Authority

Table 10.3 B Criteria for Limited Public Use Arenas:

Limited Public Use Arena	
Facility or structure intended for equestrian related activities to be used by primarily by the occupants of residence on the property and/or with limited public use of no more than sixteen (16) non-resident users per day which result in the generation of no more than sixteen (16) additional vehicle trips to the site on any single day.	
Animal Units	1 animal unit per 3 acres of land or as determined by the Council under site specific amendment
Non-resident vehicle trips per day	To a maximum of 16 vehicle trips to the site per day in addition to those by the occupants of the residence on the property.
Arena structure size	As determined by the Council under site specific amendment
Overnight camping	As determined by Council under site specific amendment
Engineering Requirements	Professionally Engineered stamped plans (structural, mechanical, and fire) Must meet Alberta Building Code and Fire Code provisions for public buildings Other requirements as deemed necessary by Council under site specific amendment
Other Requirements	Manure Management Plan to the satisfaction of the Approving Authority any others as determined by the Municipality

Table 10.3 C Criteria for Commercial Arenas:

Commercial Arena	
Land and/or facilities, within which equestrian activities and/or contests are carried on and intended primarily for public use, and will generate more than sixteen (16) additional vehicle trips on any single day; or use of the lands and/or facilities for equestrian activities or contests on any single day by more than sixteen (16) persons, other than occupants of the residence on the lands.	
Animal Units	1 animal unit per 3 acres of land or as determined by the Council under site specific amendment
Non-resident vehicle trips per day	As determined by the Council under site specific amendment
Arena structure size	As determined by the Council under site specific amendment
Overnight camping	As determined by Council under site specific amendment
Engineering Requirements	Professionally Engineered stamped plans (structural, mechanical, and fire). Must meet Alberta Building Code and Fire Code provisions for public buildings.
	Storm water Management Plan
	Traffic Impact Assessment Lot Grading Plan *and any others as determined by the Municipality
Other Requirements	Manure management plan to the satisfaction of the Approving Authority Any other requirements as determined by the Municipality



## **10.4 BED AND BREAKFASTS**

10.4.1 Bed and breakfast homes shall comply with the following:

- a. A bed & breakfast shall be operated by a live-in owner(s) as a secondary use only, in the existing dwelling only, with a maximum of four (4) commercial accommodation units in each development and shall not change the residential character and external appearance of the dwelling involved;
- b. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. All facilities shall meet public health regulations and be kept in a manner satisfactory to the health regulatory authority;
- c. No accommodations unit shall include a kitchen;
- d. Maximum stay of 14 days per person is permitted;
- e. A Sign no larger than 0.55 sq.m. (5.92 ft.) in area may be erected to identify a bed and breakfast facility. This sign is permitted to be placed at the entry of the property, provided it is solely on the landowner's property and not in the road right of way; and
- f. Bed and breakfasts shall meet the minimum requirements of the Alberta Building Code.

## **10.5 BOARDING SERVICES**

*Dog Kennels are not considered under boarding services and are dealt with in accordance to Section 10.13 Kennels.*

- 10.5.1 An approval is required for the boarding services where the services include a business providing animal care services to the public in the nature of boarding, caring or training of horses and/or other domestic animals which:
  - a. Are not owned by the residents of the parcel; and
  - b. Which create more than two vehicle trips per day to the parcel by individuals who are not resident on the parcel.
- 10.5.2 The Development Authority may impose limits and restrictions on the development which may include, but are not limited to:
  - a. The maximum number of animals permitted to be kept on the site over specific periods of time;
  - b. The size and number of facilities and or structures permitted on the site;
  - c. The maximum number of non-resident vehicle trips per day;
  - d. A manure management plan;
  - e. Conditions to control nuisance factors such as, but not limited to, noise and odour; and
  - f. Any other condition that the Approving Authority deems necessary.

## 10.6 **CAMPGROUNDS**

10.6.1 The following shall apply to all campgrounds:

- a. In determining the appropriateness and suitability of a site for a proposed campground development, the Approving Authority shall consider such factors as accessibility, compatibility with adjacent land uses, environmental sensitivity and physical suitability/serviceability of the site itself;
- b. Roads leading to a proposed campground shall be required, as a condition of development approval, to be constructed or upgraded to a condition acceptable to the Municipality.
- c. A campground (major or minor) is not to be used as year round storage of recreational vehicles or accommodation for recreational uses.

**Table 10.6 A Criteria Used in Evaluating Minor Campground Development.**

<b>Campground – Minor</b>	
Length of stay	Not to exceed 16 consecutive days
Number of sites	To a maximum of 50
Season	April 1st to October 1st or anytime in between unless otherwise stated in the Development Permit
Parking	1 stall per overnight site available at camp site; or 1.5 stalls per overnight site if a day-use area exists
Setbacks	Minimum 300 m (984.25 ft.) from a multi-lot residential subdivision; No permanent structure shall be located closer than 30 m (98.43 ft.) (from the top of bank) or from a floodway

**Table 10.6 B Criteria Used in Evaluating Major Campground Development.**

<b>Campground – Major</b>	
Length of stay	Not to exceed 200 days
Number of sites	To the discretion of the Approving Authority
Season	To the discretion of the Approving Authority
Parking	1 stall per overnight site available at camp site; or 1.5 stalls per overnight site if a day-use area exists
On-site caretaker	Required at all times during the campground's season as outlined in the Development Permit
Setbacks	Minimum 300 m (984.25 ft.) from a multi-lot residential subdivision No structure or camping site shall be located closer than 15 m (49.21 ft.) from the property line No permanent structure or camping site shall be located closer than 30 m (98.43 ft.) (from the top of bank) or from a flood way

## **10.7 CHILD CARE FACILITIES**

- 10.7.1 In accordance with Section 2.5 “Definitions”, Childcare facilities have been separated into categories as per the following:
- a. **Day Care Facility** means the use of a building or portion thereof for the provision of care, instruction, maintenance or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition;
  - b. **Day Home Services** means when a dwelling unit is used to provide for the care and supervision of six or fewer children under the age of 13 years for a fee, by a person who resides in the dwelling unit, for periods of less than twenty four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare.
- 10.7.2 When considering an application for the development of a childcare facility the Development Authority shall take into account the size, configuration and quality of the site and associated buildings, adjacent land uses, potential traffic generation, proximity to parks, open spaces or recreation areas and potential impacts on other development in the surrounding area.
- 10.7.3 The Development Authority shall establish the maximum number of children for whom care may be provided, having regard for the above noted definitions, provincial regulations, the nature of the facility and the density of development in the district in which it is located.
- 10.7.4 The Development Authority may consult with provincial and municipal child service agencies prior to making a decision on a development Permit for a Childcare Facility.
- 10.7.5 Parking facilities for approved Childcare Facilities shall meet the requirements of Section 9.19.

## **10.8 COMPOSTING ACTIVITY**

- 10.8.1 All composting activity shall be in accordance both provincial and federal regulations.
- 10.8.2 Section 4.2 of this bylaw outlines all provisions where no Development Permit is required with respect to composting activity. All other instances are considered requiring a Development Permit. It is the landowner’s responsibility to ensure that they have obtained all necessary permits.
- 10.8.3 Bringing material onto a property for the purpose of compost and/or the removal of compost material from a property shall not be allowed in any land use district unless a Development Permit approval has been issued.

## 10.9 CONFINED FEEDING OPERATIONS

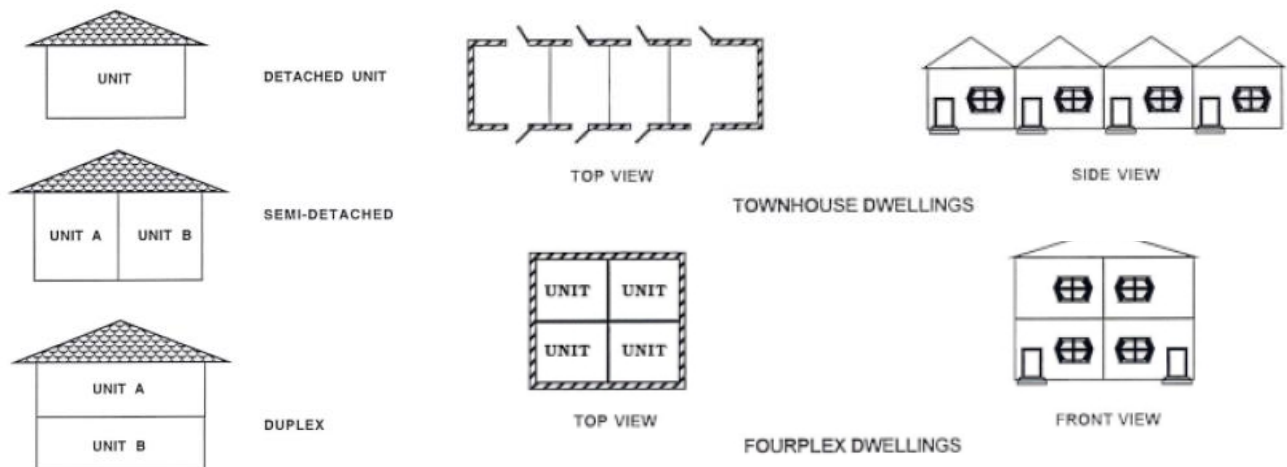
- 10.9.1 Applicants/landowners are responsible for obtaining the necessary licences, permits, and approvals required by the NRCB under the Agricultural Operation Practices Act.
- 10.9.2 Any confined Feeding Operation (CFO) proposed within the municipality will be required to comply with all aspects of the procedures adopted by Council, attached as Appendix C to the Land Use Bylaw.

*The Natural Resources Conservation Board has full authority over Confined Feeding Operations (CFO) and manure storage facilities.*

## 10.10 DWELLINGS

- 10.10.1 A Development Permit is required for all dwellings not exempted under Section 4.2 *No Development Permit Required* of this bylaw. Please refer to Section 4.2 for provisions where a permit is not required for dwellings.
- 10.10.2 A Building Permit and all necessary Safety Code Permits (Plumbing, Gas, Septic and Electrical) shall be required for all dwellings being placed on a property.
- 10.10.3 A Development Permit is required for all dwellings within lands zoned sub-district "A" under ALL land use zonings and within lands under the Flood Hazard protection Overlay. *Please refer to Section 2.4 of this bylaw for more information pertaining to the sub-district provisions and Section 11 for more information pertaining to the Flood Hazard Protection Overlay.*
- 10.10.4 *Illustration 10.10 A depicts the dwelling types as per the definitions in Section 2.5 of this Bylaw.*

Figure 10.10 A Dwelling types



*Note: The above illustrations are for clarification and convenience only and do not form part of this Bylaw. All provisions of this Bylaw must be referenced.*

**Dwelling, manufactured home:**

- 10.10.5 *Dwelling, Manufactured Home* is defined as a factory-constructed, detached dwelling unit, manufactured in the past ten years, and constructed in accordance with the Canadian Standards Association Regulation and Alberta Building Code.
- 10.10.6 *Dwelling, Manufactured homes* have been categorized as follows for the purpose of this bylaw:
- a. A *Dwelling, Manufactured Home* which is less than 6.10m (20 ft.) in width;
  - b. A *Dwelling, Manufactured home* which is 6.10m (20 Ft.) or greater in size.
- 10.10.7 A *Dwelling, Manufactured Home* which is less than 6.10m (20 ft.) in width may be permitted as a permanent detached single family dwelling on parcels 80 acres in size or larger if:
- a. It is placed upon a permanent foundation pursuant to the provisions of the Alberta Building Code;
  - b. It meets the minimum habitable area per dwelling requirement and height restrictions in accordance with the land use district in which it is located;
  - c. The home is newer than 10 years old;
  - d. A Building Permit and Safety Code Permit (Plumbing, Gas, and Electrical) are obtained; and
  - e. It does not constitute more than two dwelling units on the parcel.
- 10.10.8 A *Dwelling, Manufactured Home* which is less than 6.10m (20 ft.) in width may only be permitted on parcels under 80 acres in size if approved by Development Permit for temporary purposes. Please refer to Section 10.10.19 for information on *Dwelling, Temporary*.
- 10.10.9 A *Dwelling, Manufactured Home* which is 6.10m (20 ft.) or greater in width and length may be permitted as a permanent detached single family dwelling on all parcel sizes if:
- a. It is placed upon a permanent foundation pursuant to the provisions of the Alberta Building Code;
  - b. It meets the minimum habitable area per dwelling requirement and height restrictions in accordance with the land use district in which it is located;
  - c. The home is newer than 10 years old;
  - d. A Building Permit and Safety Code Permit (Plumbing, Gas, and Electrical) are obtained;
  - e. It does not constitute more than two dwelling units on parcels 80 acres or more in size or one dwelling unit on parcels under 80 acres in size.
- 10.10.10 A *Dwelling, manufactured home* shall have C.S.A. certification, or an equivalent to the satisfaction of the Safety Codes Officer and such shall be submitted with the required application. Manufactured homes that do not have CSA approval, regardless of age, shall require an engineer's report prior to being approved to be moved on to a parcel of land that is sized appropriately in accordance with the provisions of this Bylaw.
- 10.10.11 A *dwelling, manufactured home* being used as a permanent dwelling shall be placed on a proper foundation in accordance with Alberta Building Code Regulations.

- 10.10.12 Where a *dwelling, manufactured home* is limited to a temporary approval as a temporary dwelling under the provisions of Section 10.10.18, the foundation shall be temporary.
- 10.10.13 The undercarriage of a *dwelling, manufactured home* shall be completely screened from view by a foundation, or skirting to the satisfaction of the Development Authority.

**Dwelling, more than one on a property:**

- 10.10.14 No person shall erect a *detached single family dwelling, or dwelling, manufactured home* on a lot less than 32ha. (80 acres) (Gross Lot Area) on which another detached single family dwelling, dwelling, or manufactured home, is already located unless the dwelling has been approved as a temporary dwelling in accordance with Section 10.10.19 and 10.10.20 of this Bylaw.
- 10.10.15 Notwithstanding subsection 10.10.14 a lot that is within 0.40 ha (1ac) less than 32.4 ha (80 ac) due to the provision of land for a road widening, utility lot or similar use may be considered under the discretion of the Development Authority to be the same as a 32.4 ha (80 ac) lot for the purposes of this section.

**Dwelling, moved on or relocated**

- 10.10.16 All dwellings, *moved on or relocated* from a separately titled parcel are subject to an approved Development Permit on parcels under 32.4 ha (80 ac).
- 10.10.17 In all cases involving a *dwelling, moved on or relocated* from a separately titled parcel, the dwelling must meet the following criteria:
- a. The dwelling must be placed on a foundation within 60 days of arrival onto the lot;
  - b. if it is a previously owned dwelling, an APEGGA certified Professional Engineer's report stating that the dwelling meets the requirements of the Alberta Building Code must be provided to the Municipality prior to the dwelling being placed on the foundation;
  - c. Manufactured homes must conform to Section 10.10.5 – 10.10.13 of this bylaw.
- 10.10.18 All structural and exterior renovations to a *dwelling, moved on or relocated* are to be completed within one year of the issuance of the Building Permit or a Development Permit shall be required.

**Dwelling, Temporary**

- 10.10.19 A Development Permit for a dwelling, temporary not placed on a permanent foundation may be approved for a temporary period not exceeding:
- a. *Dwelling temporary* (24 months) where it is to be used for farm help purposes for the landowner;
  - b. *Dwelling temporary* (24 months) where it is to be used as a dwelling temporary while the principal dwelling on the lot is under construction provided that either:
    - i. Construction of the principal dwelling has progressed to the stage where the basement has been enclosed; or
    - ii. Before accepting the Development Permit as complete, the applicant must submit a Letter of Credit or cash deposit in the amount of a flat fee to be set annually by Council, to ensure the removal of the dwelling, temporary.

- 10.10.20 A Development Permit for a dwelling, temporary not placed on a permanent foundation may be approved for a temporary period not exceeding 24 months when it is used for the housing of a housekeeper/nanny, parents or children, aunts, uncles, siblings, and grandparents of the landowners.
- 10.10.21 An application for renewal of a temporary Development Permit shall be made prior to expiration of the temporary Development Permit and in accordance with Section 4.7 “Temporary use approvals”.
- 10.10.22 Dwelling unit, secondary located within a primary dwelling or an accessory building requires an amendment through Council and a subsequent Development Permit prior to construction.
- 10.10.23 An approved Dwelling unit, secondary may be located within the same building as a principal dwelling unit, located within an accessory building, or may be a self-contained dwelling unit located on the same titled parcel as the principal dwelling.

## **10.11 GOLF COURSES AND/OR DRIVING RANGE**

- 10.11.1 A golf course and/or driving range may be allowed:
  - a. On lands considered to be of marginal quality for agricultural purposes due to such conditions as poor soil type or where there may be an abundance of surrounding incompatible non-agricultural uses;
  - b. Where the use is intended, designed and sized to primarily serve the surrounding and rural area;
  - c. As a buffer between an agricultural operation and an existing or planned residential area or other use found to be incompatible with agricultural uses; and
  - d. Where it is compatible with, and will not limit any agricultural operation.
- 10.11.2 Residential housing shall not be included as part of the use under a Development Permit approval, except for a residential security operator/care unit. Any residential housing incorporated with the golf course and/or driving range must be in accordance with an approved Area Structure Plan, redesignation, and subdivision approved by Council.
- 10.11.3 Setbacks, landscaping buffers, fencing and other measures shall be provided to minimize the impacts on existing and potential uses in the area.
- 10.11.4 Additional Development Permit approvals are required for all facilities associated with golf courses and/or driving ranges and ancillary uses such as, but not limited to, restaurants or other food or beverage services, other retail sales, lodging or similar uses in addition to the primary use.
- 10.11.5 This use shall not substantially alter the natural environment or be detrimental to a residential neighborhood.

## **10.12 HOME BASED BUSINESSES**

### **Home Office:**

- 10.12.1 In accordance with Section 4.2 of this bylaw, a Development Permit shall not be required for a home based business that requires an office situated in a dwelling where:
  - a. All employees of the business are residents of the dwelling;
  - b. There is to be no storage of business materials on site; and



- c. No traffic is generated by the business.
- d. Notwithstanding sub-section 10.12.1, the applicant is required to obtain a valid business licence from the M.D for a home office.

*See section 2.5 “Definitions” for the definition of Home Office.*

**Minor and Major Home Based Businesses:**

- 10.12.2 A Development Permit is required for all minor and major home based businesses in the municipality.
- 10.12.3 Upon issuance of a Development Permit for any minor or major home based business, the applicant shall obtain a Business Licence from the Municipality. If the business licence is not obtained or is revoked or suspended, the Development Permit shall be and remain suspended until the business licence is obtained or re-instated.
- 10.12.4 Any home business, minor or major, shall provide parking in accordance with Section 9.19 in addition to the required residential parking stalls. Any permitted heavy vehicles shall be parked indoors or outdoors in a location that is not generally visible from a public road or adjacent property.
- 10.12.5 Minor home based businesses require a Development Permit and must comply with the criteria listed in Table 10.12 A.
- 10.12.6 Major home based businesses require a Development Permit and shall comply with the criteria listed in table 10.12 B.

**Table 10.12 A Home Based Business – Minor**

Home Based Business – Minor	
Development Permit required	Yes
Nuisances	Must be contained on-site
Signage	Sign no larger than 0.55 sq.m. (5.92 ft.) in area; This sign is permitted to be placed at the entry of the property, provided it is solely on the landowner's property and not in the road right of way;
Materials Storage	No outside storage permitted All storage within the principal dwelling or accessory building/structure
Business visits	Maximum 4 per day
Employees	Maximum 1 non-resident employee
Vehicles/Equipment	Maximum of 3 outdoors on parcels under 10 acres
	Maximum of 5 outdoors on parcels 10 acres or larger
Maximum Floor area	The business shall not occupy more than 30% of the gross floor area of the principal dwelling
Business licence	Required

**Table 10.12 B: Home Based Business - Major**

Home Based Business – Major	
Development Permit required	Yes
Nuisances	No offensive noise, vibration, smoke, dust, odor heat, glare, electrical or radio disturbances detectable beyond the boundary of the lot;
Signage	As approved by Development Permit
Materials storage	On parcels 10 acres and larger, exterior storage may be allowed if in the opinion of the Approving Authority, the exterior storage is adequately screened;
Business visits	Maximum 8 per day
Employees	Maximum 5 non-resident employees
Vehicles/Equipment	A maximum of 5 vehicles or equipment may be stored outdoors;
Structural alterations	May be permitted at the discretion of the Approving Authority
Maximum Floor area	The business shall not occupy more than 50% of the gross floor area of the principal dwelling plus the area of accessory structures
Business licence	Required

### **10.13 KENNELS**

*Provisions pertaining to the boarding of other domestic animals, including cats and horses, are outlined in Section 10.5 Boarding Services. Additional information on the keeping of dogs is included in Section 9.12.*

- 10.13.1 Kennel provisions apply to the keeping of more than three (3) adult dogs (older than 6 months of age) at any one time on a lot containing a dwelling.
- 10.13.2 A Development Permit is required for a kennel meeting the criteria noted in 10.13.1.
- 10.13.3 In determining the number of dogs, pups less than six months of age shall not be included.

**General Kennel Provisions:**

- 10.13.4 The Approving Authority may, when issuing a Development Permit, determine the maximum number of dogs that may be kept at any one time by the operator of a private or commercial kennel.
- 10.13.5 No building or exterior exercise area(s), to be used to accommodate the dogs shall be allowed within 300 m (984.25 ft.) of any dwelling located on adjacent lots.
- 10.13.6 All dogs, including puppies, shall be kept indoors between the hours of 9:00 PM to 7:00 AM daily.
- 10.13.7 All dog facilities, including buildings and exterior exercise area, shall be located to the rear of the principal building unless otherwise approved by the Approving Authority.
- 10.13.8 All dog facilities shall be visually screened from the existing dwellings on adjoining lots in accordance with the Municipality's Screening Standards.

**Private Kennel:**

- 10.13.9 The keeping of 4 or more adult dogs owned by the resident(s) of the dwelling located on the same property shall be considered a Private Kennel.
- 10.13.10 A Development Permit is required for a Private Kennel.

**Commercial Kennel/Dog Services:**

- 10.13.11 The keeping of 4 or more adult dogs not owned by the resident(s) of the dwelling located on the same property for any such purpose shall be considered a Commercial Kennel. Such uses may include but not be limited to the purposes of breeding, boarding, caring for, grooming, and/or training of dogs.
- 10.13.12 A Commercial Kennel a discretionary use under Direct Control District #26. A site specific amendment or redesignation to a Direct Control District is required for all commercial kennels in the Municipality. If approved by Council, a Development Permit approval is also required. *More information on the keeping of dogs can be found in Section 9.12.*

**10.14 MANUFACTURED HOME PARK**

- 10.14.1 Manufactured home parks shall be constructed in accordance with the Residential Manufactured Home District land use rules in Section 13.6 of this bylaw.
- 10.14.2 A manufactured home park shall be required to provide communal piped water and sewer services and utilities to each manufactured home site.
- 10.14.3 Prior to receiving a Development Permit for a manufactured home park, the applicant shall enter into a Development agreement with the Municipality, specifying the required standards and respective obligations to be assumed by the applicant and the Municipality regarding:
  - a. The establishment, operation and maintenance of services during the life of the manufactured home park, including but not limited to:
    - i. Storm sewers, ditches;
    - ii. Sanitary sewers;
    - iii. Water services;
    - iv. Firefighting facilities;
    - v. Roads, sidewalks, walkways, curbs and easements;
    - vi. Parks and playgrounds;
    - vii. Street lighting;
    - viii. Snow clearance; and
    - ix. Garbage collection.
  - b. Other matters as may be deemed necessary by the Development Authority.
- 10.14.4 Utility infrastructure and roads shall be designed and constructed to the satisfaction of the Director of Public Works and Engineering.
- 10.14.5 Two separate means of public vehicular access to a manufactured home park shall be provided to ensure access for emergency vehicles.

- 10.14.6 Parking shall be constructed in accordance with the Residential Manufactured Home District and with Section 9.19 of this Bylaw.
- 10.14.7 Within a manufactured home park a screened storage area equivalent to 1 parking stall per manufactured home site should be provided for seasonal recreational equipment and other equipment not suitable for storage on individual manufactured home sites. Such areas shall be enclosed and screened by landscape features or fencing to the satisfaction of the Approval Authority.
- 10.14.8 A manufactured home park may include a community service or recreation building or facility for the common use of park residents.
- 10.14.9 A minimum of 10% of the gross area of the lot containing a manufactured home park shall be designated for outdoor recreational use. Such areas shall be free from traffic hazards and conveniently situated for the use of all park residents.
- 10.14.10 All open areas not used for traffic circulation, parking, storage and service facilities shall be landscaped to the satisfaction of the Development Authority.

## **10.15 MEDICAL MARIHUANA PRODUCTION FACILITIES**

- 10.15.1 *Medical Marihuana Production Facilities* are defined in Section 2.5 of this bylaw as the use of land, buildings or structure for the purposes of growing, producing, processing, labeling and packaging, testing, destroying, storing, or transporting marihuana under authorization by license pursuant to the Medical Marihuana Production Regulations, SOR/2013-119, or any successor or replacement legislation or regulation which may be enacted in substitution thereof.
- 10.15.2 This use is specifically defined and is a discretionary use under the Direct Control #2 District only. This use shall not be included as any other similar or accessory uses such as greenhouses, intensive vegetation operations, or agricultural processing and distribution.
- 10.15.3 A Development Permit is required for this use under the Direct Control #2 District.
- 10.15.4 A *Medical Marihuana Production Facility* shall operate only under applicable federal licensing. Proof of valid Federal licensing and the activities as approved thereunder shall be provided to the municipality.
- 10.15.5 All licensed processes and functions shall be fully enclosed within a stand-alone building(s). Loading stalls and docks shall not be visible from a public road or adjacent lands.
- 10.15.6 Outdoor storage is not permitted with a Medical Marihuana Production Facility.
- 10.15.7 No noise, odour, smoke or air borne particles inherent to the nature of operations shall be determinable beyond the legal boundaries of the parcel.
- 10.15.8 An applicant shall illustrate the ability to comply with municipal water allotments or prove a licensed source of water.
- 10.15.9 Where on-site illumination is required, all lighting shall be positioned in such a manner that lighting falling onto abutting properties is minimized and shall be in accordance with the “*Dark Sky Bylaw*” adopted by Council.
- 10.15.10 A landscaping and screening plan shall be completed to the satisfaction of the approving authority.
- 10.15.11 Any *Medical Marihuana Production Facility* shall provide parking in accordance with Section 9.19.
- 10.15.12 Engineering requirements are as follows:

- a. Professionally Engineered stamped plans (structural, mechanical, electrical, and fire);
  - b. Must meet Alberta Building Code and Fire Code provisions for use and occupancy.
- 10.15.13 Safety & Health:
  - a. Must adhere to relevant environmental legislation;
  - b. Must satisfy all public health requirements;
  - c. An applicant shall provide appropriate information with respect to daily operations pertaining to safety and security, to the satisfaction of the Development Authority.
- 10.15.14 Upon issuance of a Development Permit for any *Medical Marihuana Production Facility*, the applicant shall obtain a Business License from the Municipality. If the business license is not obtained or is revoked or suspended, the Development Permit shall be and remain suspended until the business license is obtained or re-instated.
- 10.15.15 Signage shall be as approved by Development Permit.
- 10.15.16 The Development Authority may impose the following conditions pertaining to a *Medical Marihuana Production Facility*:
  - a. Setbacks from roads, residential and other developments;
  - b. Delivery route requirements and location of access to the lands;
  - c. Provisions providing for security of the site;
  - d. Provision of a waste management plan, completed by a qualified professional that includes detail on:
    - i. The incineration of waste products and airborne emissions, including smell;
    - ii. The quantity and characteristics of liquid and waste material discharged by the facility;
    - iii. The method and location of collection and disposal of liquid and waste material.
  - e. Any other matters deemed necessary by the Development Authority.

## **10.16 COMMERCIAL STORAGE FACILITIES**

- 10.16.1 A Development Permit is required for all commercial storage facilities in the municipality.
- 10.16.2 Commercial Storage Facilities shall comply with the following provisions:
  - a. All storage facilities shall be located in the side or rear yard and screened in accordance with the “Screening Standards” approved by the Municipal Council;
  - b. A detailed landscape plan shall be provided to the satisfaction of the Approving Authority and shall include berms, fencing, vegetation or other screening provisions. Where possible vegetation existing on-site shall be preserved and used for landscaping and screening;

- c. Landscaping and screening shall be completed to the satisfaction of the Approving Authority in accordance with “*Screening Standards*”, where required. The *Screening Standards* can be found as *Appendix G* of this bylaw;
- d. Vehicle entrances and exits, as well as vehicle routes shall be designed and signage provided in a manner that provides a safe and clearly defined circulation pattern;
- e. all on-site roadways, parking, loading and storage areas shall have a durable hard surface of asphalt, gravel or similar material and the same shall be drained, developed and maintained to the satisfaction of the Approving Authority and the Director of Public Works and Engineering;
- f. Where on-site parking or storage is illuminated, all lighting shall be positioned in such a manner that lighting falling onto abutting properties is minimized and shall be in accordance with the “*Dark Sky Policy*” adopted by Council. More information on the *Dark Sky Bylaw* can be found in *Appendix E* of this bylaw;
- g. Any undeveloped portion of the site must be graded, contoured and seeded and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto any public roadway or other neighboring property;
- h. There shall be no storage of hazardous materials or goods on-site; and
- i. Any other conditions imposed by the Development Permit approval.

## **10.17 NATURAL RESOURCE EXTRACTION AND PROCESSING**

- 10.17.1 Properties subject to natural resource extraction and/or processing shall be zoned Natural Resource Extraction District and have an approved Development Permit prior to commencement of any excavation, operation, or processing.
- 10.17.2 Natural resource extraction operations shall be reclaimed in accordance with the approved Provincial site reclamation plan.
- 10.17.3 Natural resource extraction shall not be permitted within 100.0m (328.1 ft.) of an existing dwelling, nor shall a dwelling be permitted within 100.0m (328.1 ft.) of a natural resource extraction operation. This minimum setback requirement shall not be applicable if an existing dwelling is on the same parcel as a proposed natural resource extraction operation.
- 10.17.4 The Development Authority may impose the following conditions pertaining to natural resource extraction:
  - a. Standard hours of operation;
  - b. Parameters of operation – depth, total area available to develop;
  - c. Setbacks from roads, residential and other developments, including reciprocal setbacks limiting development encroaching on existing gravel operations;
  - d. Buffering and noise attenuation;
  - e. Road use agreements and/or development agreements;
  - f. Haul route requirements;
  - g. Reclamation schedules;
  - h. Conditions regarding the Community Aggregate payment; and/or
  - i. Any other matters deemed necessary by the Development Authority.

## **10.18 RECREATION VEHICLE STORAGE**

- 10.18.1 A Development Permit is required for recreation vehicle storage not exempted under Section 4.2 *No Development Permit Required* of this bylaw.
- 10.18.2 Development Permit for temporary storage of unoccupied recreation vehicles may be considered as a discretionary use for the following:
- a. Storage of between 6 and 10 unoccupied recreation vehicles on Agricultural and Agricultural Business District parcels;
  - b. Storage of up to 5 (five) unoccupied recreation vehicles on Country Residential and Cluster residential parcels; or
  - c. At the discretion of the Development Authority where listed as a discretionary use in the specific land use district;
- 10.18.3 Where the number of recreational vehicles exceeds the criteria under Section 4.2.1.14 of this bylaw and/or storage of recreational vehicles is not listed as a discretionary use, a site specific amendment is required to allow for recreational vehicle storage in all land use
- A Development Permit will be required following approval of a site specific amendment, prior to development occurring.
- 10.18.4 Development approvals for the storage of Recreational vehicles shall comply with the following provisions:
- a. All storage shall be located in the side or rear yard and screened in accordance with the “*Screening Standards*” attached as *Appendix G* in this bylaw.
  - b. A detailed landscape plan shall be provided to the satisfaction of the Approving Authority and shall include berms, fencing, vegetation or other screening provisions. Where possible vegetation existing on-site shall be preserved and used for landscaping and screening;
  - c. Landscaping and screening shall be completed to the satisfaction of the Approving Authority in accordance with “*Screening Standards*” attached as *Appendix G* in this bylaw, where required;
  - d. Vehicle entrances and exits, as well as vehicle routes shall be designed in a manner that provides a safe and clearly defined circulation pattern;
  - e. All on-site roadways, parking, loading and storage areas shall have durable surfacing and the same shall be drained, developed and maintained to the satisfaction of the Approving Authority and the Director of Public Works and Engineering;
  - f. Where on-site parking or storage is illuminated, all lighting shall be designed and positioned in such a manner that light falling onto abutting properties is minimized and shall be in accordance with the “*Dark Sky Bylaw*” attached as *Appendix E* in this bylaw adopted by Council;
  - g. Any undeveloped portion of the site must be graded, contoured and seeded and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto any public roadway or other neighboring property;
  - h. There shall be no storage of hazardous materials or goods on-site;
  - i. No short-term or long term camping shall be allowed on-site;



- j. The storage of recreational vehicles shall not include storage for salvage, for derelict vehicles and equipment, storage of freight vehicles, used building or domestic products and similar discarded or recyclable materials; and
- k. Any other conditions of the Development Permit approval.

## **10.19 RELIGIOUS ASSEMBLY**

- 10.19.1 All religious assembly uses shall comply with the following general provisions:
  - a. The maximum height shall not exceed the maximum allowable height of the applicable land use district unless granted a variance by bylaw of Council;
  - b. The building setbacks of the applicable land use district shall apply;
  - c. The parcel shall be of size as to provide adequate parking and landscaping in accordance with the provisions of this Bylaw.
- 10.19.2 To minimize impact on adjacent uses, the Development Authority may require that the development be designed to reduce the perceived massing of the structure through techniques including but not limited to increased setbacks and landscaping, articulation of elevations and rooflines, finishing materials and colors, and by imposing any other conditions deemed necessary by the Development Authority to minimize impact on adjacent uses.

## **10.20 RETAINING WALLS**

- 10.20.1 No Development Permit is required for retaining walls that are developed in accordance with Section 4.2.1.31 of this bylaw.
- 10.20.2 Retaining walls shall be designed and constructed to:
  - a. Maintain positive overland drainage on all portions of the site;
  - b. Respect overland drainage patterns established for the lot at the time the lot was created; and
  - c. Not divert overland drainage onto adjacent properties.

## **10.21 SATELLITE DISH, PERSONAL**

- 10.21.1 Section 4.2.1.17 of this bylaw outlines where no Development Permit is required for satellite dish installation on lands in the municipality. All other instances are considered requiring a Development Permit. It is the landowner's responsibility to ensure that they have obtained all necessary permits.

## **10.22 SOLAR POWER EQUIPMENT, PERSONAL**

- 10.22.1 Section 4.2.1.18 of this bylaw outlines where no Development Permit is required for the construction of solar power equipment on lands in the municipality. All other instances are considered requiring a Development Permit. It is the landowner's responsibility to ensure that they have obtained all necessary permits.
- 10.22.2 All solar power equipment requiring a permit is considered a discretionary use and will require an approved Development Permit prior to commencement of construction in order to manage off site impacts of these facilities;
- 10.22.3 The landowner is responsible to ensure any required safety code permits are obtained from the Municipality and compliance with any Provincial or Federal regulatory body having jurisdiction with respect to such installations.

- 10.22.4 Solar power equipment installed on lands within the Highway 2A Industrial Area ASP is considered a discretionary use when constructed in conjunction with an approved development and when it meets the following criteria:
- a. All installations must meet minimum setback distances in accordance with the applicable land use district;
  - b. Equipment (including roof mounts) overall height may not exceed the maximum building height when the array is placed at its' maximum proposed angle;
  - c. Installation and construction is in accordance with the Highway 2A Corridor Design Guidelines.
- 10.22.5 Solar power equipment for uses other than personal household and/or agricultural purposes and those constructed in accordance with Section 10.22.1, will require approval by Council through either a redesignation to Direct Control or a land use amendment.

## **10.23 TELECOMMUNICATIONS TOWERS**

- 10.23.1 Industry Canada has full authority for regulating radio communication in Canada and for authorizing the location radio communication facilities, including communication towers.
- 10.23.2 Only telecommunication towers that do not fall under federal jurisdiction are required to go through the necessary site specific amendment application and Development Permit approval process.
- 10.23.3 Industry Canada is responsible to ensure that land use authority consultation has been taken into consideration before issuing an authorization for significant antenna structures.
- 10.23.4 A review fee is required to be paid to the municipality for review of applications for Telecommunications towers in accordance with the current fee schedule.
- 10.23.5 Any tower proposed to be located within the Municipal District of Foothills will be required to comply with all aspects of the policies adopted by Council. Council will either show its support or non-support towards the proposed location based on the required information. A copy of the "*Telecommunication Towers*" policies and procedures is included as Appendix B of this bylaw.

## **10.24 WIND ENERGY CONVERSION SYSTEM, PERSONAL**

- 10.24.1 Section 4.2.1.16 of this bylaw outlines where no Development Permit is required for wind energy conversion systems on lands in the municipality. All other instances are considered requiring a Development Permit. It is the landowner's responsibility to ensure that they have obtained all necessary permits.
- 10.24.2 A wind energy conversion system installed on lands within the Highway 2A Industrial Area ASP is considered a discretionary use when constructed in conjunction with an approved development and when it meets the following criteria:
- a. The system and supporting structure must meet minimum setback distances from property lines;
  - b. The system and supporting structure must be no greater than 16m (52.49 ft.) in height; and
  - c. Installation and construction is in accordance with the Highway 2A Corridor Design Guidelines.

- 10.24.3 One (1) wind energy conversion system developed per parcel on parcels other than Agricultural and Country Residential zoned parcels, and systems in accordance with Section 10.24.1, for the purpose of generating electrical power for a single parcel for domestic and/or agricultural uses is considered as a discretionary use where:
- a. It is for domestic and/or agricultural uses only;
  - b. The system and supporting structure meet minimum setback distances from property lines;
  - c. The system and supporting structure is no greater than 16m (52.49 ft.). in height.
- 10.24.4 Wind energy conversion systems for use other than for personal use for domestic and/or agricultural purposes will require approval by Council through a land use amendment or redesignation to a direct control district.

## **10.25 TOURIST HOMES**

- 10.25.1 The operation of a tourist home requires an approved Development Permit and may require a land use amendment in some land use districts.
- 10.25.2 Development Permits for tourist homes will only be permitted for a temporary period of 12 or 24 months at a time, which will be determined by the Development Officer at the time of the application.
- 10.25.3 Where approved, tourist homes shall be developed and operated in accordance with the following regulations in order to ensure that the impacts of this commercial use do not unduly affect the amenities of the residential neighborhood in which they are located:
- a. The intent of the occupant is to stay for short term vacation purposes rather than use the property as a residence;
  - b. None of the sleeping unit(s) within the dwelling are permitted to contain a kitchen or kitchen facilities;
  - c. Tourist homes shall not interfere with the rights of other residents to quiet enjoyment of a residential neighborhood;
  - d. Only an approved dwelling, by way of building permit, is permitted to be used for overnight accommodations, no sleeping accommodations are permitted in any garage or accessory building on site;
  - e. Provide one on-site parking stall per bedroom;
  - f. Ensure that the dwelling conforms to the Alberta Safety Codes and any other provincial regulations;
  - g. Ensure that the dwelling is inspected and signed off by the M.D. of Foothills Fire Chief;
  - h. Where food is being prepared by the owner of the home, Alberta Health approvals will be required, where food is being prepared by the renters, no approvals are required;
  - i. Not display any form of signage unless approved under the Development Permit or is permitted under Section 4.2.1.39.



## **PART 5 OVERLAY DISTRICTS**

### **SECTION 11 OVERLAY DISTRICTS**

#### **11.1 2013 FLOOD HAZARD PROTECTION OVERLAY**

**FHP**

##### **11.1.1 PURPOSE AND INTENT**

The general purpose of this section is to provide for the safe and efficient use of lands within the floodway and flood fringe of all the rivers, streams, creeks and waterways as they are defined under the Alberta Environment's Flood Hazard Identification Program, as well as the areas impacted by June 2013 flood event within the Municipal District of Foothills No.31.

The intent of this section is to discourage new development on lands subject to flooding and achieve the long term goal of maintaining and decreasing the overall density of development on lands that may be subject to flooding.

##### **11.1.2 APPLICATION**

11.1.2.1 The provisions of this section shall apply to the following areas of the municipality:

- a. Areas within floodway;
- b. Areas within flood fringe;
- c. Areas impacted by June 2013 flood event.

*See below for definitions and in Section 2.5 "Definitions" of this bylaw for more information.*

11.1.2.2 The areas within *floodway* and *flood fringe* can be viewed at Alberta Environment web site: <http://maps.srd.alberta.ca/FloodHazard/viewer.ashx?viewer=Mapping>

11.1.2.3 The *areas impacted by June 2013 flood event* can be viewed in Map A and are subject to this overlay district.

11.1.2.4 In the *Flood Hazard Protection Overlay*, the permitted and discretionary uses listed in the land use district in which the site is located shall continue to apply if supported by engineering and technical studies and meet all applicable development requirements.

11.1.2.5 Where provisions of the *Flood Hazard Protection Overlay* appear to be in conflict with the regulations of the land use district, the provisions of the overlay shall take precedence and be applied in addition to the regulations of the district.

##### **11.1.3 DEVELOPMENT REQUIREMENTS**

11.1.3.1 A Development permit is required for all permitted and discretionary uses and activities within the *Flood Hazard Protection Overlay*.

- 11.1.3.2 Notwithstanding Section 11.1.3.1, no development permit is required for a detached accessory building having an area of 20.8 sq.m. (224 sq. ft.) or less in size in accordance with Section 4.2.1.7;
- 11.1.3.3 For new development proposed within the *floodway*, proof must be provided that no other lands are available to locate the development within the lot. Should other lands be available on the lot that are outside of the floodway, new development within the *floodway* will not be permitted.
- 11.1.3.4 Development may be permitted in areas identified as *Lands impacted by the 2013 Flood Event* on Map A, if proof is submitted to the satisfaction of the Approving Authority, that the land subject to the proposed development was not impacted in any way by the June 2013 flood event.
- 11.1.3.5 Development may be permitted in the *Flood Hazard Protection Overlay* at the discretion of the Approving Authority based on the following plans, studies and information which are certified by a qualified and registered professional engineer:
- a. Appropriate engineering and technical studies supporting development safely within the *Flood Hazard Protection Overlay area* will be required at the time of development permit application;
  - b. An application for a development permit, accompanied by detailed drainage studies and plans drawn to metric scale showing the nature, location, dimensions, elevation of the site and the location of existing or proposed structures, fill, storage of materials, and drainage facilities;
  - c. Any structure proposed including habitable rooms, electrical panels and heating units and operable windows will be *flood-proofed* where required, as specified in Alberta Building Code;
  - d. Information on grade elevation in relation to the 1:100 year flood elevation and/or the elevation of the 2013 flood event;
  - e. Canadian Mortgage and Housing Corporation guidelines for building in flood susceptible areas;
  - f. Basement drainage; and/or
  - g. Site drainage.
- 11.1.3.6 The Approving Authority may refer to Alberta Environment, for comment on any development permit application for development within the *flood hazard area*.
- 11.1.3.7 The Approving Authority shall not issue a development permit until it is satisfied through the submission of engineering reports that adequate *flood proofing* exists.
- 11.1.3.8 The Approving Authority shall permit minor renovations and repairs to an existing building, whether structural or not, in the *flood fringe* without requiring the *flood proofing* of a building.
- 11.1.3.9 All mechanical and electrical equipment within a building shall be located at or above the *designed flood level*.

11.1.3.10 Basements shall be discouraged in new buildings within the *flood fringe, floodway and on lands impacted by 2013 Flood*, unless they are *flood proofed* to the satisfaction of the Approving Authority.

11.1.3.11 Within the *Flood Hazard Protection Overlay Area*, no inside or outside storage of chemicals, explosives, flammable liquids, toxic or waste materials that cannot readily removed in the event of a flood shall be allowed.

### 11.1.4 FLOOD HAZARD WARNING AND DISCLAIMER OF LIABILITY

11.1.4.1 The degree of flood protection intended to be provided by this section is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study for river and lakeshore settings. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the floodway and flood fringe boundaries will always be totally free from flooding or flood damages, nor shall this section create a liability on the part of, or be a cause of action against the MD of Foothills No.31 or any officer or employee thereof for any flood damages that result from the reliance on this section.

11.1.4.2 **Map A** titled *Lands Impacted by the 2013 Flood Event* shows the outside perimeter of the 2013 flood affected areas based on all information that the Municipal District of Foothills has available. The area identified as *Lands Impacted by the 2013 Flood Event* on this map may be amended if landowners submit adequate proof to the satisfaction of the Approving Authority that their land was not impacted by the June 2013 flood.

### 11.1.5 DEFINITIONS

**Designed Flood Level:** is the flood level that is used to delineate the flood limits. For Alberta's Flood Hazard Identification Program, the minimum frequency would be 1:100 year return period flood calculated at the time of the study. The design flood may also be a historical open water and ice jam flood.

**Flood Hazard Area:** The total area flooded by a 1:100 year flood. It is usually divided into floodway and flood fringe zones.

**Floodway:** The portion of the flood hazard area where flows are deepest, fastest and most destructive. Floodway is described in the Alberta Environment's Flood Hazard Identification Program (<http://www.envinfo.gov.ab.ca/FloodHazard/>).

**Flood Fringe:** Floodwater in the flood fringe is generally shallower and flows more slowly than in the floodway. Flood fringe is the outer portion of the flood hazard area. Flood fringe is described in the Alberta Environment's Flood Hazard Identification Program (<http://www.envinfo.gov.ab.ca/FloodHazard/>).

**Flood Proofing:** With respect to a building or building extension, a design, manner of construction or siting thereof for the purpose of preventing damage by floods of a specified magnitude.

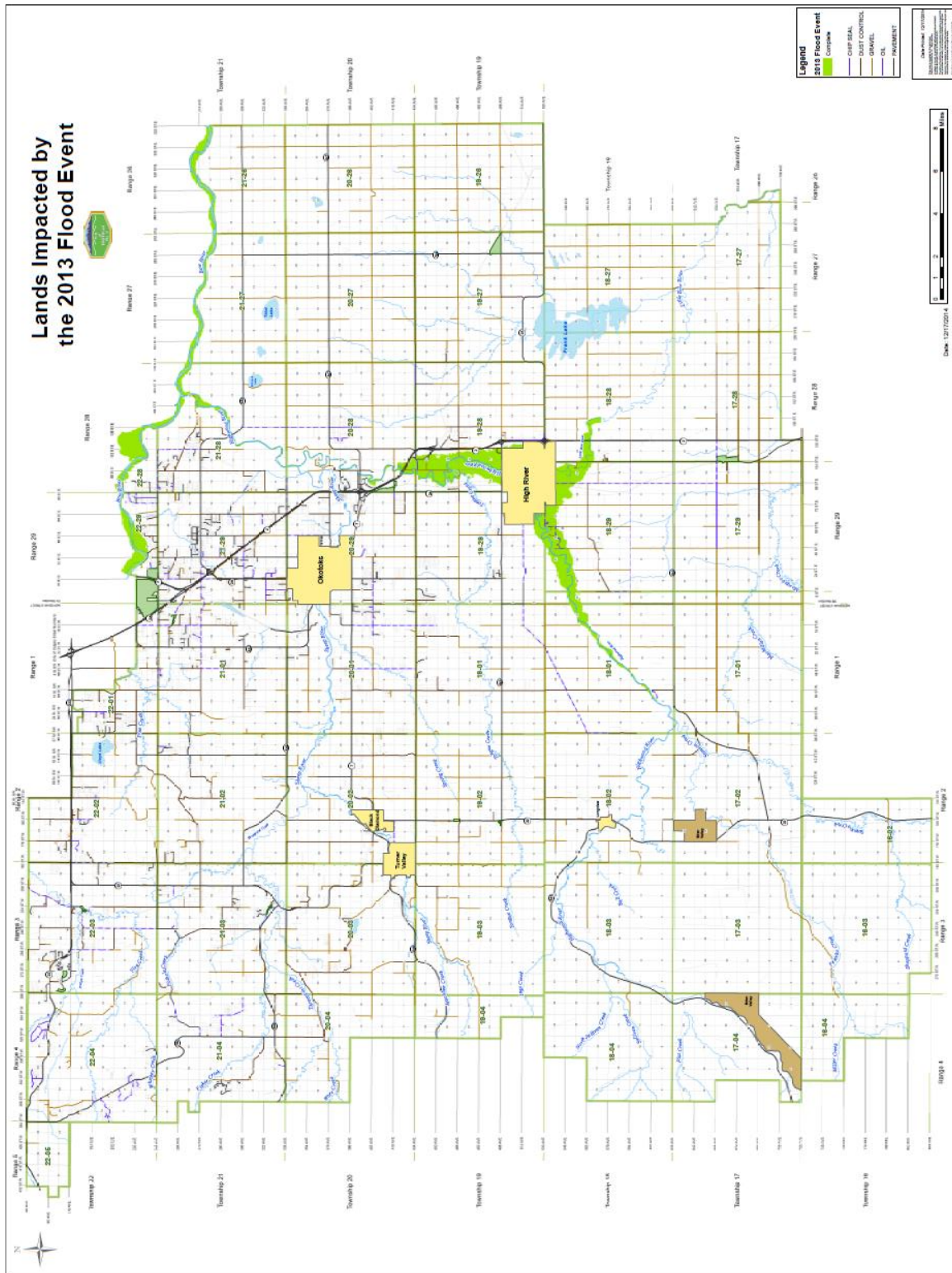


**Lands impacted by 2013 Flood Event:** are those lands which the municipality identifies were impacted by flooding on June 20th, 2013. These lands may or may not be within the flood hazard area. Some of these lands may only have been partially flooded or minimally impacted, while some may have been significantly impacted.

**Flood Hazard Protection Overlay area or Lands Subject to Flooding** are those lands included within one or all of the following areas:

- a. Floodway;
- b. Flood Fringe; or
- c. Lands impacted by 2013 Flood Event.

# MAP A – LANDS IMPACTED BY 2013 FLOOD EVENT



## **PART 6 LAND USE DISTRICTS**

### **SECTION 12 AGRICULTURAL DISTRICTS**

#### **12.1 AGRICULTURAL DISTRICT**

**A**

##### **12.1.1 PURPOSE AND INTENT**

To promote a wide range of agricultural land uses that encourage growth, diversification and development of the agricultural industry while having regard for the agricultural value and rural character of the area consistent with the policies outlined in the Municipal Development Plan.

##### **12.1.2 SUB-DISTRICT**

12.1.2.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

##### **12.1.3 GENERAL REQUIREMENTS:**

12.1.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

12.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

<b>12.1.4 PERMITTED USES</b>	<b>12.1.5 DISCRETIONARY USES</b>
Accessory buildings not requiring a development permit Accessory uses Agricultural, general Agricultural specialty Dwelling, detached single family *no more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size. *no more than 2 such dwellings are permitted on a single lot 32.4 ha (80 ac) or greater in size.	Accessory buildings requiring a development permit Aerodrome/airstrip(private use) Agricultural intensive use Agricultural processing and distribution *does not includes retail sales on the site. Agricultural support services *does not includes retail sales on the site. Antenna structures, private Arena, private

12.1.4 PERMITTED USES	12.1.5 DISCRETIONARY USES
<p>Dwelling, manufactured home under 6.10m (20 ft.) in length or width                      *permitted use only on lots 32.4 ha ( 80 acres) or greater in size.</p> <p>Dwelling, relocated or moved on                      *permitted use only on lots 32.4 ha ( 80 acres) or greater in size.</p> <p>Public Works</p> <p>Signs not requiring a Development Permit</p> <p>Temporary storage of up to 5 unoccupied recreation vehicles</p>	<p>Bed &amp; breakfast</p> <p>Boarding services</p> <p>Day home services</p> <p>Dwelling, manufactured home under 6.10m (20 ft.) in length or width                      *discretionary use on lots less than 80 acres in size.</p> <p>Dwelling, moved on                      *discretionary use on lots less than 80 acres in size.</p> <p>Dwelling, temporary</p> <p>Home based business, minor</p> <p>Intensive vegetation operation</p> <p>Kennel, private</p> <p>Lot Grading</p> <p>Manmade water bodies requiring a permit</p> <p>Signs requiring a development permit</p> <p>Special Event</p> <p>Temporary storage of between 6 and 10 unoccupied recreation vehicles</p> <p>Utility service, minor</p>

#### **12.1.6 LAND USE REQUIREMENTS**

- 12.1.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 12.1.6.2 In order to facilitate the purpose and intent of this district and ensure the sustainability of agricultural uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Number of lots per quarter section or area of land in certificate of title existing when this bylaw was adopted; or
    - ii. The number of lots allowed by bylaw amending this section.
  - b. Minimum Parcel Size:
    - i. A parcel of land no less than 8.49 Ha (21 acres) in size;
    - ii. That portion of a parcel remaining after approval of a re-designation which facilitates a subdivision and after the subsequent registration of said subdivision reduces the area of the parent parcel to a size of 21 acres or greater in size; or
    - iii. The area in title at the time of passage of this Bylaw;

c. Maximum Parcel size:

i. None.

12.1.6.3 Required Developable Area:

a. In accordance with Section 9.8 of this Bylaw.

12.1.6.4 Utility Servicing Criteria

- a. Individual wells and individual wastewater disposal systems;
- b. Communal water and communal wastewater disposal systems ;
- c. A combination of a. and b. as determined by Bylaw amending this section.

### 12.1.7 DEVELOPMENT REQUIREMENTS

12.1.7.1 Maximum Lot Coverage

a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

12.1.7.2 Minimum Yard Setbacks Requirements

a. Front Yard Setbacks:

- i. 15m (49.21 ft.) from the right of way of an internal subdivision road;
- ii. 48m (157.48 ft.) from the centreline of a Municipal road;
- iii. 64m (209.97 ft.) from the centreline of a secondary highway;
- iv. 40m (131.23 ft.) from the ultimate right of way of a primary highway.

b. Side Yard Setbacks:

i. 15m (49.21 ft.) from the property line.

c. Rear Yard Setbacks:

i. 15m (49.21 ft.) from the property line.

d. In addition, if the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

12.1.7.3 Corner Parcel Restrictions:

a. In accordance with Section 9.27.9 - 9.27.12.

12.1.7.4 Minimum Environmental Setback Requirements:

a. Slope:

i. Development adjacent to a slope of 15% (8.3°) or greater shall be setback a minimum of 30m or the distance determined by a Geotechnical Report.

b. Water body (crown owned bed and shore)

i. 30m (98.43 ft.) (from the top of bank); or

- ii. Setback determined appropriate by the Approving Authority in accordance with the *“Riparian Setback Matrix Model”*; whichever is greater.

12.1.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

12.1.7.6 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.)
- b. Accessory Buildings and Arenas:
  - i. 10.67m (35 ft.)
- c. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft.);

12.1.7.7 Minimum habitable area per dwelling

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

**12.1.8 EXCEPTIONS:**

## 12.2 AGRICULTURAL BUSINESS DISTRICT

**AB**

### 12.2.1 PURPOSE AND INTENT

To provide for a wide range of agricultural-related business, in agricultural areas. Uses would include primarily agricultural processing, retailing of agricultural products, and business uses related to agricultural activity while allowing for limited services related to agriculture.

### 12.2.2 SUB-DISTRICT

12.2.2.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

### 12.2.3 GENERAL REQUIREMENTS:

12.2.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

12.2.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

12.2.4 PERMITTED USES	12.2.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit in accordance with Section 4.2 Accessory use Agricultural, general Agricultural specialty Dwelling, detached single family *no more than 2 such dwellings are permitted on a single lot 32.4 ha (80 ac) or greater in size. *no more than 1 such dwelling is permitted on a single lot that is less than 32.4 ha (80 ac) in size Dwelling, manufactured home under 6.10m (20 ft.) in length or width *permitted use only on lots 32.4 ha (80 acres) or greater in size. Dwelling, relocated or moved on *permitted use only on lots 32.4 ha (80 acres) or greater in size. Home base business, minor	Abattoir, minor Accessory buildings requiring a development permit Aerodrome/airstrip(private use) Agricultural intensive use Agricultural processing and distribution Agricultural support services Animal care services Antenna structures, private Arena, limited public Arena, private Auctioneering services Bed & breakfast Boarding services Campground, minor (accessory to principal use) Card lock fuel dispensing facility Commercial school or college Community services Contractor, limited Day camp services Day home services



12.2.4 PERMITTED USES	12.2.5 DISCRETIONARY USES
Home office Public works Temporary storage of up to 5 unoccupied recreation vehicles Utility services, minor	Dwelling, detached single family *if in addition to the number of dwellings listed as permitted on a single lot. Dwelling, manufactured home under 6.10m (20 ft.) in length or width *discretionary use on lots less than 80 acres in size. Dwelling, relocated or moved on *discretionary use on lots less than 80 acres in size. Dwelling, temporary (accessory to principal use) Educational services Farm equipment sales and service Guest ranch Home based business, major Intensive vegetation operation Kennel, private Lot grading Manmade water bodies requiring a permit Manufacturing, light Natural science exhibits Outdoor storage (accessory to principal use only) Public market Restaurant (as an accessory use, within the main building) Retail garden centre Retail store (as an accessory use, within the main building) Signs requiring a development permit Special event Temporary storage of between 6 and 10 unoccupied recreation vehicles Tourist information services and facilities

## 12.2.6 LAND USE REQUIREMENTS

- 12.2.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 12.2.6.2 In order to facilitate the purpose and intent of this district and ensure the sustainability of agricultural business uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Number of lots per quarter section or area of land in certificate of title existing when this bylaw was adopted; or
    - ii. The number of lots allowed by bylaw amending this section.

- b. Minimum Parcel Size:
  - i. A parcel of land no less than 8.49 Ha (21 acres) in size;
  - ii. That portion of a parcel remaining after approval of a re-designation which facilitates a subdivision and after the subsequent registration of said subdivision reduces the area of the parent parcel to a size of 21 acres or greater in size; or
  - iii. The area in title at the time of passage of this Bylaw;
- c. Maximum Parcel size:
  - i. None.

### 12.2.6.3 Required Developable Area

- a. In accordance with Section 9.8 of this Bylaw.

### 12.2.6.4 Utility Servicing Criteria

- a. Individual wells and individual wastewater disposal systems;
- b. Communal water and communal wastewater disposal systems;
- c. A combination of a. and b., as determined by Bylaw amending this section.

## 12.2.7 DEVELOPMENT REQUIREMENTS

### 12.2.7.1 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

### 12.2.7.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 15m (49.21 ft) from the right of way of an internal subdivision road;
  - ii. 48m (157.48 ft) from the centreline of a Municipal road;
  - iii. 64m (209.97 ft) from the centreline of a secondary highway;
  - iv. 40m (131.23 ft) from the ultimate right of way of a primary highway.
- b. Side Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- d. In addition, if the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 12.2.7.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 12.2.7.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Development adjacent to a slope of 15% (8.3°) or greater shall be setback a minimum of 30m or the distance determined by a Geotechnical Report.
- b. Water body (crown owned bed and shore)
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the “Riparian Setback Matrix Model”, whichever is greater.

### 12.2.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 12.2.7.6 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.)
- b. Accessory Buildings and Arenas;
  - i. 10.67m (35 ft.)
- c. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft);

### 12.2.7.7 Minimum habitable area per dwelling

- a. 100 m<sup>2</sup> (1,077 sq. ft)

### 12.2.8 EXCEPTIONS:

## SECTION 13 RESIDENTIAL DISTRICTS

### 13.1 COUNTRY RESIDENTIAL DISTRICT

**CR**

#### 13.1.1 PURPOSE AND INTENT

To provide for acreage development consistent with the policies outlined in the Municipal Development Plan.

#### 13.1.2 SUB-DISTRICT

13.1.2.1 Parcels may include the following sub-district in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district.

13.1.2.2 Sub-district “A” is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district “A”.

#### 13.1.3 GENERAL REQUIREMENTS:

13.1.3.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.

13.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Agricultural (general) Dwelling, detached single family Home office Signs not requiring a development permit Temporary storage of up to 5 unoccupied recreation vehicles Public works Utility services, minor	Accessory buildings requiring a development permit Agricultural intensive – on lots 3 acres or more in size Agricultural specialty Antenna structures, private Arenas, private Bed & breakfast Day home services Dwelling, relocated or moved on Dwelling, temporary Home based business, minor Intensive vegetation operation Kennels, private Lot grading Manmade water bodies, private

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
	Signs requiring a Development Permit

## 13.1.6 LAND USE REQUIREMENTS

- 13.1.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 13.1.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of country residential uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Maximum one lot per 2.02 ha (5 acres) of existing land contained under the same title to a maximum of 32 lots per quarter section.
  - b. Minimum Parcel Size:
    - i. The area in title at the time of passage of this Bylaw; or
    - ii. A parcel of land no less than 0.81 ha (2.0 acres).
  - c. Maximum Parcel size:
    - i. 8.49 ha (20.99 ac); or
    - ii. The area in title at the time of passage of this Bylaw.
- 13.1.6.3 Required Developable Area:
- a. In accordance with Section 9.8 of this Bylaw.
- 13.1.6.4 Utility Servicing Criteria
- a. Individual wells and individual wastewater disposal systems;
  - b. Communal water and communal wastewater disposal systems; or
  - c. A combination of a. and b. as determined by Bylaw amending this section.

## 13.1.7 DEVELOPMENT REQUIREMENTS

- 13.1.7.1 Maximum Lot Coverage
- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than forty (40) percent of the lot area.
- 13.1.7.2 Minimum Yard Setbacks Requirements
- a. Front Yard Setbacks:
    - i. 64m (209.97 ft) from the centreline of a secondary highway; or
    - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway.
    - iii. 48m (157.48 ft) from the centreline of a Municipal road;
    - iv. 15m (49.21 ft.) from the right of way of an internal subdivision road;

- b. Side Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line;
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line;
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
- e. See Section 3.1.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw.

### 13.1.7.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 13.1.7.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report.
- b. Water body:
  - i. 30m (98.43 ft.) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the “*Riparian Setback Matrix Model*”, whichever is greater.

### 13.1.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 13.1.7.6 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.)
- b. Accessory buildings and arenas:
  - i. 10.67m (35 ft)
- c. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft.);

### 13.1.7.7 Minimum habitable area per dwelling

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

### 13.1.8 EXCEPTIONS:

#### Silvertip:

- 13.1.8.1 Front yard setback: 5m (16.4 ft) from Internal Subdivision Road – Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.2 Front yard setback: 15m (49.21 ft) from property line adjacent to any Municipal Road; for those properties registered under Condominium Plan 0010395 (Silvertip);
- 13.1.8.3 Side yard setback: 1.5m (4.92 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.4 Rear yard setback: Principal Building - 8m (26.25 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.5 Rear yard setback: Accessory Building - 1m (3.28 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres.

#### Sirroco:

- 13.1.8.6 For the following properties within the Sirroco Area Structure Plan: Plan 1311328, Block 1, Lot 6-9, Plan 1311328, Block 2, Lot 1, and Plan 1311328, Block 3, Lot 1:
- Front yard setback: 5m (16.4 ft.) from the property line;
  - Side yard setback: 1.5m (4.92 ft.) from the property line;
  - Rear yard setback: 8m (26.25 ft.) from the property line for the principle building and 1m (3.28 ft.) from the property line for any accessory building;



## 13.2 CLUSTER RESIDENTIAL DISTRICT

**CLR**

### 13.2.1 PURPOSE AND INTENT

To provide for smaller residential parcels, designed and comprehensively planned to reduce the development footprint by placing lots close to each other in association with a large remnant parcel that is not intended to be further subdivided consistent with the policies outlined in the Municipal Development Plan.

### 13.2.2 SUB-DISTRICT

13.2.2.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district “A” is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district “A”.

### 13.2.3 GENERAL REQUIREMENTS:

13.2.3.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.

13.2.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.2.4 PERMITTED USES	13.2.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Dwelling, detached single family Home office Public works Sign not requiring a development permit Temporary storage of up to 2 unoccupied recreation vehicles Utility services, minor	Accessory buildings requiring a development permit Antenna structures, private Bed & breakfast Day home services Dwelling, temporary Home based business minor Kennels, private Lot grading Manmade water bodies, private Dwelling, relocated or moved on Signs requiring a development permit Temporary Storage of between 2 and 5 unoccupied recreational vehicles

### 13.2.6 LAND USE REQUIREMENTS

- 13.2.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 13.2.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of cluster residential uses within the district, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Maximum one lot per 1.62 ha (4 ac) of parent parcel (0.25 gross upa);
  - b. Parent Parcel Requirements:
    - i. Minimum 16.19 ha (40 acres) where parent parcel size is based on a single parcel or combined contiguous parcels;
  - c. Minimum Parcel Size:
    - i. A parcel of land no less than 0.32 ha (0.8 acres); or.
    - ii. The area in title at the time of passage of this Bylaw.
  - d. Maximum Parcel size:
    - i. 0.80 ha (1.99 ac)
    - ii. The area in title at the time of passage of this Bylaw.
- 13.2.6.3 Required Developable Area
- a. In accordance with section 9.8 of this bylaw.
- 13.2.6.4 Utility Servicing Criteria
- a. Communal water and communal wastewater disposal systems; or
  - b. An alternate system as determined by Bylaw amending this section.

### 13.2.7 DEVELOPMENT REQUIREMENTS

- 13.2.7.1 Maximum Lot Coverage
- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than forty (40) percent of the lot area.
- 13.2.7.2 Minimum Yard Setbacks Requirements
- a. Front Yard Setbacks:
    - i. 64m (209.97 ft) from the centreline of a secondary highway;
    - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway; or
    - iii. 48m (157.48 ft) from the centreline of a Municipal road;
    - iv. 5m (16.40 ft) from internal subdivision road - property line;
    - v. 4m (13.12 ft) from the right of way of a municipal road located within a Hamlet;

- b. Side Yard Setbacks:
  - i. 5m (16.40 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
- e. See Section 3.2.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw.

*See Section 9.27.9 through 9.27.12 for additional provisions regarding setbacks pertaining to parcels with two frontages.*

### 13.2.7.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 13.2.7.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report;
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the “*Riparian Setback Matrix Model*”, whichever is greater.

### 13.2.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 13.2.7.6 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft)
- b. Accessory Buildings:
  - i. 10.67m (35 ft)
- c. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft);

### 13.2.7.7 Minimum habitable area per dwelling

- a. 100 m<sup>2</sup> (1,077 sq. ft)

### 13.2.8 EXCEPTIONS:

### 13.3 COUNTRY ESTATE RESIDENTIAL DISTRICT

**CER**

#### 13.3.1 PURPOSE AND INTENT

To provide for a higher density communally serviced residential development located within Hamlets or as part of comprehensively planned developments in accordance with an Area Structure Plan or Outline Plan, consistent with the policies outlined in the Municipal Development Plan.

#### 13.3.2 SUB-DISTRICT

Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

#### 13.3.3 GENERAL REQUIREMENTS:

13.3.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

13.3.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.3.4 PERMITTED USES	13.3.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Dwelling, detached single family Home office Sign not requiring a development permit Temporary storage of one (1) recreational vehicle Public works Utility servicing, minor	Accessory buildings requiring a development permit Antenna structures, private Bed & breakfast Day home services Dwelling, semi detached Dwelling, temporary Home based business minor Kennels, private Lot grading Manmade water bodies, private Signs requiring a development permit Temporary storage of up to 2 unoccupied recreation vehicles

### 13.3.6 LAND USE REQUIREMENTS

- 13.3.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 13.3.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of country estate residential uses within the district, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Minimum 1 unit per 4 acres (0.25 gross upa);
    - ii. Maximum 5 units per acre (5 gross upa).
  - b. Minimum Parcel Size:
    - i. The area in title at the time of passage of this Bylaw.  
**Dwelling, detached single family:**
      - ii. 464m<sup>2</sup> (0.11 acres) for lots serviced by communal water and communal wastewater disposal systems accommodating a dwelling, detached single family;
      - iii. 3237.6m<sup>2</sup> (0.8 ac) for lots serviced by a communal water system, and an advanced package sewage treatment system accommodating a dwelling, detached single family.
    - Dwelling, semi-detached:**
      - iv. As determined by the Approving Authority in accordance with an approved area structure plan or outline plan; or
  - c. Maximum Parcel size:
    - i. 0.80 ha (1.99 ac) unless the lot forms part of a condominium plan; or
    - ii. The area in title at the time of passage of this Bylaw.
- 13.3.6.3 Required Developable Area
- a. In accordance with Section 9.8 of the bylaw.
- 13.3.6.4 Utility Servicing Criteria
- a. Communal water and communal wastewater disposal systems; or
  - b. A communal water system, and an advanced package sewage treatment system;
  - c. An alternate system as determined by Bylaw amending this section in accordance with an adopted Area Structure Plan or outline plan.

### 13.3.7 DEVELOPMENT REQUIREMENTS

- 13.3.7.1 Maximum Lot Coverage
- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than 50 percent of the lot area.

### 13.3.7.2 Minimum Yard Setbacks Requirements

#### a. Front Yard Setbacks:

- i. 64m (209.97 ft) from the centreline of a secondary highway; or
- ii. 40m (131.23 ft) from the ultimate right of way of a primary highway;
- iii. 48m (157.48 ft) from the centreline of a Municipal road;
- iv. 5m (16.40 ft) from internal subdivision road – property line;
- v. 4m (13.12 ft) from the right of way of a municipal road located within a hamlet.

#### b. Side Yard Setbacks:

- i. 1.5m (4.92 ft) from the property line for parcels 3237.6m<sup>2</sup> (0.80 acres) and smaller in size; or
- ii. 15m (49.21 ft) from the property line for parcels greater than 3237.6 m<sup>2</sup> (0.80 acres) in size;
- iii. Notwithstanding sub-section 13.3.7.2 (b)(ii), the side yard setbacks do not apply to the common wall side of a structure where a common wall exists.

#### c. Rear Yard Setbacks:

##### **Parcels 3237.6m<sup>2</sup> (0.80 acres) or smaller:**

- i. Principal Building – 8m (26.25 ft) from the property line;
- ii. Accessory Building – 1m (3.28 ft) from the property line; and

##### **Parcels larger than 3237.6m<sup>2</sup> (0.80 acres)**

- iii. 15m (49.21 ft) from the property line.

- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
- e. See Section 3.3.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw for particular developments.

*See Section 9.27.9 through 9.27.12 for additional provisions regarding setbacks pertaining to parcels with two frontages.*

### 13.3.7.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 13.3.7.4 Minimum Environmental Setback Requirements:

#### a. Slope:

- i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report.

#### b. Water body:

- i. 30m (98.43 ft) (from the top of bank); or

- ii. Setback determined appropriate by the Approving Authority in accordance with the *“Riparian Setback Matrix Model”*, whichever is greater.

### 13.3.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 13.3.7.6 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft)
- b. Accessory Buildings:
  - i. 10.67m (35 ft)

### 13.3.7.7 Minimum habitable area per dwelling

- a. 100 m<sup>2</sup> (1,077 sq. ft)

### 13.3.8 EXCEPTIONS:



## 13.4 HAMLET RESIDENTIAL DISTRICT

**HR**

### 13.4.1 PURPOSE AND INTENT

To provide for residential development located in Hamlets consistent with the policies outlined in the Municipal Development Plan.

### 13.4.2 SUB-DISTRICT

Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

### 13.4.3 GENERAL REQUIREMENTS:

13.4.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

13.4.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.4.4 PERMITTED USES	13.4.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Dwelling – detached single family Home office Public works Signs not requiring a development permit Temporary storage of one (1) recreational vehicle Utility services, minor	Accessory buildings requiring a development permit Antenna structures, private Bed & breakfast Day home services Dwelling, relocated or moved on Home based business minor Kennels, private Lot grading Manmade water bodies, private Signs requiring a development permit Temporary storage of up to 2 unoccupied recreation vehicles

### 13.4.6 LAND USE REQUIREMENTS

13.4.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.

13.4.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of hamlet residential uses within the District, the following applies to applications for subdivision:

- a. Parcel Density:
  - i. Minimum 3 gross units per acre (3 gross upa);
  - ii. Maximum 10 gross units per acre (10 gross upa).
- b. Minimum Parcel Size:
  - i. 464m<sup>2</sup> (0.11 acres);
  - ii. The area in title at the time of passage of this Bylaw.
- c. Maximum Parcel size:
  - i. 0.32 ha (0.80 ac) unless the lot forms part of a condominium plan; or
  - ii. The area in title at the time of passage of this Bylaw.

13.4.6.3 Required Developable Area:

- a. In accordance with Section 9.8 of this Bylaw.

13.4.6.4 Utility Servicing Criteria

- a. Communal water and communal wastewater disposal systems;

### 13.4.7 DEVELOPMENT REQUIREMENTS

13.4.7.1 Maximum Lot Coverage:

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than 50 percent of the lot area.

13.4.7.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 64m (209.97 ft) from the centreline of a secondary highway; or
  - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway.
  - iii. 48m (157.48 ft) from the centreline of a Municipal road;
  - iv. 5m (16.40 ft) from internal subdivision road – property line;
  - v. 4m (13.12 ft) from the right of way of a municipal road located within a hamlet.
- b. Side Yard Setbacks:
  - i. 1.5m (4.92 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. Principal Building – 8m (26.25 ft) from the property line;
  - ii. Accessory Building – 1m (3.28 ft.) from the property line; and
  - iii. Decks and associated staircases (steps) may project into the rear yard setback to a maximum of 1.5m (4.92 ft.);

- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
- e. See Section 3.4.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw for particular developments.

*See Section 9.27.9 through 9.27.12 for additional provisions regarding setbacks pertaining to parcels with two frontages.*

### 13.4.7.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.;

### 13.4.7.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the “*Riparian Setback Matrix Model*”, whichever is greater.

### 13.4.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 13.4.7.6 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.)
- b. Accessory Buildings:
  - i. 10.67m (35 ft.)

### 13.4.7.7 Minimum habitable area per dwelling

- i. 84 sq. m. (904.20 sq. ft.)

## 13.4.8 EXCEPTIONS:

### Heritage Pointe Development:

- 13.4.8.1 Front yard setbacks: 4m (13.12 ft.) from the property line adjacent to the internal road for all residential properties under the Heritage Pointe Area Structure Plan;
- 13.4.8.2 Rear yard setbacks: 6m (19.59 ft.) from the property line, only on those lots located on “Ravine Drive” in Heritage Pointe;

- 13.4.8.3 Front Yard setbacks: relaxation of up to 90% on front yard setbacks for corner lots for those properties under the Heritage Pointe Area Structure Plan;
- 13.4.8.4 Dwelling, attached is a Discretionary Use only on parcels along “Ravine Drive” in Heritage Pointe;
- 13.4.8.5 Rear yard setbacks: 1.5 meter encroachment into regular rear yard setbacks requirements for above grade decks; for those properties within Heritage Pointe Area Structure Plan area;
- 13.4.8.6 A garage up to 50% of the dwelling size (provided that the garage does not exceed a maximum of 2,400 sq. ft.) split into two different structures, either attached or detached from the residence is permitted on parcels that are located on lands within the Heritage Pointe Area Structure Plan.

### **Heritage Pointe Stage 3 - Artesia Development:**

- 13.4.8.7 Front yard setbacks: 4m (13.12 ft.) from the property line adjacent to the internal road; for those properties within the Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.8 Side Yard setbacks: relaxation of up to 90% on side yard setbacks on corner lots provided the front yard is designated by the developer for those properties within Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.9 Rear yard setbacks: 1.5 meter encroachment into regular rear yard setbacks requirements for above grade decks; for those properties within Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.10 Maximum Height Requirement: relaxation of the maximum height requirements for all buildings to 12m within Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.11 Dwelling, attached is a Discretionary Use only on parcels along “Artesia Gate” in Heritage Pointe Stage 3 – Artesia;
- 13.4.8.12 A garage up to 50% of the dwelling size (provided that the garage does not exceed a maximum of 2,400 sq. ft.) split into two different structures, either attached or detached from the residence is permitted on parcels that are located on lands within the Heritage Pointe Stage 3 – Artesia Area Structure Plan.

### **Greenhaven Development:**

- 13.4.8.13 Front yard setbacks: 8m (26.25 ft.) from property line adjacent to 48th St. E; for those properties registered as Plan 1210671, Block 3, Lots 3 – 5;
- 13.4.8.14 Front yard setbacks: 4m (13.12 ft.) from the property line adjacent to Green Haven Drive and 100 Green Haven Court; for those properties registered as Plan 1210671, Block 3, Lots 3 – 5;
- 13.4.8.15 Front yard setbacks: 8m (26.25 ft.) from the property line adjacent to 48th St. E. to; for those properties included in Phase 2 & Phase 3 of the Green Haven Estates Area Structure Plan;

- 13.4.8.16 Front yard setbacks: 4m (13.12 ft.) from the property line adjacent to the internal road; for those properties registered in Phase 2 & Phase 3 of the Green Haven Estates Area Structure Plan;

### **Priddis Greens Development:**

- 13.4.8.17 Dwelling, attached is a Discretionary Use only on parcels Priddis Greens in SE 30-22-03-W5 consisting of the following plans:

Located on Sunset Way: Units 1 – 4 in the following plan numbers:

9010223, 8910127, 8910128, 8910356, 8910538, 8911028, 9010222, 9011301, 9011856, 9012391, 9110935, 9012392, 9011855, 9010650, 9010780, 89114631, 8910665.

Located on Sunrise Way: Units 1 – 4 in the following plan numbers:

8810478, 8811193, 8810198, 8711262, 8810237, 8810019, 8711609, 8810236, 8811193.

- 13.4.8.18 A garage up to 50% of the dwelling size (provided that the garage does not exceed a maximum of 2,400 sq. ft.) split into two different structures, either attached or detached from the residence is permitted on parcels that are located on lands within Priddis Greens.

### **Hawks Landing:**

- 13.4.8.19 A garage up to 50% of the dwelling size (provided that the garage does not exceed a maximum of 2,400 sq. ft.) split into two different structures, either attached or detached from the residence is permitted on parcels that are located on lands within the Hawks Landing Area Structure Plan.

### **Cottonwood Development:**

- 13.4.8.20 Dwelling, attached is a Discretionary Use only on parcels in S.E. 07-22-28-W4 along “Cottonwood Boulevard” in Cottonwood, consisting of Plan 0112316, Units 1-4, Plan 9212354, Units 1-4, and Plan 9410836, Units 1-4.

### **Hamlet of Naptha**

- 13.4.8.21 Front Yard Setback: 20m (65.62 ft.) from the Highway right of way for development located within the Hamlet of Naptha.

## 13.5 RESIDENTIAL MULTI-FAMILY DISTRICT

## RMF

### 13.5.1 PURPOSE AND INTENT

To provide for multi-family residential development located in Hamlets and comprehensively planned developments where there are approved area structure plans and/or outline plans consistent with the policies outlined in the Municipal Development Plan.

### 13.5.2 SUB-DISTRICT

13.5.2.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

### 13.5.3 GENERAL REQUIREMENTS:

13.5.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

13.5.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.5.4 PERMITTED USES	13.5.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Dwelling, duplex Dwelling, semi-detached Home office Public works Signs not requiring a development permit Temporary storage of one (1) recreational vehicle Utility services, minor	Accessory buildings requiring a development permit Antenna structures, private Bed & breakfast Day home services Dwelling, Four-plex Dwelling, relocated or moved on Dwelling, townhouse Home based business minor Lot grading Manmade water bodies, private Signs requiring a development permit

### 13.5.6 LAND USE REQUIREMENTS

13.5.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.

- 13.5.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of multi-family residential uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Maximum 10 gross units per acre (10 gross upa); or
  - b. Minimum Parcel Size:
    - i. As determined by the Approving Authority in accordance with an approved area structure plan or outline plan; or
    - ii. The area on title at the time of passage of this Bylaw, whichever is greater.
  - c. Maximum Parcel size:
    - i. As determined by the Approving Authority in accordance with an approved area structure plan or outline plan; or
    - ii. The area on title at the time of passage of this Bylaw, whichever is lesser.
- 13.5.6.3 Required Developable Area:
- a. In accordance with Section 9.8 of this Bylaw.
- 13.5.6.4 Utility Servicing Criteria
- a. Communal water and communal wastewater disposal systems;

### 13.5.7 DEVELOPMENT REQUIREMENTS

- 13.5.7.1 Maximum Lot Coverage:
- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than 60 percent of the lot area.
- 13.5.7.2 Minimum Yard Setbacks Requirements
- a. Front Yard Setbacks:
    - i. 64m (209.97 ft) from the centreline of a secondary highway; or
    - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway.
    - iii. 48m (157.48 ft) from the centreline of a Municipal road;
    - iv. 15m (49.21 ft) from the right of way of an internal subdivision road
    - v. 4m (13.12 ft) from the right of way of a municipal road located within a hamlet;
  - b. Side Yard Setbacks:
    - i. 1.5 m (4.92 ft) from the property line;
    - ii. Notwithstanding sub-section 13.5.7.2 (b)(i) the side yard setbacks do not apply to the common wall side of a structure where a common wall exists.
  - c. Rear Yard Setbacks:
    - i. Principal Building – 8m (26.25 ft) from the property line;
    - ii. Accessory Building – 1m (3.28 ft.) from the property line; and



- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
- e. See Section 3.5.8 “Exceptions” for setbacks exemptions that have been approved by Bylaw for particular developments.

*See Section 9.27.9 through 9.27.12 for additional provisions regarding setbacks pertaining to parcels with two frontages.*

### 13.5.7.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 13.5.7.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setbacks determined appropriate by the Approving Authority in accordance with the “Riparian Setback Matrix Model”, whichever is greater.

### 13.5.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 13.5.7.6 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.)
- b. Accessory Buildings:
  - i. 10.67m (35 ft.)

### 13.5.7.7 Minimum habitable area per dwelling

- a. 84 sq. m. (904.20 sq. ft.)

## 13.5.8 EXCEPTIONS:

## 13.6 RESIDENTIAL MANUFACTURED HOME DISTRICT

## RMH

### 13.6.1 PURPOSE AND INTENT

To provide for manufactured housing in comprehensively planned manufactured home parks located within Hamlet boundaries. Manufactured home parks may include complementary uses providing a direct service to the residents.

This District was formally named Residential Mobile Home Park District and includes all lands zoned Residential Manufactured Home Park District in the Municipality.

### 13.6.2 GENERAL REQUIREMENTS:

- 13.6.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.

### 13.6.3 SUB-DISTRICT

- 13.6.3.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district “A” is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district “A”.

- 13.6.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.6.4 PERMITTED USES	13.6.5 DISCRETIONARY USES
Car ports Decks Dwelling , manufactured home under 6.10m (20 ft) in length or width Park Public works Signs not requiring a development permit Utility services, minor	Accessory buildings requiring a development permit Accessory uses Antenna structures, private Home based business – minor Day home services Dwelling , manufactured home 6.10m (20 ft) or greater in length or width Laundromat Lot grading Public and quasi-public installations and facilities Recreation, outdoor Signs requiring a development permit Storage compound

### 13.6.6 LAND USE REQUIREMENTS

- 13.6.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 13.6.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of residential manufactured home uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Parcel density is as determined by the Approving Authority.
  - b. Minimum Parcel Size:
    - i. For manufactured homes under 6.10m (20 ft) in width or length: 334 m.<sup>2</sup> (3596 ft<sup>2</sup>) with a mean width of site of no less than 12 m. (39.37 ft);
    - ii. For manufactured homes 6.10m (20 ft) or greater in length and width: 372m.<sup>2</sup> (4004 ft<sup>2</sup>) with a mean width of site of no less than 15m. (49.2 ft);
    - iii. At the discretion of the Approving authority for all other uses, or
    - iv. The area on title at the time of passage of this Bylaw, whichever is greater
  - c. Maximum Parcel size:
    - i. As determined by the Approving Authority; or
    - ii. The area in title at the time of passage of this Bylaw, whichever is lesser.
- 13.6.6.3 Utility Servicing Criteria
- a. Municipal water and communal wastewater disposal systems.

### 13.6.7 DEVELOPMENT REQUIREMENTS

- 13.6.7.1 Maximum Lot Coverage
- a. All buildings together including accessory buildings: 60% of the parcel or bare land condominium unit;
  - b. All accessory buildings: 15% of the area of the site.
- 13.6.7.2 Minimum Yard Setbacks Requirements:
- a. Front Yard Setbacks:
    - i. 64m (209.97 ft) from the centreline of a Secondary Highway;
    - ii. 40m (131.23 ft) from the right of way of a Primary Highway;
    - iii. 15m (49.21 ft) from the right of way of an internal road; or
    - iv. 5 m (16.4 ft) from the right of way of a municipal road inside a hamlet boundary;
    - v. Or as otherwise approved by Council in accordance with an approved Area Structure Plan, Area Concept Plan, or Outline Plan.
  - b. Side Yard Setbacks:
    - i. Principal Building:

- a. 1.5m (4.92 ft.) from the property line; and/or
    - b. 3m (9.84 ft.) on one side where no provision is made for a garage or carport;
  - ii. Accessory Building: 1m (3.28 ft.) from the property line;
  - iii. Corner Site: All buildings – 3m (9.84 ft.) from the property line;
  - c. Rear Yard Setbacks:
    - i. Principal Building - 6m (19.7 ft.) from the property line;
    - ii. Accessory Building - 1m (3.28 ft.) from the property line;
  - d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
  - e. See Section 13.6.10 “Exceptions” for setbacks exemptions that have been approved by Bylaw for particular developments.
- 13.6.7.3 Corner Parcel Restrictions:
- a. In accordance with Section 9.27.9 - 9.27.12.;
- 13.6.7.4 Other Minimum Setback Requirements:
- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.
- 13.6.7.5 Maximum Height of Structures:
- a. Principal buildings, first vehicle garage, and car ports: 6m (19.68 ft);
  - b. Accessory buildings 5m (16.4 ft);
  - c. Community, recreation: 10.67m (35 ft).
- 13.6.7.6 Minimum habitable area per dwelling:
- a. 56 m<sup>2</sup>. (602.8 ft<sup>2</sup>.)

### **13.6.8 SITE DEVELOPMENT AND OPERATIONAL REQUIREMENTS**

- 13.6.8.1 Residential manufactured home park district parcels shall be located within hamlet boundaries only;
- 13.6.8.2 A manufactured home park shall be used for residential purposes including those uses and their associated facilities which, in the opinion of the Approving Authority, are clearly provided to serve the needs of the manufactured home park residents.
- 13.6.8.3 Development of land within a bareland condominium shall be considered the same as the development of land within a fee simple subdivision, with each unit of land treated as an individual parcel

- 13.6.8.4 A minimum of 10% of the gross parcel area shall be set aside as an outdoor recreation area in a convenient and accessible location except where the lands have provided Municipal Reserve lands or money in place of Municipal Reserve.
- 13.6.8.5 In addition to the above, each manufactured home park shall provide a buffer on its perimeter of not less than 3 m. (9.8 ft) in width and any other edge treatment deemed necessary by and satisfactory to the Approving authority.
- 13.6.8.6 All areas of a manufactured home park development area not developed or occupied by manufacture home park roads, walkways, driveways, parking aprons, buildings, playgrounds, or other developed facilities shall be landscaped.
- 13.6.8.7 The manufactured home park development area shall be provided with street lighting. Outdoor lighting in the manufactured home park shall be integrated in design and appearance and conform to the requirements and specifications of the land use bylaw and the Dark Sky Bylaw.
- 13.6.8.8 All signs in the manufactured home park site shall be of a design, character and appearance suitable to a residential area and satisfactory to the Approving Authority.
- 13.6.8.9 With respect to the layout and development of the site the following shall apply:
- a. All manufactured homes shall be located according to a plan which has been approved by the Approving Authority.
  - b. All manufactured home lots shall abut a manufactured home park street;
  - c. The development shall comply with the Provincial Department of Public Health Regulations governing manufactured homes;
  - d. Compliance with the requirements of this Bylaw does not afford relief from compliance with any other municipal, provincial, or federal regulations;
  - e. All manufactured homes shall meet the *Minimum Requirements* as set out in this Bylaw but units of different sizes and placement are encouraged to avoid monotony;
  - f. The manufactured home park owner shall inform residents of their responsibilities with respect to this Bylaw and shall be responsible for developing and operating the manufactured home park in compliance with them;
  - g. The manufactured home park owner shall ensure that each manufactured home is levelled, blocked and skirted, and the hitch screened or skirted within 30 days of its placement;
  - h. All manufactured homes permitted in any manufactured home park district shall conform to the current standards of the Canadian Standards Association;
  - i. All lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw;
  - j. Any manufactured home ten years or older, shall be accompanied by an engineer's report indicating that the structure meets the Alberta Building code, prior to locating on a site in a manufactured home park.
  - k. In addition to the above, all manufactured home park sites shall comply with the following requirements:

- i. Each site shall be provided with a horizontal, stable parking apron suitable for blocking and levelling.
- ii. Manufactured homes shall be placed on parking aprons and the homes, including attached structures, shall be:
  - a. Within the boundaries of the site;
  - b. At least 2.5m (8.2 ft) from every adjacent manufactured home, carport, porch and any structure, or permanent manufactured home park structure, and 3m (9.8 ft) from any boundary;
  - c. Clearly defined on the ground by permanent markers, or other suitable means, and permanently identified with a site number or other address system.
- iii. Porches are considered to be part of the principal building.
- l. With respect to vehicular-pedestrian Areas in manufactured home park developments, the following shall apply:
  - i. One off-street parking spaces shall be provided on, or adjacent to, each manufactured home lot and shall be:
    - a. Surfaced to the Municipalities specifications;
    - b. Not less than 15m<sup>2</sup> (161.5 sq. ft) in area for two vehicles or less than 2.5m (8.20 ft) wide.
  - ii. Internal pedestrian walkways shall connect the manufactured homes and all manufactured home park community facilities and shall have a minimum hard surfaced width of 1m. (3.3 ft), constructed to the satisfaction of the Municipality.
  - iii. All roads within the manufactured home park shall be constructed and surfaced to the Municipality's specifications if public and to the satisfaction of the Municipality if privately owned and maintained by the owner.
- m. With respect to service and accessory buildings in manufactured home park developments, the following shall apply:
  - i. The location and design of all service and accessory facilities are subject to the approval of the Approving Authority;
  - ii. Garbage storage shall be visually screened from all adjacent sites and public thoroughfares;
  - iii. All service buildings must be accessible by a street within the manufactured home park;
  - iv. Provision for a screened storage compound equivalent to 1 parking stall per unit is recommended provided for trucks, campers, travel trailers, snowmobiles, boats, and other equipment not capable of storage on the manufacture home lot, at a location and in a manner satisfactory to the Approving Authority.

### 13.6.9 OTHER REQUIREMENTS

- 13.6.9.1 The Approving Authority may specify such other requirements as deemed necessary having regard to the nature of a proposed development and the purpose of the district.

### 13.6.10 EXCEPTIONS

- 13.6.10.1 Front yard setback: 3m (9.84 ft.) for dwelling under 5.49m (18 ft.) in width or length located within Hamlet of Cayley;



## SECTION 14 COMMERCIAL DISTRICTS

### 14.1 BUSINESS PARK DISTRICT

**BP**

#### 14.1.1 PURPOSE AND INTENT

To accommodate a combination of business and industrial activities within a comprehensively planned development in accordance with an approved area structure plan or outline plan. Business parks are encouraged to be located within the Highway 2A corridor on lands covered by the Highway 2A Industrial Area Structure Plan in accordance with the Industrial Commercial land use concept. Business park district lands may be approved at the discretion of Council in other areas of the municipality in comprehensively planned areas in accordance with an approved Area Structure Plan or outline plan.

Uses secondary to the business and industrial activity may provide personal services primarily to on-site employees and secondarily to local clientele. Any nuisances associated with such uses should generally not extend beyond the boundaries of the site. Some outside storage may be permitted.

#### 14.1.2 GENERAL REQUIREMENTS:

- 14.1.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 14.1.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

14.1.3 PERMITTED USES	14.1.4 DISCRETIONARY USES
Amenity spaces for pedestrian use Public works Signs not requiring a development permit Utility services, minor	Accessory uses Agricultural processing and Distribution Agricultural support services Amusement and entertainment services Animal care services Auto body Auto repair Auto sales Business office Car/ truck wash Commercial school or college Commercial storage Contractor, general Contractor, limited Convenience store

14.1.3 PERMITTED USES	14.1.4 DISCRETIONARY USES
	Dwelling, temporary (accessory to principal use) Farm equipment sales and service Financial services Food service, drive in Government Services Health care services Industry, General Industry, Light Industrial, Manufacturing/Processing Industrial, Storage and Warehousing Intensive vegetation operation Manufacturing, light Lot grading Neighborhood pub Outdoor storage Personal service establishments Protective and emergency services Public and quasi-public installation and facilities Public market Recreation, indoor Recreation, outdoor Recreational Vehicle Sales Recreation vehicle storage Recycling collection point Restaurant Retain garden centre Retail store Service station Signs requiring a development permit Storage compound (accessory to principal use) Warehousing and storage

#### **14.1.5 LAND USE REQUIREMENTS**

- 14.1.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.

14.1.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of business park uses within the District, the following applies to applications for subdivision:

- a. Parcel Density:
  - i. Parcel density requirements shall be determined by the Approving Authority, and if applicable, in accordance with an approved area structure plan or outline plan.
- b. Minimum Parcel Size:
  - i. 929.0 m<sup>2</sup> (10,000 ft<sup>2</sup>) for lots serviced by a municipal or communal piped sewer and water system;
  - ii. 1,858 m<sup>2</sup> (20,000 ft<sup>2</sup>) for lots serviced by a piped water system, and an advanced package sewage treatment system; or
  - iii. The area in title at the time of passage of this Bylaw, whichever is greater; or
  - iv. The minimum parcel size may be amended by the Approving Authority in accordance with an approved area structure plan or outline plan.
- c. Maximum Parcel size:
  - i. As determined by the Approving Authority in accordance with an approved area structure plan or outline plan; or
  - ii. The area on title at the time of passage of this Bylaw, whichever is lesser.

14.1.5.3 Utility Servicing Criteria

- a. Municipal or communal water and wastewater disposal systems;
- b. Municipal or communal water system, and an advanced package sewage treatment system; or
- c. On site water storage system on site and/or wastewater pump out tanks if deemed appropriate by the Approving Authority in accordance with an approved area structure plan or outline plan.

### 14.1.6 DEVELOPMENT REQUIREMENTS

14.1.6.1 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

14.1.6.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 6 m (19.69 ft) from the property line from an internal road or municipal road;
  - ii. 64m (209.97 ft) from the centreline of a secondary highway;
  - iii. 40m (131.23 ft) from the ultimate right of way of a primary highway.
- b. Side Yard Setbacks:
  - i. 1.5m (4.92 ft) from the property line;
  - ii. Where the side yard abuts a residential district, the setback shall be increased by 50%.

- c. Rear Yard Setbacks:
  - i. 6m (19.69 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 14.1.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 14.1.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

### 14.1.6.5 Other Minimum Setback Requirements:

- a. The Approving Authority may require a greater building setback for any use which, in the opinion of an Approving Authority, may interfere with the amenity of adjacent uses;
- b. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

### 14.1.6.6 Maximum Height of Structure:

- a. 12m (39.37 ft)

## 14.1.7 SPECIAL REQUIREMENTS

### 14.1.7.1 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 14.1.7.2 Lighting:

- a. All lighting must be in accordance Section 9.15 of the Land use bylaw and with the Municipal Dark Sky Bylaw.

### 14.1.7.3 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;

- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

14.1.7.4 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use, and each use shall obtain a separate development permit.

**14.1.8 EXCEPTIONS:**

## 14.2 COMMUNITY COMMERCIAL DISTRICT

**CMC**

### 14.2.1 PURPOSE AND INTENT

To accommodate a broad range of business, commercial uses, and services appropriate within Hamlets or in planned developments supported by an adopted area structure plan and/or outline plan. This District was formally named Hamlet Commercial and includes all lands zoned Hamlet Commercial in the municipality.

### 14.2.2 GENERAL REQUIREMENTS:

- 14.2.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 14.2.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

14.2.3 PERMITTED USES	14.2.4 DISCRETIONARY USES
Business office Community services Convenience store Contractor, limited Financial services Government services Grocery store Post office Protective and emergency services Public works Restaurant Signs not requiring a development permit Utility services, minor	Accessory buildings requiring a development permit Accessory uses Agricultural support services Amusement and entertainment services Animal care services Athletic and recreation services Auto body Auto repair Auto sales Campground Car / truck wash Commercial business Commercial recreation facilities Commercial school or college Conference centre Day care facility Drinking establishment Dwelling unit (accessory to commercial use) Government Services Health care services Hotel Intensive vegetation operation Liquor sales Lot grading

14.2.3 PERMITTED USES	14.2.4 DISCRETIONARY USES
	Mixed use building (residential and business) Motel Neighborhood pub Outdoor café Patio (accessory to principal business use) Personal service establishment Public market Public quasi public Recreation, indoor Recycling collection point Residential care facility Retail garden centre Retail store Service station Shopping centre Signs requiring a Development Permit Storage compound Wholesale

#### **14.2.5 LAND USE REQUIREMENTS**

- 14.2.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 14.2.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of community commercial uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Parcel density requirements shall be determined by the Approving Authority, in accordance with an approved area structure plan or outline plan, if applicable.
  - b. Minimum Parcel Size:
    - i. 929.0 m<sup>2</sup> (10,000 ft<sup>2</sup>) for lots serviced by a municipal or communal piped sewer and water system;
    - ii. 1,858 m<sup>2</sup> (20,000 ft<sup>2</sup>) for lots not serviced by a piped water or sewer system;
    - iii. The area on title at the time of passage of this Bylaw, whichever is greater; or
    - iv. The minimum parcel size may be amended by the Approving Authority in accordance with an approved area structure plan or outline plan.



- c. Maximum Parcel size:
  - i. As determined by the Approving Authority in accordance with an approved area structure plan or outline plan;
  - ii. The area in title at the time of passage of this Bylaw, whichever is lesser.

### 14.2.5.3 Utility Servicing Criteria

- a. Municipal or communal water and wastewater disposal systems;
- b. Municipal or communal water system, and an advanced package sewage treatment system; or
- c. On site water storage system on site and/or wastewater pump out tanks if deemed appropriate by the Approving authority in accordance with an approved area structure plan or outline plan.

## 14.2.6 DEVELOPMENT REQUIREMENTS

### 14.2.6.1 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than (60) sixty percent of the lot area.

### 14.2.6.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 0 m from the right of way of a municipal road located within a Hamlet;
  - ii. 6m (19.68 ft) from the right of way of a Municipal road located outside of a Hamlet;
  - iii. 64m (209.97 ft) from the centreline of a secondary highway;
  - iv. 40m (131.23 ft) from the right of way of a primary highway.
- b. Side Yard Setbacks:
  - i. 1.5 m (4.92 ft) from the property line;
  - ii. Where the side yard abuts a residential district, the setback shall be increased by 50%.
- c. Rear Yard Setbacks:
  - i. Principal Building – 6m (19.69 ft) from the property line;
  - ii. Accessory Building – 1.5 (4.92 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 14.2.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 14.2.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

### 14.2.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

### 14.2.6.6 Maximum Height of Structures:

- a. 12m (39.37 ft);

## 14.2.7 SPECIAL REQUIREMENTS

### 14.2.7.1 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 14.2.7.2 Lighting:

- a. All lighting must be in accordance Section 9.15 of the Land use bylaw and with the Municipal Dark Sky Bylaw.

### 14.2.7.3 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 14.2.7.4 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use, and each use shall obtain a separate development permit.

## 14.2.8 EXCEPTIONS:

## 14.3 HIGHWAY COMMERCIAL DISTRICT

# HC

### 14.3.1 PURPOSE AND INTENT

To accommodate a diverse range of commercial uses along highways and major transportation corridors intended to provide services to the travelling public and tourists and include businesses that require a high degree of visibility and/or ease of access to transportation routes.

### 14.3.2 GENERAL REQUIREMENTS:

- 14.3.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 14.3.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

14.3.3 PERMITTED USES	14.3.4 DISCRETIONARY USES
Community services Government services Public works Signs not requiring a development permit Tourist information services and facilities Utility services, minor	Accessory buildings requiring a development permit Accessory uses Agricultural support services Animal care services Arena, commercial Athletic and recreation services Auctioneering services Auto sales and repair Business office Car/truck wash Convenience store Drinking establishment Financial services Food service, drive in Grocery store Health services Hotel Liquor sales Lot grading Motel Neighbourhood pub Recreation, indoor Recreational vehicle sales Restaurant Retail garden centre

14.3.3 PERMITTED USES	14.3.4 DISCRETIONARY USES
	Service station Shopping centre Signs requiring a development permit Special event Truck stop

## 14.3.5 LAND USE REQUIREMENTS

- 14.3.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 14.3.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of highway commercial uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Parcel density requirements shall be determined by the Approving Authority, in accordance with an approved area structure plan or outline plan, if applicable.
  - b. Minimum Parcel Size:
    - i. 1.0 ac (4,047 m<sup>2</sup>);
    - ii. The area on title at the time of passage of this Bylaw, whichever is greater; or
    - iii. As determined by the Approving Authority, and if applicable, in accordance with an approved area structure plan or outline plan.
  - c. Maximum Parcel size:
    - i. As determined by the Approving Authority, and in accordance with an approved area structure plan or outline plan, if applicable; or
    - ii. The area on title at the time of passage of this Bylaw, whichever is lesser.
- 14.3.5.3 Utility Servicing Criteria
- a. Municipal or communal water and wastewater disposal systems;
  - b. Municipal or communal water system, and an advanced package sewage treatment system; or
  - c. On site water storage system on site and/or wastewater pump out tanks if deemed appropriate by the Approving Authority in accordance with an approved area structure plan or outline plan.

## 14.3.6 DEVELOPMENT REQUIREMENTS

- 14.3.6.1 Maximum Lot Coverage
- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than (60) sixty percent of the lot area.

### 14.3.6.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 15m (49.21 ft) from the right of way of an internal subdivision road;
  - ii. 48m (157.48 ft) from the centreline of a Municipal road;
  - iii. 64m (209.97 ft) from the centreline of a secondary highway;
  - iv. 40m (131.23 ft) from the ultimate right of way of a primary highway.
- b. Side Yard Setbacks:
  - i. 1.5 (4.92 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. Principal Building – 6m (19.69 ft) from the property line;
  - ii. Accessory Building – 1.5 (4.92 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 14.3.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 14.3.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the *“Riparian Setback Matrix Model”*, whichever is greater.

### 14.3.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a greater building setback for a use which, in the opinion of a Approving Authority, may interfere with the amenity of adjacent uses.

### 14.3.6.6 Maximum Height of Structures:

- a. 12m (39.37 ft).

## 14.3.7 SPECIAL REQUIREMENTS

### 14.3.7.1 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards shall be complied with;

- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 14.3.7.2 Lighting:

- a. All lighting must be in accordance with Section 9.15 of the Land use bylaw and with the Municipal Dark Sky Bylaw.

### 14.3.7.3 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 14.3.7.4 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mentioned uses listed for this district and each use shall be considered as a separate use, and each use shall obtain a separate development permit.

## 14.3.8 EXCEPTIONS:

## 14.4 RURAL BUSINESS DISTRICT

**RB**

### 14.4.1 PURPOSE AND INTENT

To provide for limited commercial and industrial uses, businesses and services that provide for the needs of the local community and are consistent with the character of the rural neighborhood as described in the Municipal Development Plan.

### 14.4.2 GENERAL REQUIREMENTS:

- 14.4.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 14.4.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

14.4.3 PERMITTED USES	14.4.4 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Agricultural, general Contractor, limited Day home services Dwelling, detached single family Home based business, minor Home office Public works Signs not requiring a development permit Utility services, minor	Abattoir, minor Accessory buildings requiring a development permit Agricultural, intensive use Agricultural processing & distribution Agricultural support services Animal care services Auctioneering services Business office Commercial school or college Commercial storage Dwelling, moved on Dwelling, temporary Farm equipment sales and service Guest ranch Home based business, major Industry, light Intensive agricultural operation Lot grading Manufacturing, light Personal care establishment Public market Restaurant (accessory to principal use) Retail garden centre Signs requiring a development permit Special event Storage compound



### 14.4.5 LAND USE REQUIREMENTS

- 14.4.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 14.4.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of rural business uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Parcel density requirements shall be determined by the Approving Authority, in accordance with an approved area structure plan or outline plan, if applicable.
  - b. Minimum Parcel Size:
    - i. 2.02 ha (5 acre);
    - ii. The area in title at the time of passage of this Bylaw, whichever is greater; or
    - iii. As determined by the Approving Authority, and if applicable, in accordance with an approved area structure plan or outline plan.
  - c. Maximum Parcel size:
    - i. As determined by the Approving Authority in accordance with an approved area structure plan or outline plan; or
    - ii. The area in title at the time of passage of this Bylaw, whichever is lesser.
- 14.4.5.3 Utility Servicing criteria
- a. Municipal or communal water and wastewater disposal systems;
  - b. Municipal or communal water system, and an advanced package sewage treatment system; or
  - c. On site water storage system on site and/or wastewater pump out tanks if deemed appropriate by the Approving Authority in accordance with an approved area structure plan or outline plan.

### 14.4.6 DEVELOPMENT REQUIREMENTS

- 14.4.6.1 Maximum Lot Coverage
- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than (60) sixty percent of the lot area.
- 14.4.6.2 Minimum Yard Setbacks Requirements:
- a. Front Yard Setbacks:
    - i. 15m (49.21 ft) from the right of way of an internal subdivision road;
    - ii. 48m (157.48 ft) from the centreline of a Municipal road;
    - iii. 64m (209.97 ft) from the centreline of a secondary highway;
    - iv. 40m (131.23 ft) from the ultimate right of way of a primary highway.

- b. Side Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft) from the property line
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

#### 14.4.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

#### 14.4.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. On a lot adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

#### 14.4.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

#### 14.4.6.6 Maximum Height of Structures:

- a. 12m (39.37 ft).

#### 14.4.6.7 Minimum habitable area per dwelling:

- a. 84 sq. m. (904.20 sq. ft).

### 14.4.7 SPECIAL REQUIREMENTS

#### 14.4.7.1 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

#### 14.4.7.2 Lighting:

- a. All lighting must be in accordance with Section 9.15 of the Land use bylaw and with the Municipal Dark Sky Bylaw.

### 14.4.7.3 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 14.4.7.4 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mentioned uses listed for this district and each use shall be considered as a separate use, and each use shall obtain a separate development permit.

### 14.4.8 EXCEPTIONS:

## SECTION 15 INDUSTRIAL DISTRICTS

### 15.1 HAMLET INDUSTRY DISTRICT

**HMI**

#### 15.1.1 PURPOSE AND INTENT

To accommodate a wide range of industrial and accessory uses within the boundaries of a Hamlet. Any nuisance factor should not extend beyond the boundaries of the parcel. The development will address issues of compatibility and transition with respect to adjacent land uses.

#### 15.1.2 GENERAL REQUIREMENTS:

- 15.1.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 15.1.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

15.1.3 PERMITTED USES	15.1.4 DISCRETIONARY USES
Contractor, limited Industrial, light Manufacturing, light Public works Signs not requiring a development permit Utility service, minor	Accessory buildings requiring a development permit Accessory uses Agricultural processing and distribution Agricultural support services Animal care services Athletic and recreation services Auto body Auto repair Auto sales Business office (accessory to principal use) Car / truck wash Card lock fuel dispensing facility Commercial school or college Commercial storage Contractor, general Dwelling unit (accessory to principal use) Industrial, general Intensive vegetation operation Lot grading Neighborhood pub Outdoor café

15.1.3 PERMITTED USES	15.1.4 DISCRETIONARY USES
	Outdoor storage (accessory to principal use) Patio (accessory to principal use) Public market Recreation, indoor Recreation, outdoor Recycling collection point Retail garden Retail store Service station Signs requiring a development permit Storage compound Warehouse sales Warehousing and storage

#### **15.1.5 LAND USE REQUIREMENTS**

- 15.1.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 15.1.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of hamlet industrial uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Parcel density requirements shall be determined by the Approving Authority and, in accordance with an approved area structure plan or outline plan if applicable.
  - b. Minimum Parcel Size:
    - i. 1,858 m<sup>2</sup> (20,000 ft<sup>2</sup>);
    - ii. The area on title at the time of passage of this Bylaw, whichever is greater; or
    - iii. The minimum parcel size may be amended by the Approving Authority in accordance with an approved area structure plan or outline plan.
  - c. Maximum Parcel size:
    - i. The area in title at the time of passage of this Bylaw, whichever is lesser; or
    - ii. As determined by the Approving Authority in accordance with an approved area structure plan or outline plan if applicable.
- 15.1.5.3 Utility Servicing Criteria
- a. Municipal or communal water and wastewater disposal systems;
  - b. Municipal or communal water system, and an advanced package sewage treatment system; or

- c. On site water storage system on site and/or wastewater pump out tanks if deemed appropriate by the Approving Authority in accordance with an approved area structure plan or outline plan.

### 15.1.6 DEVELOPMENT REQUIREMENTS

#### 15.1.6.1 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

#### 15.1.6.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 64m (209.97 ft) from the centreline of a secondary highway;
  - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway;
  - iii. 48m from the centreline of a Municipal Road outside a Hamlet;
  - iv. 0 m from the right of way of a Municipal road located within a Hamlet;
  - v. Front yard setback may altered in conformance with an approved Area Structure Plan for industrial uses;
- b. Side Yard Setbacks:
  - i. 1.5 m (4.92 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 6m (19.69 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

#### 15.1.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

#### 15.1.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

#### 15.1.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

### 15.1.6.6 Maximum Height of Structure:

- a. All buildings - 12m (39.37 ft);
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft)

### 15.1.7 SPECIAL REQUIREMENTS

#### 15.1.7.1 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

#### 15.1.7.2 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

#### 15.1.7.3 Lot Drainage:

- a. A development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

#### 15.1.7.4 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use.

### 15.1.8 EXCEPTIONS:

**15.2 GENERAL INDUSTRY DISTRICT****GI****15.2.1 PURPOSE AND INTENT**

To Provide for continued general industrial development within the Highway 2A corridor in accordance with the Highway 2A ASP. Development should be primarily general industrial uses with some forms of accessory commercial uses permitted where deemed appropriate. Interim uses such as storage facilities may be considered prior to feasible servicing being established. Uses should be low water usage industrial uses and shall meet the requirements of the Highway 2A Corridor's Design guidelines (2013), as may be amended or replaced by Council from time to time.

**15.2.2 GENERAL REQUIREMENTS:**

15.2.2.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

15.2.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

<b>15.2.3 PERMITTED USES</b>	<b>15.2.4 DISCRETIONARY USES</b>
Accessory building not requiring a development permit Agricultural, general Agricultural processing & distribution Agricultural support services Animal care services Auctioneering services Auto body Auto repair Business office Commercial school or college Commercial storage Contractor, limited Dwelling, temporary (accessory to principal use) Farm equipment sales and service Government services Industrial, storage and warehousing Intensive vegetation operation Industry, general Industry, light Lot grading Manufacturing, light Park Protective and emergency services	Abattoir Accessory building requiring a development permit Accessory uses Auto sales Bulk fuel depot Card lock fuel dispensing facility Commercial storage Dog park Food service, drive-in Industry, heavy Industrial, storage and warehousing Kennel, commercial Outdoor storage Recreational vehicle sales Storage compound Waste management facility, minor



<b>15.2.3 PERMITTED USES</b>	<b>15.2.4 DISCRETIONARY USES</b>
Public works Recreation vehicle storage Signs not requiring a development permit Recycling collection point Recycling depot Restaurant Retail store, Service station Signs not requiring a development permit Truck stop Utility services, minor Warehouse sales	

### **15.2.5 LAND USE REQUIREMENTS**

**15.2.5.1** A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.

**15.2.5.2** In order to facilitate the purpose and intent of this district and ensure the sustainable development of general industrial uses within the District, the following applies to applications for subdivision:

- a. Parcel Density:
  - i. Parcel density requirements shall be determined by the Approving Authority, and if applicable, in accordance with the Highway 2A ASP or an approved outline plan.
- b. Minimum Parcel Size:
  - i. 8000 m<sup>2</sup> (1.98 acres); or
  - ii. The area on title at the time of passage of this Bylaw, whichever is greater; or
  - iii. As determined by the Approving Authority, in accordance with the Highway 2A Industrial area structure plan and approved outline plan, where applicable.
- c. Maximum Parcel size:
  - i. The area in title at the time of passage of this Bylaw, whichever is lesser; or
  - ii. As determined by the Approving Authority, in accordance with the Highway 2A Industrial area structure plan and approved outline plan, where applicable.

**15.2.5.3** Utility Servicing Criteria

- a. Municipal or communal water and wastewater disposal systems;
- b. Municipal or communal water system, and an advanced package sewage treatment system; or
- c. On site water storage system on site and/or wastewater pump out tanks if deemed appropriate by the Approving Authority in accordance with the highway 2a industrial area structure plan and an approved outline plan where applicable.

### 15.2.6 DEVELOPMENT REQUIREMENTS

#### 15.2.6.1 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

#### 15.2.6.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 64m (209.97 ft) from the centreline of a secondary highway;
  - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway;
  - iii. 48m (157.48 ft) from the centreline of the Municipal road;
  - iv. 15m (19.69 ft) from the property line from an internal road;
  - v. Front yard setback may altered in conformance with an approved outline plan in accordance with the Highway 2A Industrial Area Structure Plan for industrial uses;
- b. Side Yard Setbacks:
  - i. 1.5 m (4.92 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

#### 15.2.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

#### 15.2.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

#### 15.2.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

### 15.2.6.6 Maximum Height of Structure:

- a. Buildings - 12m (39.37 ft);
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft).

## 15.2.7 SPECIAL REQUIREMENTS

### 15.2.7.1 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 15.2.7.2 Design Guidelines:

- a. All development located within the Highway 2A Industrial Area Structure Plan (H2AI ASP) area shall comply with the Highway 2A Corridor Design Guidelines (2013), as may be amended or replaced by Council from time to time..

### 15.2.7.3 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

### 15.2.7.4 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 15.2.7.5 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use.

## 15.2.8 EXCEPTIONS:

**15.3 INDUSTRIAL EDGE DISTRICT****IE****15.3.1 PURPOSE AND INTENT**

To provide for lower intensity industrial development and accessory commercial uses to serve as a complementary transition between the general industrial uses and other forms of development within the Highway 2A corridor in accordance with the Highway 2A Industrial Area Structure Plan. Outdoor processing or manufacturing of materials is discouraged and all industrial activity shall be contained indoors.

**15.3.2 GENERAL REQUIREMENTS:**

15.3.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.

15.3.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

<b>15.3.3 PERMITTED USES</b>	<b>15.3.4 DISCRETIONARY USES</b>
Accessory building not requiring a development permit Agricultural, general Agricultural support services Animal care services Business office Contractor, limited Dwelling, temporary (accessory to principal use) Government services Industry, light Intensive vegetation operation Lot grading Manufacturing light Park Protective and emergency services Public works Recreation, indoor Recycling collection point Recycling depot Restaurant Retail store Service station Signs not requiring a development permit Utility services, minor	Accessory buildings requiring a development permit Accessory uses Auctioneering services Auto sales Commercial school or college Commercial storage Dog park Food service, drive-in Recreational vehicle sales Special event Storage compound

### 15.3.5 LAND USE REQUIREMENTS

- 15.3.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 15.3.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of industrial edge uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
    - i. Parcel density requirements shall be determined by the Approving Authority, in accordance with the Highway 2A Industrial area structure plan and/or approved outline plan, where applicable.
  - b. Minimum Parcel Size:
    - i. 8000 m<sup>2</sup> (1.98 acres);
    - ii. The area on title at the time of passage of this Bylaw, whichever is greater; or
    - iii. As determined by the Approving Authority, in accordance with the Highway 2A Industrial area structure plan and approved outline plan, where applicable.
  - c. Maximum Parcel size:
    - i. The area on title at the time of passage of this Bylaw, whichever is lesser; or
    - ii. As determined by the Approving Authority, in accordance with the Highway 2A Industrial area structure plan and approved outline plan, where applicable.
- 15.3.5.3 Utility Servicing Criteria
- a. Municipal or communal water and wastewater disposal systems;
  - b. Municipal or communal water system, and an advanced package sewage treatment system; or
  - c. On site water storage system on site and/or wastewater pump out tanks if deemed appropriate by the Approving Authority in accordance with the Highway 2A industrial area structure plan and an approved outline plan.

### 15.3.6 DEVELOPMENT REQUIREMENTS

- 15.3.6.1 Maximum Lot Coverage
- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.
- 15.3.6.2 Minimum Yard Setbacks Requirements
- a. Front Yard Setbacks:
    - i. 64m (209.97 ft) from the centreline of a secondary highway;
    - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway;
    - iii. 48m (157.48 ft) from the centreline of the Municipal road;
    - iv. 5m (16.40 ft) from the property line from an internal road;

- v. Front yard setback may be altered in conformance with the Highway 2A Industrial area structure plan and an approved outline plan for industrial uses;
- b. Side Yard Setbacks:
  - i. 1.5 m (4.92 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 15.3.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 15.3.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

### 15.3.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a greater building setback for a light industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

### 15.3.6.6 Maximum Height of Structure:

- a. All buildings - 12m (39.37 ft);
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft).

## 15.3.7 SPECIAL REQUIREMENTS

### 15.3.7.1 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 15.3.7.2 Design Guidelines:

- a. All development located within the Highway 2A Industrial Area Structure Plan (H2AI ASP) area shall comply with the Highway 2A Corridor Design Guidelines (2013), as may be amended or replaced by Council from time to time.

### 15.3.7.3 Lighting:

- a. All lighting must be in accordance with Section 9.15 of the Land use bylaw and with the Municipal Dark Sky Bylaw.

### 15.3.7.4 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 15.3.7.5 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use.

### 15.3.8 EXCEPTIONS:

## 15.4 NATURAL RESOURCE EXTRACTION DISTRICT

**INR**

### 15.4.1 PURPOSE AND INTENT

To accommodate industrial uses related to non-renewable natural resource extraction and processing.

This District was formally named Industrial Natural Resource District and includes all lands zoned Industrial Natural Resource District in the Municipality.

### 15.4.2 GENERAL REQUIREMENTS:

15.4.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.

15.4.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

15.4.3 PERMITTED USES	15.4.4 DISCRETIONARY USES
Agricultural, general Natural resource extraction/processing Public works Signs not requiring a development permit Utility services, minor	Accessory buildings requiring a development permit Accessory uses Dwelling, detached single family Dwelling, relocated or moved on parcels under 80 acres Dwelling unit, temporary (accessory to principle use) Lot grading Signs requiring a development permit

### 15.4.5 LAND USE REQUIREMENTS

15.4.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.

15.4.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of natural resource extraction uses within the District, the following applies to applications for subdivision:

- a. Parcel Density:
  - i. Parcel density requirements shall be determined by the Approving Authority, in accordance with an approved area structure plan or outline plan, if applicable.
- b. Minimum Parcel Size:
  - i. The area on title at the time of passage of this Bylaw, whichever is greater; or
  - ii. As determined by the Approving Authority, and in accordance with an approved area structure plan or outline plan, if applicable.
- c. Maximum Parcel size:
  - i. The area on title at the time of passage of this Bylaw, whichever is lesser; or



- ii. As determined by the Approving Authority, and in accordance with an approved area structure plan or outline plan, if applicable.

### 15.4.5.3 Utility Servicing Criteria

- a. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.

## 15.4.6 DEVELOPMENT REQUIREMENTS

### 15.4.6.1 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

### 15.4.6.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 64m (209.97 ft) from the centreline of a secondary highway;
  - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway;
  - iii. 48m (157.48 ft) from the centreline of the Municipal road;
  - iv. 15m (19.69 ft) from the property line from an internal road.
- b. Side Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 15.4.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 15.4.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

### 15.4.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 15.4.6.6 Maximum Height of Structure:

- a. Buildings - 12m (39.37 ft);
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft).

### 15.4.6.7 Minimum habitable area per dwelling

- a. 84 m<sup>2</sup> (904.20 sq. ft).

## 15.4.7 SPECIAL REQUIREMENTS

### 15.4.7.1 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 15.4.7.2 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw;

### 15.4.7.3 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 15.4.7.4 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use,.

## 15.4.8 EXCEPTIONS:

## SECTION 16 PARKS AND RECREATION DISTRICTS

### 16.1 RECREATION DISTRICT

**REC**

#### 16.1.1 PURPOSE AND INTENT

To accommodate a wide range of public/private parks and recreational activities, primarily aimed at passive and active outdoor activities and includes buildings for community recreation and accessory uses to facilities like golf courses.

#### 16.1.2 GENERAL REQUIREMENTS:

- 16.1.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 16.1.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

16.1.3 PERMITTED USES	16.1.4 DISCRETIONARY USES
Accessory building not requiring a development permit	Accessory building requiring a development permit
Country recreational center/lodge	Accessory uses
Government services	Agricultural, general
Natural science exhibits	Amusement and entertainment services
Ornamental pond	Bed and breakfast
Park	Campground, Major
Private amenity space	Campground, minor
Private lake	Community buildings and facilities
Public works	Community services
Recreation, passive	Convenience store (accessory to principal use)
Signs not requiring a development permit	Drinking establishment(accessory to principal use)
Tourist information services and facilities	Dugout
	Dwelling, single family dwelling
	Dwelling, relocated or moved on parcels under 80 acres
	Dwelling, temporary
	Golf course
	Home based business, minor
	Lot grading
	Public market
	Recreation Community
	Recreational resort

16.1.3 PERMITTED USES	16.1.4 DISCRETIONARY USES
	Recreation service, indoor Recreation service, outdoor Retail store (accessory to principal use) Restaurant (accessory to principal use) Signs requiring a development permit Special event Utility services, minor

## 16.1.5 LAND USE REQUIREMENTS

16.1.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.

16.1.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of recreational uses within the District, the following applies to applications for subdivision:

- a. Parcel Density:
  - i. Parcel density requirements shall be determined by the Approving Authority, and in accordance with an approved area structure plan or outline plan if applicable.
- b. Minimum Parcel Size:
  - i. The area on title at the time of passage of this Bylaw, whichever is greater; or
  - ii. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.
- c. Maximum Parcel size:
  - i. The area on title at the time of passage of this Bylaw, whichever is lesser; or
  - ii. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.

16.1.5.3 Utility Servicing Criteria

- a. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.

## 16.1.6 DEVELOPMENT REQUIREMENTS

16.1.6.1 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

16.1.6.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 64m (209.97 ft) from the centreline of a secondary highway;
  - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway;

- iii. 48m (157.48 ft) from the centreline of the Municipal road;
  - iv. 15m (19.69 ft) from the property line from an internal road; or
  - v. As determined by the Approving Authority in conformance with an approved Area Structure Plan.
- b. Side Yard Setbacks:
- i. 15m (49.21 ft) from the property line.
- c. Rear Yard Setbacks:
- i. 15m (49.21 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 16.1.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 16.1.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the “Riparian Setback Matrix Model”, whichever is greater.

### 16.1.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 16.1.6.6 Maximum Height of Structure:

- a. All buildings - 12m (39.37 ft);
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft).

## 16.1.7 SPECIAL REQUIREMENTS

### 16.1.7.1 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

### 16.1.7.2 Lot Drainage:

- a. Lot grading and drainage shall be in accordance with Section 9.17 of this Land use bylaw.

### 16.1.7.3 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mentioned uses listed for this district and each use shall be considered as a separate use, and each use shall obtain a separate development permit.

## 16.1.8 EXCEPTIONS:

### Square Butte:

- 16.1.8.1 For Plan 9913474, units 51 through 56 and Plan 0010101, Units 58 through 63, allow for 0 setback to property lines, excepting the rear yard of the dwelling units which shall be 15m;
- 16.1.8.2 For Plan 9910270, units 32 through 41 and Plan 9710379, units 1 through 26, allow for the use of setbacks as defined under the Hamlet Residential District.

## 16.2 OPEN SPACE DISTRICT

# OS

### 16.2.1 PURPOSE AND INTENT

To preserve lands that have natural capability for conservation, passive recreation and education. These lands may be owned or managed by the Municipality, an individual landowner, public land trust, or condominium association.

### 16.2.2 GENERAL REQUIREMENTS:

- 16.2.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 16.2.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

16.2.3 PERMITTED USES	16.2.4 DISCRETIONARY USES
Accessory buildings not requiring a development permit Natural science exhibits Park Private amenity space Public works Recreation, passive Signs not requiring a development permit	Accessory buildings requiring a development permit Community services Dwelling, single family dwelling Dwelling, temporary Lot grading Private lake Recreation community Signs requiring a development Special event Utility services, minor

### 16.2.5 LAND USE REQUIREMENTS

- 16.2.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 16.2.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainable development of open space uses within the District, the following applies to applications for subdivision:
- Parcel Density:
    - Parcel density requirements shall be determined by the Approving Authority, and in accordance with an approved area structure plan or outline plan, if applicable.
  - Minimum Parcel Size:
    - The area on title at the time of passage of this Bylaw, whichever is greater; or
    - As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.

- c. Maximum Parcel size:
  - i. The area on title at the time of passage of this Bylaw, whichever is lesser; or
  - ii. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.

### 16.2.5.3 Utility Servicing Criteria

- a. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan if applicable.

## 16.2.6 DEVELOPMENT REQUIREMENTS

### 16.2.6.1 Management Plan:

- a. A management plan may be required by the Approving Authority to outline the use of the land, how the land will be maintained, who is responsible for ongoing maintenance, and any other items deemed appropriate by the Approving Authority. All development permit applications must conform to the management plan on lands where a management plan has been approved.

### 16.2.6.2 Maximum Lot Coverage

- a. As determined by the Approving Authority, in accordance with an approved area structure plan or outline plan if applicable.

### 16.2.6.3 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 64m (209.97 ft) from the centreline of a secondary highway;
  - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway;
  - iii. 48m (157.48 ft) from the centreline of the Municipal road;
  - iv. 15m (49.21 ft) from the property line from an internal road.
  - v. As determined by the Approving Authority in conformance with an approved Area Structure Plan.
- b. Side Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 16.2.6.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.



### 16.2.6.5 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the “Riparian Setback Matrix Model”, whichever is greater.

### 16.2.6.6 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 16.2.6.7 Maximum Height of Structure:

- a. Buildings – 10.67m (35 ft);
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft).

## 16.2.7 SPECIAL REQUIREMENTS

### 16.2.7.1 Management Plan:

- a. All development permit applications must conform to a management plan if required by the Approving Authority. Such management plan shall be prepared by the applicant and approved by the Approving Authority prior to the time that an application for a development permit is made.

### 16.2.7.2 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky bylaw.

### 16.2.7.3 Lot Drainage:

- a. Lot grading and drainage shall be in accordance with Section 9.17 of this Land use bylaw.

### 16.2.7.4 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use, and each use shall obtain a separate development permit.

## 16.2.8 EXCEPTIONS:

## 16.3 ENVIRONMENTAL PROTECTION DISTRICT

**EP**

### 16.3.1 PURPOSE AND INTENT

To provide for the preservation and protection of land determined to be environmentally significant. These lands may be owned or managed by the Municipality, an individual landowner, condominium association, or public land trust and may require an Environmental Management Plan approved by the Approving Authority outlining the use and management of the lands.

### 16.3.2 GENERAL REQUIREMENTS:

16.3.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.

16.3.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

16.3.3 PERMITTED USES	16.3.4 DISCRETIONARY USES
Agricultural general Public works Signs not requiring a development permit	Accessory building - temporary Accessory uses Dwelling, temporary Lot grading Pathways Private amenity space Signs requiring a development permit Utility services, minor

### 16.3.5 LAND USE REQUIREMENTS

16.3.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.

16.3.5.2 In order to facilitate the purpose and intent of this district and ensure the management of environmental protection uses within the District, the following applies to applications for subdivision:

- a. Parcel Density:
  - i. Parcel density requirements shall be determined by the Approving Authority, and if applicable, in accordance with an approved area structure plan or outline plan.
- b. Minimum Parcel Size:
  - i. The area on title at the time of passage of this Bylaw, whichever is greater; or
  - ii. As determined by the Approving Authority, and in accordance with an approved area structure plan or outline plan, if applicable.
- c. Maximum Parcel size:
  - i. The area on title at the time of passage of this Bylaw, whichever is lesser; or

- ii. As determined by the Approving Authority, and in accordance with an approved area structure plan or outline plan, if applicable.

### 16.3.5.3 Utility Servicing Criteria

- a. As determined by the Approving Authority, and if applicable, in accordance with an approved area structure plan or outline plan.

## 16.3.6 DEVELOPMENT REQUIREMENTS

### 16.3.6.1 Management Plan

- a. A management plan may be required by the Approving Authority to outline the use of the land, how the land will be maintained, who is responsible for ongoing maintenance, and any other items deemed appropriate by the Approving Authority. All development permit applications must conform to the management plan on lands where a management plan has been approved.

### 16.3.6.2 Maximum Lot Coverage

- a. As determined by the Approving Authority, and if applicable, in accordance with an approved area structure plan or outline plan.

### 16.3.6.3 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 64m (209.97 ft.) from the centreline of a secondary highway
  - ii. 40m (131.23 ft.) from the ultimate right of way of a primary highway
  - iii. 48m (157.48 ft.) from the centreline of the Municipal road;
  - iv. 15m (49.21 ft.) from the property line from an internal road
- b. Side Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line
- c. Rear Yard Setbacks:
  - i. 15m (49.21 ft.) from the property line
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 16.3.6.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 16.3.6.5 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. On a lot adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.

- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the “Riparian Setback Matrix Model”, whichever is greater.

### 16.3.6.6 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

### 16.3.6.7 Maximum Height of Structure:

- a. Buildings - 12m (39.37 ft.)
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft.)

## 16.3.7 SPECIAL REQUIREMENTS

### 16.3.7.1 Management Plan:

- a. All development permit application must conform to a management plan if required by the Approving Authority. Such management plan shall be prepared by the applicant and approved by the Approving Authority prior to the time that an application for a development permit is made.

### 16.3.7.2 Lighting:

- a. All lighting must be in accordance with Section 9.15 of the Land use bylaw and with the Municipal Dark Sky Bylaw;

### 16.3.7.3 Lot Drainage:

- a. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 16.3.7.4 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use.

## 16.3.8 EXCEPTIONS:

## SECTION 17 SERVICE AND UTILITY DISTRICTS

### 17.1 SERVICE DISTRICT

**SD**

#### 17.1.1 PURPOSE AND INTENT

To provide for a broad range of public and private institutional and community services and facilities including but not limited to education, health, government, cultural activities, religious assemblies and other institutional facilities and services.

#### 17.1.2 GENERAL REQUIREMENTS:

- 17.1.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 17.1.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

17.1.3 PERMITTED USES	17.1.4 DISCRETIONARY USES
Accessory buildings not requiring a development permit Educational services, Public/Separate Government services Hospital Park Protective and emergency services Public works Signs not requiring a development permit	Accessory buildings requiring a development permit Accessory use Assembly use Cemetery Commercial school or college Community buildings and facilities Community services Conference centre Convenience store (accessory to principal use) Crematorium Cultural facilities Day care facility Dwelling, single family dwelling Dwelling, temporary Educational services, Private/Charter Funeral home Group home, limited Group home, major Health care services Library and exhibit Lot grading Recreation community

17.1.3 PERMITTED USES	17.1.4 DISCRETIONARY USES
	Recreation services, indoor (accessory to principal use) Recreation services, outdoor (accessory to principal use) Religious assembly Residential care facility Restaurant (accessory to principal use) Retail store (accessory to principal use) Signs requiring a development permit Special care facility Special event Utility services, minor

## 17.1.5 LAND USE REQUIREMENTS

17.1.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.

17.1.5.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive and sustainable development of services within the District, the following applies to applications for subdivision:

- a. Parcel Density:
  - i. Parcel density requirements shall be determined by the Approving Authority, and if applicable, in accordance with an approved area structure plan or outline plan.
- b. Minimum Parcel Size:
  - i. The area on title at the time of passage of this Bylaw, whichever is greater; or
  - ii. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.
- c. Maximum Parcel size:
  - i. The area on title at the time of passage of this Bylaw, whichever is lesser; or
  - ii. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.

17.1.5.3 Utility Servicing Criteria

- a. As determined by the Approving Authority and in accordance with an approved area structure plan or outline plan, if applicable.

## 17.1.6 DEVELOPMENT REQUIREMENTS

17.1.6.1 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area;

### 17.1.6.2 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 64m (209.97 ft) from the centreline of a secondary highway;
  - ii. 40m (131.23 ft) from the ultimate right of way of a primary highway;
  - iii. 48m (157.48 ft) from the centreline of the Municipal road;
  - iv. 15m (19.69 ft) from the property line from an internal road; or
  - v. Front yard setback may be altered in conformance with an approved Area Structure Plan;
- b. Side Yard Setbacks:
  - i. 6 m (19.69 ft) from the property line.
- c. Rear Yard Setbacks:
  - i. 6m (19.69 ft) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 17.1.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 17.1.6.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

### 17.1.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

### 17.1.6.6 Maximum Height of Structure:

- a. Buildings - 12m (39.37 ft);
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft).

## 17.1.7 SPECIAL REQUIREMENTS

### 17.1.7.1 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

### 17.1.7.2 Lot Drainage:

- a. Lot grading and drainage shall be in accordance with Section 9.17 of this Land use bylaw.

### 17.1.7.3 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use, and each use shall obtain a separate development permit.

### 17.1.8 EXCEPTIONS:



## 17.2 PUBLIC UTILITY DISTRICT

**PUL**

### 17.2.1 PURPOSE AND INTENT

To accommodate public and private utilities and facilities needed to serve the municipality.

### 17.2.2 GENERAL REQUIREMENTS:

- 17.2.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 17.2.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

17.2.3 PERMITTED USES	17.2.4 DISCRETIONARY USES
Agricultural, general Park Private amenity space Public works Recycling, collection point Signs not requiring a development permit Utility services, minor Utility building Waste management facility, minor	Accessory uses Lot grading Recreation, outdoor Signs requiring a development permit Utility services, major Waste management, major

### 17.2.5 LAND USE REQUIREMENTS

- 17.2.5.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval for a Land Use Bylaw.

### 17.2.6 DEVELOPMENT REQUIREMENTS

- 17.2.6.1 Maximum Lot Coverage
- No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.
- 17.2.6.2 Minimum Yard Setbacks Requirements
- Front Yard Setbacks:
    - 6m (19.69 ft) from the property line.
  - Side Yard Setbacks:
    - 6m (19.69 ft) from the property line.
  - Rear Yard Setbacks:
    - 6m (19.69 ft) from the property line.

- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 17.2.6.3 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

### 17.2.6.4 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of this bylaw for additional setback requirements that may apply.

### 17.2.6.5 Maximum Height of Structure:

- a. All buildings - 12m (39.37 ft);
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft).

## 17.2.7 SPECIAL REQUIREMENTS

### 17.2.7.1 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky bylaw.

### 17.2.7.2 Lot Drainage:

- a. Lot grading and drainage shall be in accordance with Section 9.17 of this Land use bylaw.

### 17.2.7.3 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mention uses listed for this district and each use shall be considered as a separate use, and each use shall obtain a separate development permit.

## 17.2.8 EXCEPTION

**17.3 FEDERAL/PROVINCIAL JURISDICTION DISTRICT**

**FPJ**

**17.3.1 PURPOSE AND INTENT**

To provide for lands that do not require a Development Permit when operating under the jurisdiction of Federal legislation or Provincial legislation and to prescribe land uses and regulations for these lands if they are no longer operating under the jurisdiction of Federal or Provincial legislation whereby they become subject to the Land Use Bylaw.

**17.3.2 PERMITTED USES**

- 17.3.2.1 Any use that is consistent with those uses, activities and operations prescribed in the appropriate superior legislation;

**17.3.3 DISCRETIONARY USES**

- 17.3.3.1 All uses not exempt from municipal approval due to federal/provincial jurisdiction are at the discretion of Council.

**17.3.4 LAND USE AND DEVELOPMENT REQUIREMENTS**

- 17.3.4.1 Standards of the development shall be at the discretion of Council.
- 17.3.4.2 If for any reason (including a change in use, ownership or legislation) lands to which this land use applies become exempt from the superior legislation thus falling under approvals of this Bylaw, the lands must be redesignated to the land use most compatible with the current use of the parcel or parcels. In the interim, the most restrictive land use adjacent to the lands shall apply and all development shall be considered a discretionary use until the land is properly rezoned.

## 17.4 MUNICIPAL LAND/RESERVE DISTRICT

**MLR**

### 17.4.1 PURPOSE AND INTENT

To allow for schools, parks, community facilities, and recreation facilities on municipally owned recreational or education properties, and land dedicated as school reserve, municipal school reserve, community reserve, public reserve, and reserve pursuant to the Municipal Government Act or its predecessors.

### 17.4.2 GENERAL REQUIREMENTS:

- 17.4.2.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 17.4.2.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

17.4.3 PERMITTED USES	17.4.4 DISCRETIONARY USES
Agriculture, General Educational Services, Public/Separate Park Public Works Recreation, Passive Signs not requiring a development permit	Accessory Uses Antenna Structures, Private Community Building and Facility Community Services Educational Services, Private/Charter Government Services Lot Grading Protective and Emergency Service Recreation Community Recreation Services, Indoor Recreation Services, Outdoor Signs requiring a development permit Special Event Utility Services, Minor

### 17.4.5 LAND USE REQUIREMENTS

- 17.4.5.1 Standards of the development shall be at the discretion of Council.

### 17.4.6 DEVELOPMENT REQUIREMENTS

- 17.4.6.1 Maximum Height of Structures:
- All buildings:
    - 12m (39.37 ft.);
  - Amateur radio antennas, Antenna structures, private and wind energy conversion systems, personal (non-federally regulated):

- i. 16m (52.49 ft.);
- c. Or as determined by Council.

### 17.4.6.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area;
- b. Or as determined by Council.

### 17.4.6.3 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the centre line of a Municipal Road;
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway;
  - iv. 40m (131.23 ft.) from a Primary Highway;
  - v. Or as determined by Council.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 17.4.6.4 Corner Parcel Restrictions:

- a. In accordance with Sections 9.27.9 - 9.27.12.;
- b. Or as determined by Council.

### 17.4.6.5 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30 m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the "Riparian Setback Matrix Model", whichever is greater.

iii. Or as determined by Council.

**17.4.6.6 Other Minimum Setback Requirements:**

- a. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply;
- b. Or as determined by Council.

### **17.4.7 SPECIAL PROVISIONS**

**17.4.7.1** The Approving Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Development setbacks;
- b. Size and number of structures permitted on site;
- c. Engineering requirements;
- d. Requirements for evacuation and emergency response plans;
- e. Upgrades on municipal roads;
- f. Mitigation of impacts on municipal roads;
- g. Noise;
- h. Buffering;
- i. Lighting;
- j. Parking requirements;
- k. Screening of facilities;
- l. Proof of compliance with fire and safety codes inspections of the facility;
- m. Any other condition that Council deems necessary.

**17.4.7.2** Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw;
- b. Or as approved by Council

**17.4.7.3** Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw;
- c. Or as approved by Council.

### **17.4.8 EXCEPTIONS:**

## SECTION 18 DIRECT CONTROL DISTRICT

### 18.1 DIRECT CONTROL DISTRICT #1 (DC1)

**DC#1**

#### 18.1.1 PURPOSE AND INTENT

The purpose and intent of this district is to allow direct control by the Council over development on the following lots (Spruce Meadows Equestrian Centre):

- Plan 2231JK, Block D, S.E. 20-22-01-W5
- That portion of the N.E. 20-22-01-W5 not annexed by the City of Calgary LSD 11 in N.W. 20-22-01-W5
- Plan 2231JK, Block E, North 2, Ptn. S.E. 20-22-01-W5

#### 18.1.2 PERMITTED USES

Nil

#### 18.1.3 DISCRETIONARY USES

Accessory Uses  
Country Recreational Centers and Lodges  
Dwellings  
Extensive Agricultural Uses  
Intensive Agricultural Uses

#### 18.1.4 REQUIREMENTS

18.1.4.1 Standards of development shall be at the discretion of Council.

#### 18.1.5 PROCEDURE

18.1.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.1.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.1.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits for lands referred to in Section 18.1.1. The Council may approve a development permit application with or without conditions, or may refuse an application for development permit.

18.1.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.1.1.

## 18.2 DIRECT CONTROL DISTRICT #2 (DC2)

## DC#2

### 18.2.1 PURPOSE AND INTENT

The purpose and intent of this district is to allow Direct Control by the Council over development on the following lands:

In Township 19, Range 28, West 4<sup>th</sup> Meridian:

The North Half Section 19 (excepting that portion as shown on the Land Use Map No. 29 as being within the Urban Fringe of the Town of High River);

Portion North Half Section 20;

Portion South Half Section 29;

Portion Section 30;

Portion Section 31;

All on the west side of the Highwood River and east of Highway No. 2A

The 58.84-acre portion of S.W. 19-19-28-W4, which lies west of the railway and east of Highway #2A (as shown on Schedule A attached to Bylaw No. 136-90).

Ptn. SE 25-19-29-W4 – 122.18 acres

### 18.2.2 PERMITTED USES

Nil

### 18.2.3 DISCRETIONARY USES (FOR EXAMPLE, BUT NOT LIMITED TO)

Accessory Uses

Agricultural Distribution and Storage

Agricultural Processing

Auto Wreckers

Dwelling – detached single family

- no more than 2 such dwellings are permitted on a lot that is 32.4 ha (80 acres) or more in size;
- no more than 1 such dwelling is permitted on a lot that is less than 32.4 ha (80 acres) in size.

Extensive Agricultural Uses

Hazardous Industry

Inside Storage

Intensive Agricultural Uses

Medical Marijuana Production Facility

Natural Resource Extractive Industry

Non-Labour Intensive Industry

Public Works

Scrap Metal Collection Centers



### 18.2.4 GENERAL LAND USE AND DEVELOPMENT REQUIREMENTS

18.2.4.1 Land use and development requirements shall be at the discretion of the Council.

### 18.2.5 SPECIAL USE REGULATIONS/DEVELOPMENT STANDARDS FOR MEDICAL MARIHUANA PRODUCTION FACILITIES

18.2.5.1 Development permit required.

18.2.5.2 A medical marihuana facility shall operate only under applicable federal licensing. Proof of valid Federal licensing and the activities as approved thereunder shall be provided to the municipality.

18.2.5.3 All licensed processes and functions shall be fully enclosed within a stand-alone building(s). Loading stalls and docks shall not be visible from a public road or adjacent lands.

18.2.5.4 Outdoor storage is not permitted with a Medical Marihuana Production Facility.

18.2.5.5 No noise, odour, smoke or air borne particles inherent to the nature of operations shall be determinable beyond the legal boundaries of the parcel.

18.2.5.6 An applicant shall illustrate the ability to comply with municipal water allotments or prove a licensed source of water.

18.2.5.7 Where on-site illumination is required, all lighting shall be positioned in such a manner that lighting falling onto abutting properties is minimized and shall be in accordance with the *"Dark Sky Bylaw"* adopted by Council and attached as Appendix E to this bylaw.

18.2.5.8 A minimum landscaping and screening plan shall be completed to the satisfaction of the Approving Authority.

18.2.5.9 Any Medical Marihuana Production Facility shall provide parking in accordance with Section 9.19 of this bylaw.

18.2.5.10 Engineering requirements:

- a. Professionally Engineered stamped plans (structural, mechanical, and fire);
- b. Must meet Alberta Building Code and Fire Code provisions for use and occupancy.

18.2.5.11 Safety & Health:

- a. Must adhere to relevant environmental legislation;
- b. Must satisfy all public health requirements;
- c. An applicant shall provide appropriate information with respect to daily operations pertaining to safety and security, to the satisfaction of the Approving Authority.

- 18.2.5.12 Upon issuance of a development permit for any Medical Marihuana Production Facility, the applicant shall obtain a Business License from the Municipality. If the business license is not obtained or is revoked or suspended, the development permit shall be and remain suspended until the business license is obtained or re-instated.
- 18.2.5.13 Signage as approved by Development Permit.
- 18.2.5.14 The Approving Authority may impose the following conditions pertaining to a medical marihuana facility:
- Setbacks from roads, residential and other developments;
  - Delivery route requirements; location of access to the lands;
  - Provision of a waste management plan, completed by a qualified professional that includes detail on:
  - The incineration of waste products and airborne emissions, including smell;
  - The quantity and characteristics of liquid and waste material discharged by the facility;
  - The method and location of collection and disposal of liquid and waste material.
  - Any other matters deemed necessary by the Approving Authority.

### **18.2.6 PROCEDURE**

- 18.2.6.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.2.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.2.6.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.2.1. The Council may approve a development permit application with or without conditions, or may refuse and application for development permit.
- 18.2.6.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.2.1.

**18.3 DIRECT CONTROL DISTRICT #3 (DC3)**

**RETREAT, MEETING CONFERENCE AND TREATMENT FACILITIES DISTRICT**

**18.3.1 PURPOSE AND INTENT**

The purpose and intent of this District is to allow for development, use and operation of private facilities for retreat, meeting, recreation and treatment of people and to allow for the Direct Control by Council over development on the following lands:

NW ¼ SEC. 19, TWP. 22, RGE. 03, W5M, PLAN 9112080, BLOCK 1;  
NW ¼ SEC. 19, TWP. 22, RGE. 03, W5M, PLAN 9610155, BLOCK 1;  
NW ¼ SEC. 20, TWP. 22, RGE. 03, W5M, PLAN 1411233, BLOCK 1, LOT 1;  
NW ¼ SEC. 36, TWP. 22, RGE. 03, W5M, PLAN 9712215, BLOCK 1;  
NW ¼ SEC 30, TWP 20, RGE 28, W4M, PLAN 9913471, BLOCK 3

**18.3.2 PERMITTED USES**

Accessory Buildings not requiring a development permit  
Agricultural, General  
Accessory Uses to the Dwelling  
Dwelling, Detached Single Family  
No more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size  
Public Works  
Signs not requiring a development permit  
Utility services, minor

**18.3.3 DISCRETIONARY USES**

Administrative Office accessory to the use  
Accessory Buildings, Detached  
Accessory Use  
Assembly Use  
Agricultural, Intensive  
Dwelling, manufactured home (mobile home) - one only  
• discretionary use only on lots less than 80 acres in size  
Dwelling, moved on,  
• discretionary use only on lots less than 80 acres in size  
Dwelling Unit  
Country Residential Recreational Centers and Lodges  
Conference Centre / Retreat  
Golf Course  
Interpretive Pathways  
Lot Grading  
Manmade water features requiring a permit

Residential Care Facility  
Temporary Structures for Special Events  
Private Amenity Space  
Personal Service  
Public / Quasi Public Installations and Facilities  
Signs requiring a Development Permit  
Special Events

### **18.3.4 LAND USE REQUIREMENTS**

Standards of the development shall be at the discretion of Council.

### **18.3.5 DEVELOPMENT REQUIREMENTS**

#### **18.3.5.1 Maximum Height of Structures**

- a. Principal buildings, first vehicle garage, and car ports:  
10m (32.81 ft.)
- b. Accessory Buildings and Arenas:  
10.67m (35 ft.)
- c. Radio antennas, internet towers and wind turbines:  
16m (52.49 ft.);
- d. Or as determined by Council

#### **18.3.5.2 Lot Coverage**

- a. No building or group of buildings including their accessory buildings and impervious surfaces (e.g. paved parking areas) shall cover more than forty (40) percent of the lot area;

#### **18.3.5.3 Minimum Yard Setback Requirements**

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the center line of a Municipal Road
  - iii. 64m (209.97 ft.) from the center line of a Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway;
  - v. Or as determined by Council
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line; or
  - ii. As determined by Council
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line; or
  - ii. Or as determined by Council

- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 18.3.5.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.26.6;

### 18.3.5.5 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30 m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by the Approving Authority in accordance with the “Riparian Setback Matrix Model”, whichever is greater.

### 18.3.5.6 Other Minimum Setback Requirements:

- a. See Section 9.2.7 “Special Setback Requirements” of Land Use Bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of a Development Authority, may interfere with the amenity of adjacent uses.

### 18.3.5.7 Minimum habitable area per dwelling

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

## 18.3.6 SPECIAL PROVISIONS

### 18.3.6.1 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 18.3.6.2 Nuisance:

- a. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot;

### 18.3.6.3 The Development Authority may, as a condition of issuing a Development Permit, impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of facilities to be constructed;
- b. Development setbacks;

- c. Hours of operation;
- d. Number of employees;
- e. Number of temporary accommodation units;
- f. Number of vehicle visits per day;
- g. Number and duration of special events permitted;
- h. Noise;
- i. Buffering;
- j. Lighting;
- k. Outdoor storage;
- l. Parking Requirements;
- m. Screening of facilities.

### 18.3.6.4 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the *Dark Sky Bylaw*.

### 18.3.6.5 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

## 18.3.7 PROCEDURE

18.3.7.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for development permit in respect of lands referred to in Section 18.3.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.3.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.3.1. The council may approve a development permit application with or without conditions, or may refuse an application for development permit.

18.3.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.3.1.

## 18.3.8 DEFINITIONS – IN THIS REGULATION

ASSEMBLY USE: a use that is used by an association or organization for the meeting, social or recreational activities of its members, and which may or may not include the general public. Typical assembly uses include but are not limited to lodges, clubs and service clubs.

**CONFERENCE CENTRE / RETREAT:** an establishment used for the holding of meetings, conventions, seminars, workshops, products and trade shows, or similar activities, and may include dining and lodging facilities for the use of participants, as well as compatible accessory facilities.

**GOLF COURSE:** an outdoor establishment/development of varying size designed primarily for the game of golf. Accessory uses include a pro shop, driving and/or practice facility, food service, and other commercial uses typically associated with a golf course clubhouse facility.

**RESIDENTIAL CARE FACILITY:** a residential facility which provides shelter and living assistance for three or more persons in sleeping units with or without kitchenettes and may include meals, housekeeping, personal care, transportation, pharmaceutical, and recreation services. Such facilities may also contain shared kitchen and dining areas, restaurant, personal service and convenience store uses.

**PERSONAL SERVICE ESTABLISHMENTS:** uses that provide personal services to an individual that 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 salons, hairdressers, manicurists, aestheticians, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries but does not include health services.

**18.4 DIRECT CONTROL DISTRICT #4 (DC4)**

**DC#4**

**18.4.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by the Council over development on the following lands:

In Township 21, Range 29, West 4 Meridian:  
Portion Northeast Quarter 24

**18.4.2 PERMITTED USES**

Nil

**18.4.3 DISCRETIONARY USES (FOR EXAMPLE, BUT NOT LIMITED TO)**

Accessory Uses

Aerodrome / Airstrip (Private Use)

**18.4.4 REQUIREMENTS**

18.4.4.1 Standards of development shall be at the discretion of the Council.

**18.4.5 PROCEDURE**

18.4.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.4.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.4.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5 the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.4.1. The Council may approve a development permit application with or without conditions, or may refuse an application for development permit.

18.4.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.4.1.



**18.5 DIRECT CONTROL DISTRICT #5 (DC5)**

**18.5.1 PURPOSE AND INTENT**

The purpose and intent of this district is to provide for the protection of the Airport from encroachment of uses that may have an effect on the operational safety of the airport facility and to allow Direct Control by the Council over development on the following lands:

In Township 18, Range 28, West 4 Meridian:  
Section 19, Plan 8011027, Airport

**18.5.2 PERMITTED USES**

Nil

**18.5.3 DISCRETIONARY USES**

In this list:

- a. **“C”** followed by a number, where it appears in one of the NEF area columns opposite a particular land use, means that the land use is conditionally allowed and is subject to the applicable special requirements as specified in Section 18.5.4;
- b. **“NA”** where it appears in one of the NEF area columns in Table 1 opposite a particular land use, means that the land use is prohibited in the NEF area;
- c. **“NEF 25-Area”** means the NEF area that lies between the 25 NEF Contour and the ultimate Airport District.
- d. **“NEF 25-30 Area”** means the NEF area that lies between the 25 NEF Contour and the 30 NEF Contour;
- e. **“NEF 30-35 Area”** and **“NEF 35-40 Area”** have like meaning to Section 18.5.3 (d).
- f. **“residential replacement or infill unit”** means any new residential development that will replace a residential development that was demolished or destroyed, or is to be built on a lot in a subdivision plan registered under the Land Titles Act before the coming into force of this Bylaw;
- g. **“P”** where it appears in one of the NEF area columns means that the use may be conditionally allowed without any special requirements.

## Municipal District of Foothills No. 31 - Land Use Bylaw

USES	NOISE	EXPOSURE	FORECAST		AREAS
			NEF 30-35 Area	NEF 35-40 Area	
	NEF 25 Area	NEF 25-30 AREA			NEF 40+ Area
Agricultural General	P	P	P	P	P
Feed Lots	P	NA	NA	NA	NA
Poultry & Hog Farms	P	C3	C3	C3	C3
Home Based Business Minor	P	P	P	P	P
Dwellings – detached single family	P	C1	C1	C5	C5
Accessory Uses	P	P	P	P	P
Athletic Fields	P	P	P	C4	C4
Intensive Vegetation Operation	P	P	P	P	P
Excavations / Stockpiling of Soil	P				
Dwelling, manufactured homes	P				
Airport	P	P	P	P	P
Aircraft Hangers	P	P	P	C2	C2
Flying Club	P	P	P	P	P
Aircraft Sales & Repairs	P	P	P	C2	C2
Aircraft Schools	P	P	P	C2	C2
Public Works	P	P	P	P	P

### 18.5.4 SPECIAL REQUIREMENTS

- 18.5.4.1 Construction shall conform to Central Mortgage and Housing Corporation standards for sound insulation for buildings situated in any NEF area other than the NEF 25 area.
- 18.5.4.2 Private and general office area, reception areas and conference room areas construction shall conform to Central Mortgage and Housing Corporation standards for sound insulation for the appropriate NEF area.
- 18.5.4.3 The development shall be covered completely.
- 18.5.4.4 The development shall not include structures for seating of spectators.
- 18.5.4.5 Replacement of buildings.

### 18.5.5 REQUIREMENTS

18.5.5.1 Standards of development shall be at the discretion of the Council.

### 18.5.6 MINIMUM REQUIREMENTS

18.5.6.1 Special setbacks:

- a. Within 450 metres of the working area of an operating sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site,
- b. Within 300 metres of the disposal area of an operating or non-operating sanitary landfill, modified sanitary landfill or dry waste site,
- c. Within 450 metres of the disposal area of a non-operating hazardous waste management facility, or
- d. Within 300 metres of the working area of an operating waste processing site, waste storage site, waste sorting station or waste transfer station.

18.5.6.2 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Municipal Bylaw.

18.5.6.3 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 5m (16.4 ft.) from Internal Subdivision Road – Property Line
  - ii. 48m (157.48 ft.) from the centreline of the Municipal Road
  - iii. 64m (209.97 ft.) from the centreline of the Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway.
- b. Side Yard Setback:
  - i. 30m (98.43 ft.) from property line
- c. Rear Yard Setback
  - i. 30m (98.43 ft.) from property line

### 18.5.7 MAXIMUM LIMITS

18.5.7.1 Number of Lots:

- a. One (1)

18.5.7.2 Building Height:

- a. 9m (29.52 ft.) or such lesser height as may be determined having regard to flight and navigational aid equipment.

### 18.5.8 OTHER

- 18.5.8.1 Accessory Buildings related to intensive livestock, swine, and poultry operations and specialty uses shall be located in accordance with Alberta Health Regulations.
- 18.5.8.2 The use must not obstruct visibility by the emission of dust, smoke, water vapour, blowing garbage, or glare.
- 18.5.8.3 Garbage and waste must be stored in weatherproof and animal/bird proof containers properly screened (and be in a location easily accessible to containerized garbage pickup).
- 18.5.8.4 The use must not be a fire, explosive, or a radioactive hazard.
- 18.5.8.5 The use must not produce electro-magnetic radiation likely to interfere with radio communications.
- 18.5.8.6 In determining whether a proposed land use meets the above conditions, the Development Officer may consult the Canada Department of Transport, Alberta Infrastructure, and other competent authorities, and shall be guided by their opinions.

### 18.5.9 DEFINITIONS:

In this regulation,

- a. **“Airport”** means the High River Airport
- b. **“Airport reference point elevation”** means the lowest threshold elevation point of the runway as shown on the map, Section 18.5.11;
- c. **“Airport runway”** means the area of land within the airport that is used or intended to be used for the take-off and landing of aircraft;
- d. **“Basic strip”** means a basic strip as described in Section 18.5.12.1;
- e. **“Land use bylaw”** means the Land Use Bylaw for the Municipal District of Foothills No. 31; as amended from time to time;
- f. **“Municipality”** means the Municipal District of Foothills No. 31;
- g. **“Noise exposure forecast area”** of **“NEF Area”** means an area of land within the Protections Area that:
  - i. Is enclosed by the 40 NEF Contour,
  - ii. Lies between 2 NEF Contours, or
  - iii. Lies between the 25 NEF Contour and the ultimate Protection Area, as shown on the map in Section 18.5.9;
- h. **“NEF Contour”** means a numbered contour as shown on the map in Section 18.5.10 ;
- i. **“Outer surface”** means the outer surface as described in Section 18.5.12.4;
- j. **“Transitional surface”** means a transitional surface as described in Section 18.5.12.3;

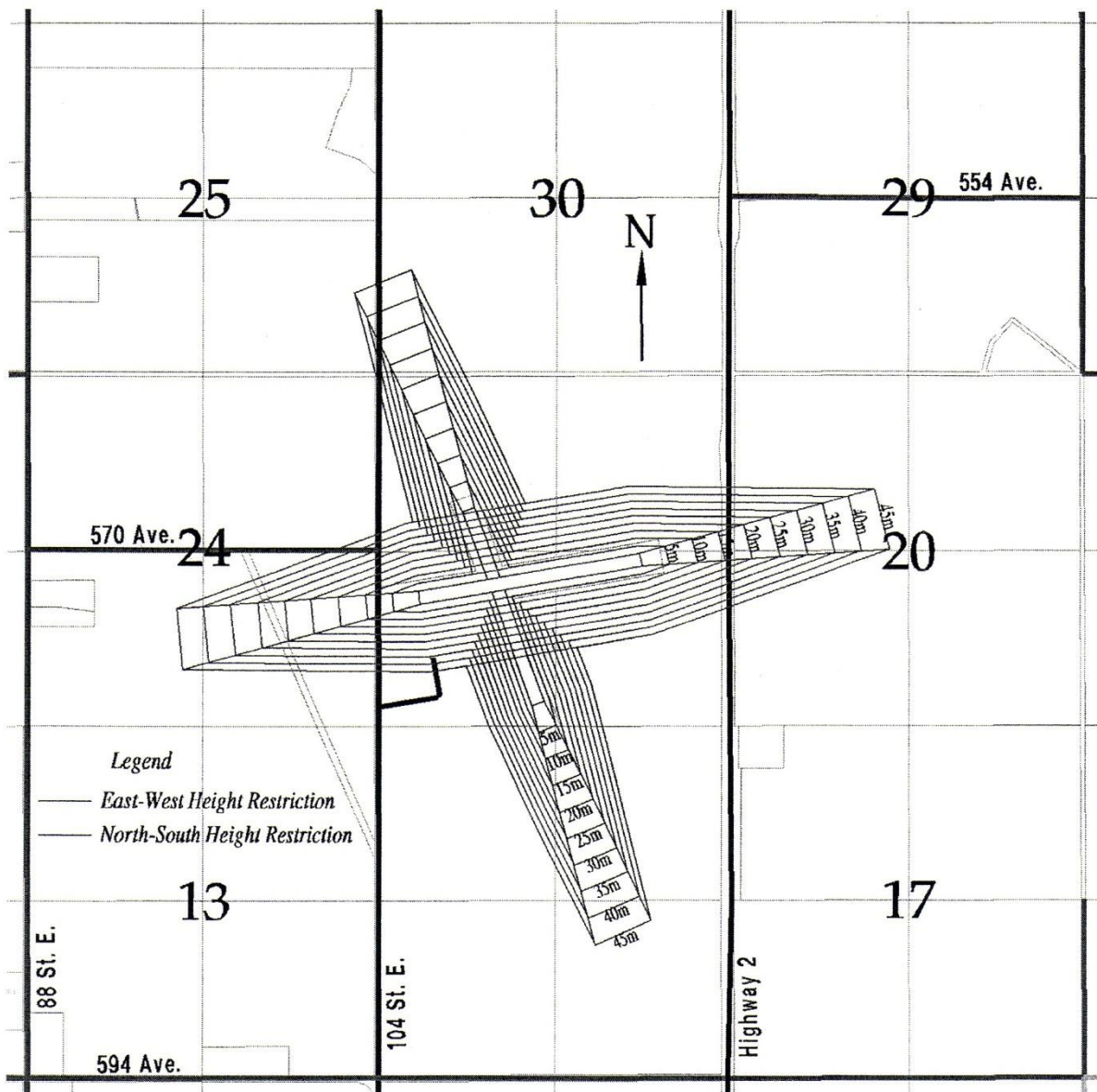
### 18.5.10 GENERAL

- 18.5.10.1 This District applies only to a development or proposed development within the ultimate area shown on the map in Section 18.5.11.
- 18.5.10.2 All development within the Area requires a development permit.
- 18.5.10.3 This District shall be administered by Council.
- 18.5.10.4 The Council are not precluded from attaching any other conditions in accordance with the Land Use Bylaw to a development permit.
- 18.5.10.5 A development permit for an application within the District may only be issued if the proposed development conforms to the District and the Land Use Bylaw.

### 18.5.11 HEIGHT LIMITATIONS

- 18.5.11.1 A development permit shall not be issued for a development in the area if the highest point of the development will exceed in elevation at the location of that point any of the following surfaces that project immediately above the surface of the land at that location.
- The take-off / approach surfaces of the runway of the airport;
  - The transitional surfaces of the runway of the airport;
  - The outer surface.
- 18.5.11.2 The airport reference point elevation is deemed to be 1043.8m above sea level.

18.5.12 AIRPORT AREA MAP



### 18.5.13 HEIGHT LIMITATIONS – HIGH RIVER AIRPORT DIRECT CONTROL DISTRICT

#### Basic Strip

- 18.5.13.1 The basic strip associated with both airport runways is an area 60 metres in width and 1021 metres in length, for each runway the location of which is shown on the map in Section 18.5.11

#### Take-Off / Approach Surfaces

- 18.5.13.2 There are take-off / approach surfaces associated with each end of the basic strip and in each case the surface is imaginary and consists of an inclined plane that:
- Commences at and abuts the end of the basic strip;
  - Rises at a slope ratio of 1:40 measured from the end of the basic strip;
  - Diverges outward on each side as it rises, at a slope ratio of 1:10 measured from the respective projected lateral limits of the basic strip; and
  - Ends at its intersection with the outer surface.

#### Transitional Surfaces

- 18.5.13.3 There is a transitional surface associated with each lateral limit of the basic strip, and in each case the transitional surface is an imaginary surface consisting of an inclined plane that:
- Commences at and abuts the lateral limit of the basic strip;
  - Rises at a slope ratio of 1:7 measured from the lateral limit of the basic strip, and
  - Ends at its intersection with the outer surface of a take-off / approach surface.

#### Outer Surfaces

- 18.5.13.4 The outer surface of the area is an imaginary surface consisting of a common plane established at a constant elevation of 45 metres above the airport reference point elevation and extending to the outer limits of the area.

#### General

- 18.5.13.5 The area location of the take-off / approach surfaces and transitional surfaces are represented on the map shown in Section 18.5.11, but if any discrepancy exists between the description of the take-off / approach surfaces of transitional surfaces in this Schedule and their location on the map in Section 18.5.11, the description in the Section prevails.

**18.6 DIRECT CONTROL DISTRICT #6 (DC6)**

**DC#6**

**18.6.1 PURPOSE AND INTENT**

The purpose and intent of this district is to provide for industrial uses related to Natural Resource Extraction on a site determined by the location of the resource and to allow Direct Control by the Council over development on the following lands:

In Township 21, Range 03, West 5 Meridian: Portion Southeast Quarter 12 (as shown on the attached Appendix "A");

In Township 20, Range 02, West 5 Meridian: Portion Southwest Quarter 17;

- Excepting out Plan 0112173, Block 1

In Township 21, Range 28, West 4 Meridian: Portion Northwest Quarter 9;

In Township 21, Range 28, West 4 Meridian: Portion Northeast Quarter 9;

In Township 21, Range 28, West 4 Meridian: Portion Southwest Quarter 16;

In Township 21, Range 28, West 4 Meridian: Portion East Half Section 16.

**18.6.2 PERMITTED USES**

Agricultural General

**18.6.3 DISCRETIONARY USES (FOR EXAMPLE, BUT NOT LIMITED TO)**

Accessory Uses

Asphalt Plants

Concrete Plants

Dwelling Temporary

Public Works

Sand & Gravel Operations

Signs requiring a Development Permit

*All applications for permitted and discretionary uses shall be decided on by Council*

**18.6.4 REQUIREMENTS**

18.6.4.1 Standards of development shall be at the discretion on the Council

**18.6.5 PROCEDURE**

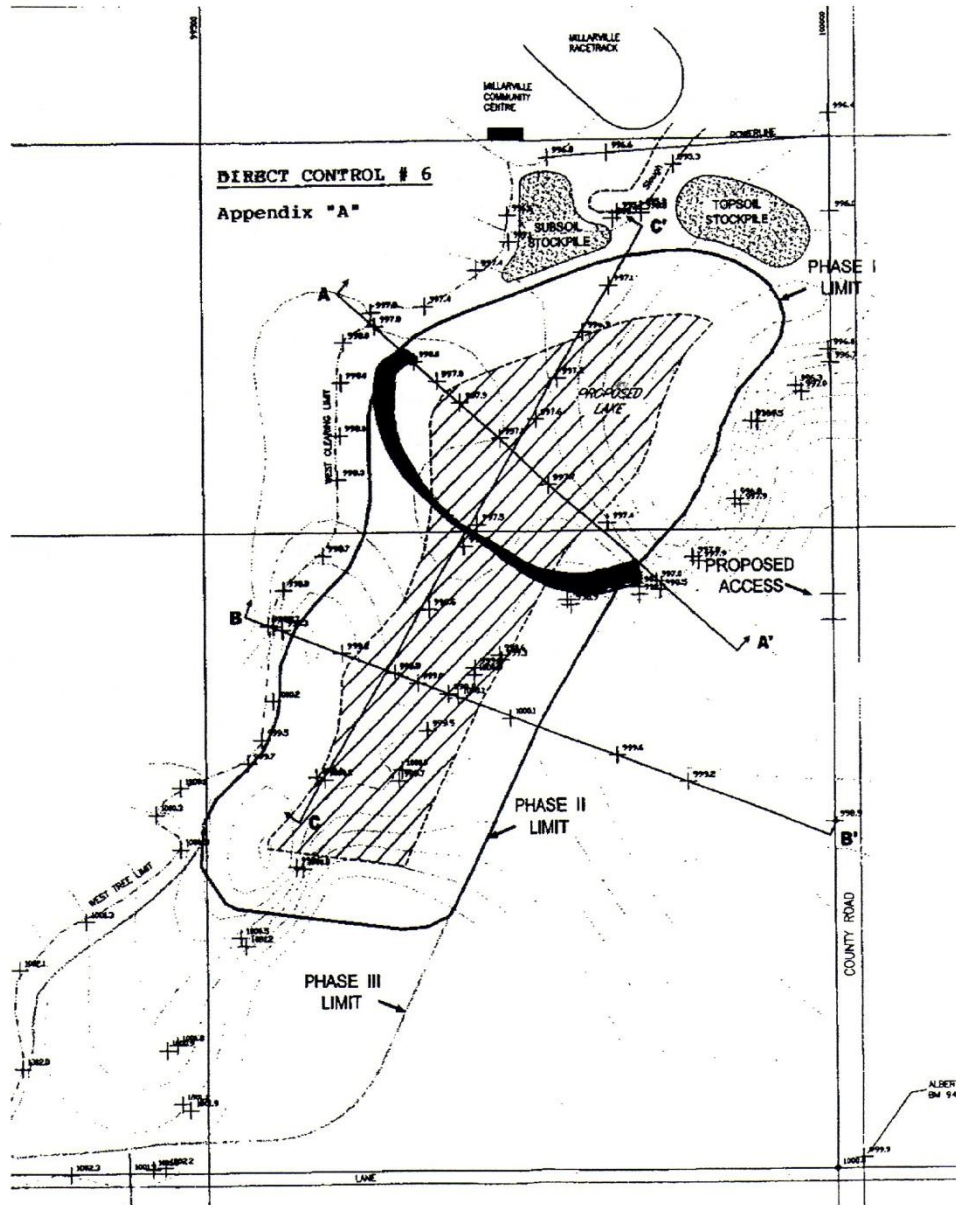
18.6.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.6.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.6.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.6.1. The Council may approve a development permit application with or without conditions, or may refuse an application for development permit.



- 18.6.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.6.1.

### Appendix A:



**18.7 DIRECT CONTROL DISTRICT #7 (DC7)**

**DC#7**

**18.7.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by Council over development on the following lands:

The 50.12 acre portion of S.W. 18-20-28-W4

**18.7.2 PERMITTED USES**

Accessory Uses

**18.7.3 DISCRETIONARY USES (FOR EXAMPLE, BUT NOT LIMITED TO)**

Community Association Building

Essential Public Services

Small Scale Commercial – office spaces, convenience store, service station, liquor store, food service only restaurant, indoor storage.

Parking Areas (at grade)

Signs

**18.7.4 GENERAL**

18.7.4.1 This District applies only to a development or proposed development within the ultimate area shown on the Land Use Map 2028.

18.7.4.2 All development within the area requires a development permit. Notwithstanding the procedure established for the issuance of development permits in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.7.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.7.4.3 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.7.1. The Council may approve a development permit application with or without conditions, or, may refuse an application for development permit.

18.7.4.4 The Council is not precluded from attaching any other conditions in accordance with the land use bylaw to a development permit.

18.7.4.5 All applications for development within the area will require emergency access, lighting, and landscaping plans to be submitted to the satisfaction of Council.

18.7.4.6 All applications for development within the area shall comply with the Silver Tip Area Structure Plan.

## Municipal District of Foothills No. 31 - Land Use Bylaw

- 18.7.4.7 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.7.1.
- 18.7.4.8 Council will hold a public meeting prior to deciding on any application for the lands described in Section 18.7.1.

## 18.8 DIRECT CONTROL DISTRICT #8 (DC8)

## DC#8

### 18.8.1 PURPOSE AND INTENT

The purpose and intent of this district is to allow Direct Control by Council over development on the following lands:

In Township 21, Range 29, West 4 Meridian: Portion Southeast Quarter 17 (as shown on the attached Appendix "A");

### 18.8.2 PERMITTED USES

Nil

### 18.8.3 DISCRETIONARY USES

Equipment Shelter

Telecommunication Tower

*All applications for permitted and discretionary uses shall be decided on by Council.*

### 18.8.4 REQUIREMENTS

18.8.4.1 Standards of development shall be at the discretion of the Council.

### 18.8.5 PROCEDURE

18.8.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.8.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.8.5.2 Notwithstanding the procedure established for the issuance of development permit in Section 5, the Council shall decide on all applications for development permits for lands referred to in Section 18.8.1. The Council may approve a development permit application with or without conditions, or may refuse an application for development permit.

18.8.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.8.1.

### 18.8.6 MINIMUM REQUIREMENTS

18.8.6.1 Area of Lot:

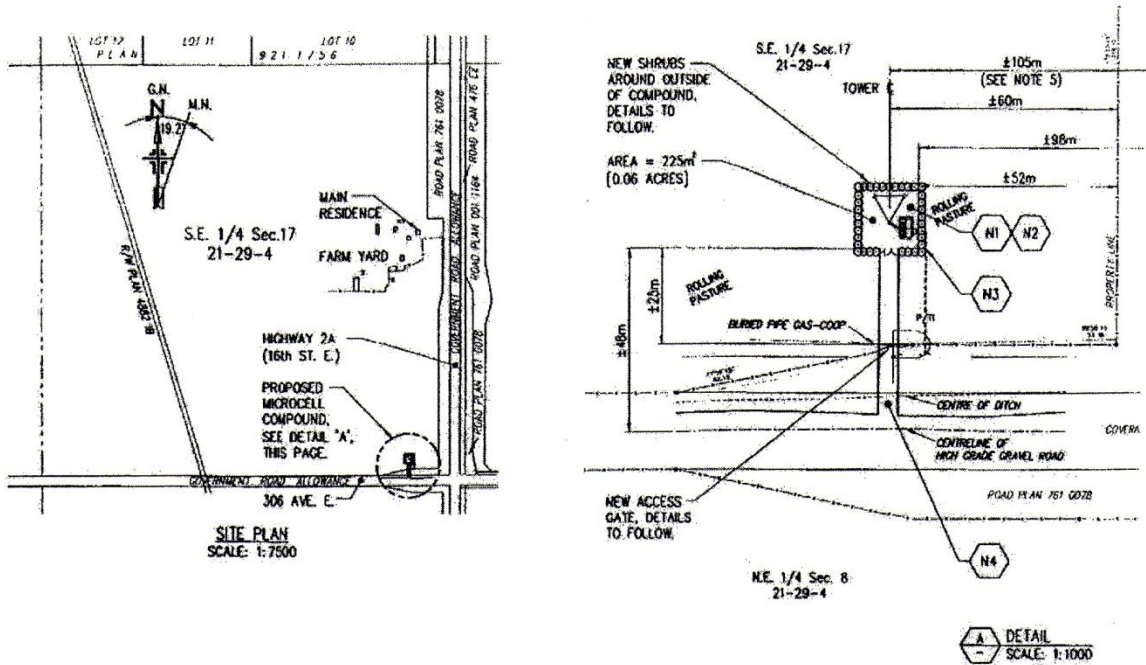
- a. Area as shown on the attached Appendix "A"

18.8.6.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 5m (16.40 ft.) from an Internal Subdivision Road – Property Line
  - ii. 48m (157.48 ft.) from the centre line of a Municipal Road

- iii. 64m (209.97 ft.) from the centre line of a Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line

Appendix A:



## 18.9 DIRECT CONTROL DISTRICT #9 (DC9)

## DC#9

### 18.9.1 PURPOSE AND INTENT

The purpose and intent of this district is to enable the Council to regulate and control, pursuant to Section 641 of the Act, the development of a campground upon lands described as:

That portion of the South West Quarter of Section 26 in Township 21, Range 28, West of the 4<sup>th</sup> Meridian which Lies to the North of the Highwood River and to the South of the Roadway, Containing 8.6 hectares (21.3 acres) more or less

Excepting thereout:

Plan number	Hectares	Acres
Subdivision 9111447	1.37	3.39

Exception there out all mines and minerals

### 18.9.2 STATUTORY PLANS

- 18.9.2.1 The development of lands and buildings within this district shall be consistent with any applicable statutory plan.

### 18.9.3 DEVELOPMENT PERMITS

- 18.9.3.1 Notwithstanding anything in this Bylaw, an application for a development permit in respect of the lands referred to in Section 18.9.1 shall be referred by the Development Officer to the Council for its consideration. No development shall be undertaken in this District unless and until a development permit has been issued.
- 18.9.3.2 The Council may approve a development permit application with or without conditions, or may refuse an application for development permit.
- 18.9.3.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.9.1.

### 18.9.4 DEVELOPMENT STANDARDS

- 18.9.4.1 Standards of development shall be at the discretion of the Council. In default of any requirement by the Council, the minimum requirements set out hereunder shall apply.
- 18.9.4.2 Area of Lot:
- Area shown on Certificate of Title; or
  - Area allowed for by Bylaw amending this section.
- 18.9.4.3 Minimum Yard Setback Requirements:
- Front Yard Setback
    - 5m (16.40 ft.) from an Internal Subdivision Road – Property Line

- ii. 48m (157.48 ft.) from the centre line of a Municipal Road
- iii. 64m (209.97 ft.) from the centre line of a Secondary Highway
- iv. 40m (131.23 ft.) from a Primary Highway
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line

### 18.9.5 DEFINITIONS

- 18.9.5.1 Notwithstanding anything contained elsewhere in the Land Use Bylaw, the following definitions apply to this section and to any development permit that may be issued pursuant to this section:

**Campground** has the meaning given to that term in Section 2.5 “Definitions”, except that Council may designate some of the camping sites as “long term camping sites”. More information on Campgrounds can be found in Section 10.6 of this bylaw.

**Convenience Store** means a store set up to provide basic needs for the convenience of only those persons occupying the campground from time to time;

**Day Amenities** means grounds and facilities intended for the use of persons who use the campground only between the hours of 6:00 a.m. and 11:00 p.m. on any day and does not include use of such grounds and facilities for overnight camping;

**Laundromat** means a self-service laundry facility intended for use only by occupants of the campground;

**Long Term Camping Sites** means designated camping sites for the purpose of providing long-term camping accommodation, between April 16<sup>th</sup> and October 31<sup>st</sup> of each year, for recreational vehicles or tents;

**Office** means a place set up for occupancy registration and information;

**Park and Playground** means an area of open land intended to be used for outdoor recreational purposes;

**Recreational Vehicle** – see Section 2.5 “Definitions” for a definition of recreational vehicle” The definition for the purposes of this district does not include a boat.. More information on recreation vehicle storage can be found in Section 10.18 of this bylaw.

**Short Term Camping Sites** means designated camping sites for the purpose of providing short-term accommodation of no more than 16 consecutive days during any 30 day period, for recreational vehicles or tents;

**Washroom** means a structure with running water and toilet facilities for use by occupants of the campground only.



**18.10 DIRECT CONTROL DISTRICT #10 (DC10)**

**DC#10**

**18.10.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by Council over development on the following lands:

Plan 9410556, Block 1, E½ 24-20-29-W4  
Plan 9410556, Block 3, S.E. 24-20-29-W4  
Plan 9610089, Block 6, Lot 2, S.E. 24-20-29-W4  
Plan 9412581, Block 4, Lot 1, S.E. 24-20-29-W4  
Plan 9412581, Block 4, Lot 2, S.E. 24-20-29-W4  
Plan 9412581, Block 5, Lot 1, S.E. 24-20-29-W4  
Plan 9511238, Block 6, Lot 1, S.E. 24-20-29-W4

**18.10.2 PERMITTED USES**

Park Model Mobile Homes

**18.10.3 DISCRETIONARY USES**

Accessory Buildings / Uses  
Agriculture, Intensive  
Arena, Commercial  
Business / Administrative Office  
Concession / Food Court  
Convenience Store / Services  
Convention Facility  
Country Recreational Centre / Lodge  
Dwelling – detached single family,  
- No more than 1 such dwellings are permitted on a lot that is less than 32.4 ha (80 acres) in size.  
Equestrian Uses  
Maintenance Shop  
Pathways – Equestrian/People  
Recreational Vehicle Park  
Retail Kiosk  
Screening  
Signage  
Short Term Campground  
Staging Kitchen  
Storage  
Utilities  
Wash Areas  
Washrooms

### **18.10.4 REQUIREMENTS**

18.10.4.1 Standards of development shall be at the discretion of the Council

### **18.10.5 PROCEDURE**

18.10.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.10.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.10.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits for lands referred to in Section 18.10.1. The Council may approve a development permit application with or without conditions, or may refuse an application for development permit.

18.10.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on application for a development permit in respect of the lands referred to in Section 18.10.1.

### **18.10.6 MINIMUM REQUIREMENTS – GENERAL**

18.10.6.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section.

18.10.6.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 5m (16.40 ft.) from an Internal Subdivision Road – Property Line
  - ii. 48m (157.48 ft.) from the centre line of a Municipal Road
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line

### **18.10.7 SPECIAL PROVISIONS REGARDING THE RECREATIONAL VEHICLE PARK LOCATED ON PLAN 9410556, BLOCK 1**

18.10.7.1 Application may be made to the municipality's subdivision Approving Authority to subdivide the existing Recreational Vehicle Park as a bare land condominium consisting of 301 condominium units in addition to municipal reserve and environmental reserve lots.

- 18.10.7.2 A development permit shall be obtained prior to using any condominium unit as a site for a recreational vehicle or any other temporary or permanent structure or thing.
- 18.10.7.3 If setback limits from the boundaries of condominium units are not set out in the approved condominium plan or in the bylaws or rules of the condominium corporation, they may be set by Council on an application for a development permit.
- 18.10.7.4 A copy of the condominium corporation bylaws, rules and amendments thereto from time to time shall be filed with the municipality within fifteen (15) days of passage or adoption.
- 18.10.7.5 There shall be contained in the bylaws or rules of the condominium corporation the following requirements:
- a. Keys to any recreational vehicle that is left unoccupied for a period in excess of three (3) consecutive days must be left with the condominium corporation or its agent;
  - b. Owners of condominium units must consent in writing to the removal by the condominium corporation of any recreational vehicle located on a condominium unit in case of a flood which threatens to cause damage to the recreational vehicle; and
  - c. Owners shall comply with the flood evacuation plan to be repaired by the developer or Condominium Corporation.
- 18.10.7.6 Concurrently with registration of the condominium plan, a restrictive covenant in a form satisfactory to the municipality must be registered against the title to all condominium units in the plan that will be located wholly or partially within the one 1:100 year floodway to the effect that no development of any kind whatsoever, whether temporary or permanent will be permitted on any such unit without the consent of both the condominium corporation and the municipality, which consents may be granted upon conditions including a condition that the unit owner grant releases (including an indemnity) from and against any and all claims for damages suffered by the unit owner or any other person by reason of the unit being wholly or partially located within the one 1:100 year floodway.
- 18.10.7.7 Prior to registration of the condominium plan, a flood evacuation plan must be prepared by the developer and approved by the Council.
- 18.10.7.8 The condominium corporation must establish a direct link to the governmental agency responsible for flood forecasting so that the flood evacuation plan can be put in place in a timely manner.
- 18.10.7.9 Prior to registration of the condominium plan a storm water management plan must be submitted to and approved by the Council.
- 18.10.7.10 A recreational vehicle located on a condominium unit shall not be occupied more than two hundred (200) days in any calendar year.
- 18.10.7.11 Permanent occupancy of recreational vehicles located on condominium units is prohibited.
- 18.10.7.12 The condominium corporation shall keep a record of the days during a calendar year upon which each recreational vehicle located on a condominium unit is occupied and shall make those records available to the municipality for inspection upon demand.

### 18.10.8 DEFINITIONS – IN THIS DISTRICT:

**Arena, Commercial** – see Section 2 “Interpretations for definitions of, “arena, commercial”. More information on riding arenas can be found in Section 10.3 of this bylaw.

**Concession / Food Court** – means a small area within a building where fast food & beverages are offered for sale over the counter any may provide for a seating area. However, this is not to be construed as a restaurant;

**Convenience Store / Services** – means a store set up to provide for the basic needs of those people occupying the Recreational Park and Country Recreation Centre / Lodge. This would not be open to the general public and may include laundry and washroom facilities.

**Convention Facility** – means a building or facility available for the purposes of assembly, culture, instruction, and educational, social and recreational activity, and may include entertainment which is ancillary to the above-stated purposes.

**Country Recreational Centre / Lodge** – means a building which provides for short-term or occasional lodging and boarding of patrons. This building would include accessory facilities to the prime or principal use and intended for patrons of the Recreational Centre / Lodge.

**Equestrian Uses** – means uses that may include: boarding, training / lessons, horse rentals, wash areas, manure / composting area, trail riding, to allow veterinary and farrier services and the necessary accessory buildings and uses, such as but not limited to, wash areas, box stalls, holding pens, paddocks, jumping course, outdoor riding rings, tack rooms.

**Park Model Recreation Vehicle** – The Park Model Recreation Vehicle must conform to the Canadian Standards Association CAN/CSA Z241 Series and is designed for seasonal camping with a gross floor area including lofts no greater than 50 square metres (538 sq. ft.) when in set-up mode and is not permitted to be placed on a permanent foundation. Each unit must ensure that the axels, wheels and hitch remain on each unit, no exceptions.

**Recreational Vehicle** – see Section 2.5 “Definitions” for definitions of “recreational vehicle”. More information on recreation vehicle storage can be found in Section 10.18 of this bylaw.

**Recreational Vehicle Park** – means a development designed and intended to be used for the purpose of providing sites for long term location of Recreational Vehicles not exceeding two hundred (200) days in any one (1) calendar year.

**Retail Kiosk** – means a small open structure within an existing building used to display and sell merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment.

**Screening** – means the deck is permitted to have an engineered roof, however, is not permitted to be enclosed at any time, except commercially manufactured metal framed screen rooms.

**Short Term Campground** – means the development for the purpose of providing short-term accommodation, no more than 16 days, for Recreational Vehicles or tents. This campground is not construed to mean a development for the purpose of accommodating long-term or permanent occupancy.

**Staging Kitchen** – means a facility for the second-stage preparation (eg: warming and arranging) of food which has been cooked off-site and transported to the kitchen).

## **18.11 DIRECT CONTROL DISTRICT #11 (DC11)**

## **DC#11**

### **18.11.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow for a wide range of commercial uses consistent with the Heritage Pointe Area Structure Plan and Direct Control by the Council over the development on the following lands (Heritage Pointe Commercial Site):

In Township 22, Range 29, West 4 Meridian:  
Portion of Fractional South Half Section 6;  
In Township 22, Range 1, West 5 Meridian:  
Portion of South East Quarter of Section 1  
Total of 3.61 acres

### **18.11.2 PERMITTED USES**

Convenience / Grocery Store  
Public Works  
Restaurants  
Service Station  
Signs not requiring a development permit

### **18.11.3 DISCRETIONARY USES**

Accessory Uses  
Appliance Service and Repair  
Auto Sales and Service  
Business Offices (i.e. – Veterinarian, Medical Doctor, Dentist, Lawyer, Small Business Centre)  
Community services (i.e. Fitness Facility, Library, Recycle)  
Country Recreational Centre / Lodge  
Day Care Center  
Dwelling – Single Family  
Farm Equipment and Sales  
Hotel / Motel  
Public Quasi Public Installations and Facilities  
Retail and Wholesale Outlets (i.e. Post Office, Dry Cleaner, Beauty Salon/Spa, Coffee Shop, Liquor Store, Video Store, Art Market)  
Signs requiring a Development Permit

### **18.11.4 REQUIREMENTS**

18.11.4.1 Standards of the development shall be at the discretion of Council.

### **18.11.5 MINIMUM REQUIREMENTS**

#### **18.11.5.1 Area of Lot:**

- a. Area shown on Certificate of Title; or
- b. Area allowed for by bylaw amending this section

#### **18.11.5.2 Minimum Yard Setback Requirements:**

- a. Front Yard Setback:
  - i. 4m (13.12 ft.) from an Internal Subdivision Road – Property Line
  - ii. 38m (124.67 ft.) from the center line of a Municipal Road
  - iii. 64m (209.97 ft.) from the center line of a Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway
- b. Side Yard Setback:
  - i. 1.5m (4.92 ft.) from property line
- c. Rear Yard Setback
  - i. 6m (19.69 ft.) from property line

### **18.11.6 MAXIMUM LIMITS**

#### **18.11.6.1 Number of Lots**

- a. At the discretion of Council

#### **18.11.6.2 Height of Buildings:**

- a. 12m (39.37 ft.) or
- b. If higher than 12m, at the discretion of Council

#### **18.11.6.3 Coverage of Lot:**

- a. 60%

### **18.11.7 PROCEDURE**

**18.11.7.1** Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for development permit in respect of lands referred to in Section 8.11.1 shall be referred by the Development Officer to the Council for its approval or refusal.

**18.11.7.2** Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.11.1. The council may approve a development permit application with or without conditions, or may reuse an application for development permit.

- 18.11.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.11.1.

**18.12 DIRECT CONTROL DISTRICT #12 (DC12)**

**DC#12**

**18.12.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by Council over development on the following lands:

N.E. 29-18-02-W5

**18.12.2 PERMITTED USES**

Accessory Uses

Signage

Sweet Gas Plant

**18.12.3 DISCRETIONARY USES**

Nil

**18.12.4 REQUIREMENTS**

18.12.4.1 Standards of the development shall be at the discretion of Council.

**18.12.5 PROCEDURE**

18.12.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.12.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.12.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits for lands referred to in Section 18.12.1. The Council may approve a development permit application with or without conditions, or may refuse an application for development permit.

18.12.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the land referred to in Section 18.12.1.

**18.12.6 MINIMUM REQUIREMENTS**

18.12.6.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by bylaw amending this section.



### 18.12.6.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 5m (16.40 ft.) from an Internal Subdivision Road – Property Line
  - ii. 48m (157.48 ft.) from the centre line of a Municipal Road
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line

**18.13 DIRECT CONTROL DISTRICT #13 (DC13)**

**DC#13**

**18.13.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by Council over the development of the following lands:

In the Township 22, Range 4, West of the 5<sup>th</sup> Meridian:

Portion of the 145.35 acre (58.82 hectare) parcel located in the North West Section of 17 east of Highway 762 as shown on Appendix A attached to Bylaw No. 31/2004.

In the Township 21, Range 3, West of the 5<sup>th</sup> Meridian:

Portion of the 18.55 acre (7.506 hectare) parcel located in the North West Section of 2 and a portion of the 10.0 acre (4.04 hectare) parcel located in the South West Section of 2, west of Highway 22, as shown on Appendix B attached to Bylaw No. 69/2007.

**18.13.2 PERMITTED USES**

Public Works

**18.13.3 DISCRETIONARY USES**

Accessory Buildings and Uses

Extensive Agricultural Uses

Water Reservoir

Water Treatment and Distribution limited to lots found on the subject quarter as created with Bylaw 7/2004.

Water Treatment and Distribution facility to service lots found within the Millarville Crossing development

Further uses as approved by the MD of Foothills Council

**18.13.4 REQUIREMENTS**

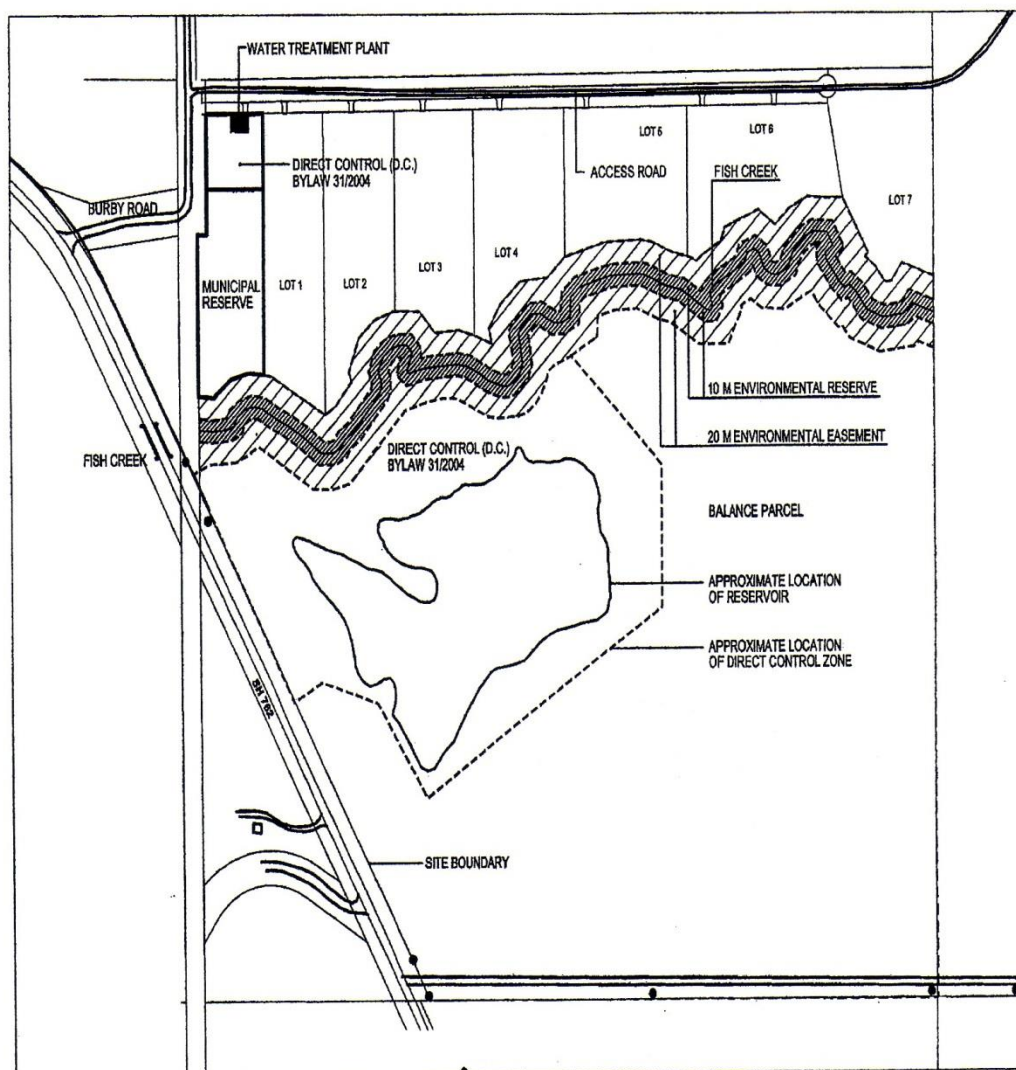
18.13.4.1 Standards of development shall be at the discretion of the Council.

**18.13.5 PROCEDURE**

18.13.5.1 Notwithstanding the procedure established for Development Permit applications in the Section 4 and Section 5, applications for development in respect of the lands referred to in Section 18.13.1 shall be referred by the Development Officer to the council for its approval or refusal.

- 18.13.5.2 Notwithstanding the procedure established for the issuance of Development Permits in Section 5 the Council shall decide on all applications for Development Permits with the aforementioned lands referred to in Section 18.13.1 as shown in the attached Appendix A of this District. The Council may approve a Development Permit application with or without conditions, or may refuse an application for Development Permit.
- 18.13.5.3 There is no appeal to the Development Appeal Board for a decision of the Council on an application for a development permit in respect to the lands referred to in Section 18.13.1

APPENDIX A:



**18.14 DIRECT CONTROL DISTRICT #14 (DC14)**

**DC#14**

**18.14.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by Council over the development of the following lands:

In the Township 21, Range 29, West of the 4<sup>th</sup> Meridian:  
Portion of the North East Section of 8

**18.14.2 PERMITTED USES**

Agricultural General  
Accessory Buildings  
Dwellings – Detached Single Family  
Dugout, Private

**18.14.3 DISCRETIONARY USES**

Administration Office  
Commercial – Agricultural Use  
Equestrian Uses  
Outdoor Assembly Area  
Meeting / Banquet Area  
Pathways – Equestrian / People  
Retail Kiosk  
Signage  
Staging Kitchen  
Washrooms  
Western Equine Centre

**18.14.4 REQUIREMENTS**

18.14.4.1 Standards of development shall be at the discretion of the Council.

**18.14.5 PROCEDURE**

18.14.5.1 Notwithstanding the procedure established for development permit applications in the Section 4 and Section 5, applications for development in respect of the lands referred to in Section 18.14.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.14.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5 the Council shall decide on all applications for Development Permits with the aforementioned lands referred to in Section 18.14.1. The Council may approve a development permit application with or without conditions, or may refuse an application for development permit.

## Municipal District of Foothills No. 31 - Land Use Bylaw

- 18.14.5.3 There is no appeal to the Development Appeal Board for a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.14.1.

### 18.14.6 MINIMUM REQUIREMENTS

#### 18.14.6.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by bylaw amending this section.

#### 18.14.6.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 5m (16.40 ft.) from an Internal Subdivision Road – Property Line
  - ii. 48m (157.48 ft.) from the centre line of a Municipal Road
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line;
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line.

### 18.14.7 MAXIMUM LIMITS

#### 18.14.7.1 Height of Buildings:

- a. Western Equine Centre 18.29m (60 ft.);
- b. Commercial Structures 10.67m (35 ft.).

### 18.14.8 DEFINITIONS – IN THIS REGULATION:

**Accessory Buildings / Uses** – as described in Section 2 “Interpretations”. More information on Accessory buildings can be found in Section 9.2 of this bylaw.

**Administration Office** – means a specific area within the Western Equine Centre providing for the day-to-day business operation of the facility.

**Agricultural General** – as described in Section 2 “Interpretations”. See Section 10.1 of this bylaw for more information on agricultural uses and livestock regulations.

**Commercial, Agricultural Use** – means two (2) buildings located on individual lots which provide the public with goods and/or services primarily concentrated on the agricultural industry and may include but are not limited to: small farm equipment sales, western clothing/saddle store, office space, western theme art gallery and craft stores.

**Dwelling, Detached Single Family** – as described in Section 2.5 “Definitions”.

**Dugout, Private** – as described in Section 2 “Interpretations. See Section 9.18 for more information on dugouts and man-made water features

**Equestrian Uses** – means uses that may include: training/lessons, wash areas, manure/composting area, horse boarding and the necessary accessory building and uses, such as but not limited to, wash areas, box stalls, holding pens, paddocks, outdoor riding rings and tack rooms.

**Meeting Area / Banquet** – means an area within the Western Centre for the purposes of assembly, culture, instruction, education and/or social activities which is ancillary to the Western Equine Centre's primary function as indicated in this Section.

**Outdoor Assembly Area** – means a specific area available for the purpose of camp fire gatherings, contained outdoor entertainment and or activities.

**Pathways, Equestrian / People** – means defined and naturally surfaced linear trails for the purposes of riding and/or walking.

**Retail Kiosk** – means a small specified area within the Western Equine Centre used to display and sell merchandise to the participants of each event and not to the general public and included the storage of the merchandise on or about the premises in quantities sufficient only to supply the establishment.

**Signage** – in accordance with Section 9.24, means a "Fascia Sign" to be placed directly on the building in an area advantageous to the Western Equine Centre and to notify the public, and a "Free-Standing Sign" to be erected at a location advantageous to the Western Equine Centre and the public and conform to Section 9.24.

**Staging Kitchen** – means a facility for the second-stage preparation, warming and arranging of food, which has been cooked off-site and transported to the staging kitchen for distribution.

**Western Equine Centre** – means a building or facility geared toward Western Heritage themed tourism and available for the purposes of assembly, culture, instruction, and educational, social and recreational activities, and will include an area for banquets and entertainment focusing on and displaying western heritage and culture such as but not limited to rodeo events.

**18.15 DIRECT CONTROL DISTRICT #15**

**DC#15**

**18.15.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow for the establishment and operation of the Foothills County Hospice as a non-profit centre for the palliative and hospice care and lodging of terminally ill patients and their families and the Direct Control by the Council over the development on the following lands:

Plan 0512371, Block 2, Lot 1, N.E. 04-21-29-W4  
Consisting of 8.4 acres (3.39 hectares)

**18.15.2 PERMITTED USES**

Palliative Care Centre  
Signs not requiring a Development Permit

**18.15.3 DISCRETIONARY USES**

Accessory Uses

**18.15.4 REQUIREMENTS**

18.15.4.1 Standards of development shall be at the discretion of the Council.

**18.15.5 PROCEDURE**

18.15.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.15.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.15.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.15.1. The Council may approve a development permit application without conditions, or may refuse an application for development permit.

18.15.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.15.1.



**18.16 DIRECT CONTROL DISTRICT #16 (DC16)**

**DC#16**

**18.16.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by Council over development on the following lands:

Plan 9812782, Block 1, Ptn. N.W. 32-19-28-W4  
Ptn. S.E. 05-20-28-W4

**18.16.2 PERMITTED USES**

Nil

**18.16.3 DISCRETIONARY USES**

**Category "A"**

Accessory Buildings  
Accessory Use  
Administrative Offices  
Camping  
Dirt Track Racing  
Driving Schools  
Mud Bogs  
Parking  
Safety Training  
Show and Shines  
Signage  
Storage of Ground Maintenance Equipment  
Vehicle Fabrication Facility for Racetrack Only  
Vehicle Repair Facility for Racetrack Only  
Warm Storage of Vehicles for Racetrack Only

**Category "B" (Event Specific)**

Auctions  
Banquets  
Birthday Parties  
Concerts  
Corporate Functions  
Cutting Horse Futurities  
Dances  
Fashion Shows  
Festivals  
Flea Markets and Swap Meets

Fundraisers for Charity  
Graduation Parties  
Movie Productions  
Music Competitions and Recitals  
Music Videos  
Rodeo Events  
R.V. Shows  
Team Cattle Penning  
Weddings

### **18.16.4 REQUIREMENTS**

18.16.4.1 Standards of development shall be at the discretion of the Council.

### **18.16.5 PROCEDURE**

18.16.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.16.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.16.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.16.1. The Council may approve a development permit application without conditions, or may refuse an application for development permit.

18.16.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.16.1.

### **18.16.6 MINIMUM REQUIREMENTS – GENERAL**

18.16.6.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section.

18.16.6.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 48m (157.48 ft.) from the centre line of a Municipal Road
  - ii. 64m (209.97 ft.) from the centre line of a Secondary Highway
  - iii. 40m (131.23 ft.) from a Primary Highway
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line
- c. Rear Yard Setback

- i. 15m (49.21 ft.) from property line

### 18.16.7 MAXIMUM LIMITS

#### 18.16.7.1 Height of Buildings:

- a. 10m (32.81 ft.); or
- b. if higher than 10m, at the discretion of Council

### 18.16.8 DEFINITIONS:

**Accessory Building 'A'** – means a dwelling, manufactured home 6.10m (20 ft.) or greater in size on site with a concrete foundation considered as a permanent structure. This dwelling, manufactured home 6.10m (20 ft.) or greater in size is utilized for security personnel and enables the facility and grounds to be monitored on a 24-hour / 7 day basis.

**Accessory Building 'B'** – means a building naturally or normally incidental, subordinate and exclusively devoted to the principal building on the lot, and located on the same lot as the principal building. Non-permanent structures include a converted trailer on skids – which is utilized for volunteers and race crews during 'race days' to have a central meeting point. It is commonly referred to as 'The Tech Shack'. In addition there are 4 ticket / entrance control booths on skids – which 3 are placed at the front entrance and 1 at the back entrance to the facility. These entrance booths are utilized to control entrance into and out of the site.

**Accessory Use** – means a use that is naturally or normally incidental, subordinate and exclusively devoted to the principal use of a lot, and located on the same lot as the principal use.

**Administrative Offices** – utilization of office space on-site for the co-ordination of all activities on site. Also includes offices for management, staff and volunteers. Offices will be 'open' on a year round basis. Enables management, staff and volunteers to have a permanent location for meetings.

**Auctions** – are whereby Auctioneer companies rent a portion of the facility to display and sell by public bid commodity items. This could be contained within the auditorium section of the facility or on the lands.

**Banquets** – enable corporate organizations to utilize a venue whereby food and refreshments are catered to their employees and customers. It also refers to a private citizen or private company to organize a function – such as fundraisers or appreciation nights.

**Birthday Parties** – to have an entertainment venue, which is geared mainly towards the 12 to 17 age group, as there is currently no such venue geared to the youth of this age group within the M.D. of Foothills. Of course other age groups, both younger and older could book the facility for a birthday party. Basically by providing a venue in a controlled and safe environment for the enjoyment of children, youth, adults and families.

**Camping** – means on a non-permanent basis during events.

**Concerts** – limited to approximately 5,000 people.

**Corporate Functions** – this includes staff functions, gatherings for an organizations client for performance incentives rewards and appreciations.

**Cutting Horse Futurities** – an event where a single rider and horse 'cut' a cow from a herd to utilize the skills of the horse and rider. Whereby a horse and it's rider compete within a time frame to direct a single cow / steer / heifer out of a herd of similar animals and keep the cow / steer or

heifer from going back into the herd. Points are awarded based upon the rider's ability, the performance of the horse and the movements of the horse and rider.

**Dances** – whereby individuals move their bodies in sync to the beat of music. Could be used in conjunction with the smaller format of concerts.

**Dirt Track Racing** – Includes the following:

**Cars and Trucks** – whereby a driver circles around an enclosed and safe environment competing for prize money and or trophies.

**Motorcycle** – oval, flat track and motor cross: whereby motorcycle riders compete against each other in a timed event for prize money and trophies and recognition.

**Snowmobile** – oval and snow-cross: different groups of snowmobile enthusiasts race around an oval track or across a man made hilly terrain – competing against each other in a timed event for money, trophies and recognition by their peers.

**Truck-Tor Pulls** – whereby drivers of vehicles, such as 4 wheel drive trucks hook a towrope onto their vehicle, which is connected to a sled with ballast weight. The drivers of the vehicles then proceed forward in a controlled environment to see how far they can pull the sled with ballast weight.

**Driving Schools** – open the facility to professional associations such as AMA, IMCA, Legends Cars of America, along with organizations to provide a safe and secure driving environment for individuals to enhance and improve upon their driving skills within the racing community – or enhance their driving skills upon our public roadways.

**Fashion Shows** – whereby organizations provide models to showcase clothing and fashion accessories.

**Festivals** – a gathering by members of the public to enjoy each other's company. This could include birthday parties for children and adults, a small gathering for Folk music, a place for non-profit and for profit organizations to display goods for re-sale, barter or trade.

**Flea Markets and Swap Meets** – whereby members of the public come to buy goods from vendors – could be similar to facilities such as the Crossroads Flea Market, Millarville Market. It could also be utilized for automotive enthusiasts to buy, trade or swap automotive parts and accessories.

**Fundraisers for Charity** – means an event whereby non-profit organizations utilize the facility to raise awareness of their cause, raise money or collect goods for charity.

**Graduation Parties** – means to provide a safe and secure environment whereby graduation classes are able to celebrate together.

**Movie Production** – film production companies seek out 'locations' to film scenes for movies, television shows and documentaries.

**Mud Bogs** – whereby competitors drive a vehicle through a pit filled with mud and water, competing against each other to see how far they can go.

**Music Competitions and Recitals** – usually children and youth highlight and showcase their talents in front of members of the public, their parents, siblings, friends and judges.

**Music Videos** – whereby musicians are filmed for a short videotape segment, usually highlighting a single song.

**Parking** – means to utilize portions of the land for the orderly parking of members of the public's vehicles when they attend any type of event or activity at the facility.

**Rodeo Events** – means a gathering of contestants and spectators to view contestants competing for prize money based on their ability to ride and perform on livestock. Events could include: bareback horse riding, saddle bronc horse riding, tie down roping, bull riding, barrel racing, steer wrestling, team roping, mutton busting. This also includes gymkhanas, 4-H shows and youth equestrian events.

**RV Shows** – means a gathering of a single or multiple dealers of recreational equipment to feature the benefits of recreational vehicles. Members of the public are asked to attend in order for the dealer(s) to complete a possible sale and purchase of the recreational vehicle.

**Safety Training** – where qualified and certified instructors teach courses on vehicle extrication, safety, fire suppression, mock disasters and emergency scenarios.

**Show and Shines** – means a gathering of car enthusiasts where participants park their vehicle to display said vehicle to members of the public and other competitors. Such events are usually held for antique cars, cars that have been modified, rare cars or by automotive dealers to `show off` new models of cars.

**Signage** – means to have signage highlighting the facility, outlining upcoming events, directional signs (for participants, the general public, volunteers and staff), handicap parking signage, V.I.P. signage.

**Storage of Ground Maintenance Equipment** – means to have the ability to store on-site the grounds equipment – tractors and implements to ensure the site is able to be maintained and keep in a cleanliness state.

**Team Cattle Penning** – means an event whereby three riders herd three head of cattle from a herd and direct the cattle into a holding pen, based on the fastest time.

**Vehicle Fabrication Facility** – means to utilize a part of the building on-site to fabricate or repair race & tow vehicles during a race event in a warm, dry and secure environment. Also to have the ability to fabricate, build or repair the tracks own race cars during non-race dates.

**Vehicle Repair Facility** – to utilize a part of the building on-site to work on vehicles – repairing the same in a dry and warm environment.

**Warm Storage of Vehicles** – during the winter months or during the colder days of the year – utilize a part of the building on-site to place vehicles and equipment in a warm environment to protect them and their working parts from the effects of cold or inclement weather.

**Weddings** – means a gathering of a smaller group of people to celebrate the marital union of 2 people.

**18.17 DIRECT CONTROL DISTRICT #17 (DC17)**

**DC#17**

**18.17.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by the Council over development on the following lands consistent with the policies in the Sanctuary on the Bow Area Structure Plan:

Lot containing Angler's Lodge legally described by plan # post registration, as shown on attached Appendix A outlined in black.

These lands consist of the Angler's Lodge community building. This building is intended to support community activities and facilities for private and public use. This includes but is not limited to providing opportunities for education, interpretation, private and public functions, community meetings, fitness facilities, and supporting a small office, kitchen, and storage area for a caretaker. The municipality shall not be responsible for maintenance or ownership of any of the lands designated as direct control. The ownership and maintenance of these lands is the responsibility of the Sanctuary on the Bow Homeowner's Association or assigns (or as otherwise noted in title).

**18.17.2 PERMITTED USES**

Community Buildings and Facilities  
Education and Interpretative Uses  
Public works  
Signs

**18.17.3 DISCRETIONARY USES**

Restaurant

**18.17.4 REQUIREMENTS**

18.17.4.1 Standards of development shall be at the discretion of the Council.

**18.17.5 PROCEDURE**

18.17.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5 (of the Land Use Bylaw), an application for a development permit in respect of the lands referred to above shall be referred by the Development Officer to the Council for its approval or refusal.

18.17.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5 (of the Land Use Bylaw), the Council shall decide on all applications for development permits with respect to the lands referred to above. The Council may approve a development permit with or without conditions, or may refuse an application for development permit.

18.17.5.3 There is no appeal to the Development Appeal Board from a decision of Council on an application for a development permit in respect of the lands referred to above.

### 18.17.6 MINIMUM REQUIREMENTS – GENERAL

#### 18.17.6.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section.

#### 18.17.6.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 4m (13.12 ft.) from Internal Subdivision Road – Property Line.
  - ii. 48m from the Centre line of a Municipal Road
- b. Side Yard Setback:
  - i. 1.5 m
- c. Rear Yard Setback
  - i. Principal Building - 8m

### 18.17.7 MAXIMUM LIMITS

#### 18.17.7.1 Number of Lots:

- a. At the discretion of Council

#### 18.17.7.2 Height of Buildings:

- a. 10 m; or
- b. Greater than 10 m, at the discretion of Council.

#### 18.17.7.3 Coverage of Lots

- a. 50%

#### 18.17.7.4 Main Floor Area

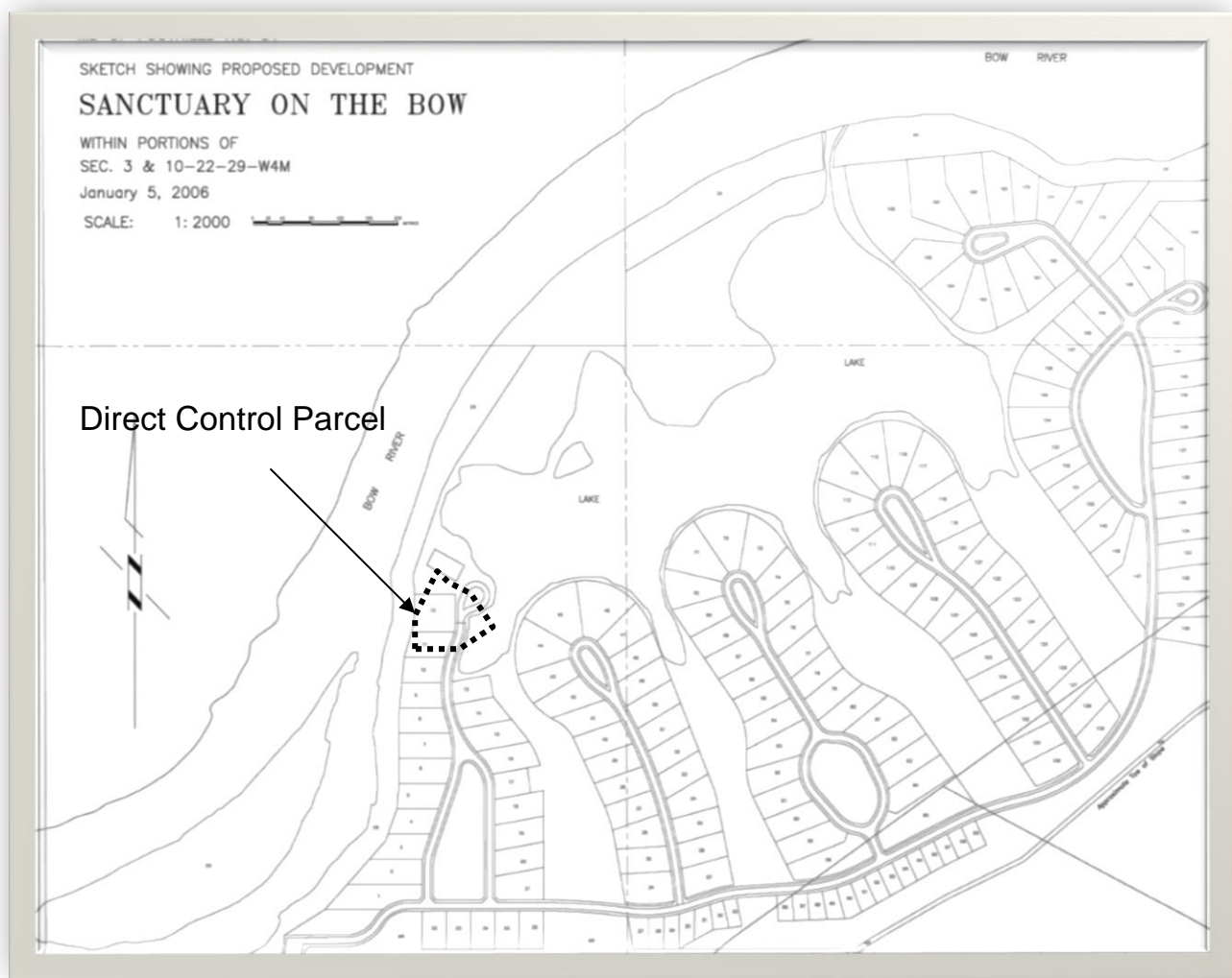
- a. Not to exceed 3000 ft<sup>2</sup>

### 18.17.8 DEFINITIONS:

**Community buildings and facilities** - means buildings and facilities which are available for the use and enjoyment of the inhabitants of the municipality and the rural area for the purposes of assembly, culture, and recreational activity.

**Educational and interpretative use** - means premises in which seasonal or occasional education or training is provided utilizing both the natural environment and man-made physical elements such as buildings, structures, roadways, paths, trails, etc., that together create the physical character of an area.

APPENDIX A





## **18.18 DIRECT CONTROL DISTRICT #18 (DC18)**

## **DC#18**

### **18.18.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by Council for commercial development on the following lands:

SE 04-19-28-W4; and

SW 04-19-28-W4, which lies to the east of subdivision Plan 3751C; south and east of subdivision plan 6437HR;

### **18.18.2 PERMITTED USES**

Nil

### **18.18.3 DISCRETIONARY USES**

Accessory Uses

Arena, Commercial

Automotive Related Industries (including but not limited to: Auto Body; Auto Repair; Auto Sales; Car Wash; Service Station. Automotive Related Industries shall not be unnecessarily restrictive in its application so as to prohibit Truck and Farm Equipment Related Industries insofar as these comparable uses are permitted as Automotive Related Industries.)

Bank

Business Office

Campground and Recreational Vehicle Park

Community Buildings and Facilities

Community Services

Farm Equipment Sales and Service

Farmers Market

Home Improvement Centre

Lumberyard

Recreational Vehicle / Watercraft Retailer

Restaurant

Retail Store

Signs Requiring a Development Permit

Theatre

Truck Stop

### **18.18.4 REQUIREMENTS**

18.18.4.1 Standards of development shall be at the discretion of the Council.

### 18.18.5 PROCEDURE

- 18.18.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.18.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.18.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.18.1. The Council may approve a development permit application without conditions, or may refuse an application for development permit
- 18.18.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.18.1.

### 18.18.6 MINIMUM REQUIREMENTS – GENERAL

- 18.18.6.1 Area of Lot:
- Area shown on Certificate of Title; or
  - Area allowed for by Bylaw amending this section.
- 18.18.6.2 Minimum Yard Setback Requirements:
- Front Yard Setback:
    - 4m (13.12 ft.) from an internal subdivision road;
    - 48m (157.48 ft.) from the centre line of a Municipal Road
    - 64m (209.97 ft.) from the centre line of a Secondary Highway
    - 40m (131.23 ft.) from a Primary Highway
    - All other front yard setbacks - at the discretion of Council
  - Side Yard Setback:
    - 1.5m (4.92 ft.)
  - Rear Yard Setback
    - 6.0m (19.69 ft.)

### 18.18.7 MAXIMUM LIMITS

- 18.18.7.1 Height of Buildings:
- 10m (32.81 ft.); or
  - if higher than 10m, at the discretion of Council
- 18.18.7.2 Coverage of Lot:
- 60%

**18.19 DIRECT CONTROL DISTRICT #19 (DC 19)**

**DC#19**

**18.19.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow for the Direct Control by Council over the development on the following lots (Miller Ag Supply):

Lot 1, Block 2, Plan 1011837 NE 35-20-29-W4M  
Lot 2, Block 2, Plan 1011837 NE 35-20-29-W4M

**18.19.2 PERMITTED USES**

Accessory Uses  
Business Offices  
Public Works  
Retail Store  
Signs not requiring a development permit

**18.19.3 DISCRETIONARY USES**

Accessory Uses  
Convenience / Grocery Store  
Agricultural Processing and Distribution  
Storage  
Auto Sales and Service  
Farm Equipment Sales and Services  
Public Quasi Public Installations and Facilities  
Retail and Wholesale Outlets  
Service Shops (electrical, plumbing and mechanical)  
Service Station  
Signs requiring a Development Permit

**18.19.4 REQUIREMENTS**

18.19.4.1 Standards of the development shall be at the discretion of Council.

**18.19.5 MINIMUM REQUIREMENTS**

18.19.5.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by bylaw amending this section

### 18.19.5.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from an Internal Subdivision Road - Property Line
  - ii. 48m (157.48ft.) from the center line of a Municipal Road
  - iii. 64m (209.97 ft.) from the center line of a Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line

### 18.19.6 MAXIMUM LIMITS

#### 18.19.6.1 Number of Lots

- a. At the discretion of Council

#### 18.19.6.2 Height of Buildings:

- a. 10m (32.81ft.); or
- b. If higher than 10m, at the discretion of Council

#### 18.19.6.3 Coverage of Lot:

- a. 60%

### 18.19.7 PROCEDURE

18.19.7.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for development permit in respect of lands referred to in Section 18.19.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.19.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.19.1. The council may approve a development permit application with or without conditions, or may reuse an application for development permit.

18.19.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.19.1

**18.20 DIRECT CONTROL DISTRICT #20 (DC 20)**

**DC#20**

**18.20.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by Council for commercial development on the following lands:

NE 09-19-28-W4, Plan 0716342, Block 1, Lot 2

NE 09-19-28-W4, Plan 0716342, Block 1, Lot 3

NE 09-19-28-W4, Plan 0716342, Block 1, Lot 4

NE 09-19-28-W4, Plan 1110565, Block 1, Lot 7

**18.20.2 PERMITTED USES**

Nil

**18.20.3 DISCRETIONARY USES**

Accessory Uses

Automotive Related Industries

Business Offices

Indoor Storage Facilities

Manufacturing

Service Shops (electrical, plumbing, mechanical & welding)

Signs Requiring a Development Permit

Truck & Farm Equipment Sales & Service

Truck Stop

Warehouse

**18.20.4 REQUIREMENTS**

18.20.4.1 Standards of development shall be at the discretion of the Council.

**18.20.5 PROCEDURE**

18.20.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.20.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.20.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.20.1. The Council may approve a development permit application without conditions, or may refuse an application for development permit

18.20.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.20.1.

### 18.20.6 MINIMUM REQUIREMENTS – GENERAL

#### 18.20.6.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section.

#### 18.20.6.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from an internal subdivision road;
  - ii. 48m (157.48 ft.) from the centre line of a Municipal Road
  - iii. 64m (209.97 ft.) from the center line of a Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway
  - v. All other front yard setbacks - at the discretion of Council
- b. Side Yard Setback:
  - i. 15m (49.21 ft.)
- c. Rear Yard Setback
  - i. 15m (49.21 ft.)

### 18.20.7 MAXIMUM LIMITS

#### 18.20.7.1 Height of Buildings:

- a. 10m (32.81 ft.)
- b. Or, if higher than 10m, at the discretion of Council

#### 18.20.7.2 Coverage of Lot:

- a. 60%

## **18.21 DIRECT CONTROL DISTRICT #21 (DC 21)**

## **DC#21**

### **18.21.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow for a specific range of commercial and business uses that are mutually beneficial to both the Town of Okotoks and MD of Foothills with Direct Control by the M.D. of Foothills Council over development on the following lands (Gold Medal Business Park)

In Township 20, Range 29, West 4 Meridian:  
Portion of North East Quarter of Section 17  
Total of 62.79 acres

### **18.21.2 PERMITTED USES**

Nil

### **18.21.3 DISCRETIONARY USES**

Accessory Uses  
Agricultural Supply Depot  
Animal Health Care Services  
Appliance Service and Repair  
Building Supply Center (Plan \_\_\_\_\_, Lot 6)  
Business Offices  
Commercial, Agricultural Use  
Community Facility services  
Convenience Store  
Farm Equipment and Sales and Service  
Live/Work Dwelling  
Lot Grading  
Mini Storage  
Outside Storage  
Public Quasi Public Installations and Facilities  
Public Works  
Recreation Vehicle Sales and Service  
Restaurants (Plan \_\_\_\_\_, Lot 8)  
Retail Stores  
Signs

### **18.21.4 REQUIREMENTS**

- 18.21.4.1 Standards of the development shall be at the discretion of Council. The Architectural Development Guidelines for the business park shall be reviewed and approved by Council, and registered on the lands.

### 18.21.5 PROCEDURE

- 18.21.5.1 Notwithstanding the procedure established for the issuance of development permits in Section 4 and Section 5 of the Land Use Bylaw, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.21.3 (Discretionary Uses). The council may approve a development permit application with or without conditions, or may reuse an application for development permit.
- 18.21.5.2 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.21.1.

### 18.21.6 MINIMUM REQUIREMENTS

- 18.21.6.1 Area of Lot:
- Area shown on Certificate of Title; or
  - Area allowed for by bylaw amending this section
- 18.21.6.2 Minimum Yard Setback Requirements:
- Front Yard Setback:
    - 4m (13.12 ft.) from an Internal Subdivision Road – Property Line
    - 38m (124.67 ft.) from the centre line of a Municipal Road
    - 64m (209.97 ft.) from the centre line of a Secondary Highway
    - 40m (131.23 ft.) from a Primary Highway
  - Side Yard Setback:
    - 1.5m (4.92 ft.) from property line
  - Rear Yard Setback
    - 6m (19.69 ft.) from property line

### 18.21.7 MAXIMUM LIMITS

- 18.21.7.1 Number of Lots
- At the discretion of Council;
- 18.21.7.2 Height of Buildings:
- 12m (39.37 ft.); or
  - If higher than 12m, at the discretion of Council
- 18.21.7.3 Coverage of Lot:
- 60%



### 18.21.8 DEFINITIONS

18.21.8.1 Notwithstanding anything contained elsewhere in the Land Use Bylaw, the following definitions apply to this section and to any development permit that may be issued pursuant to this section:

**Accessory Uses** means a use that is naturally or normally incidental, subordinate and exclusively devoted to the principal commercial use of a lot, and located on the same lot as the principal use.

**Agricultural Supply Depot** means a facility for the purpose of supplying goods, materials, and/or services that support agricultural uses, whether retail, wholesale, or in bulk. This shall include such goods and services as sale of storage of seeds, feeds, fertilizers, chemical products fuels, lubricants, parts or the rental, sale, repair, and servicing of farm machinery and equipment but does not include the buying or selling of farm animals;

**Animal Health Care Services** means development such as a hospital or shelter used for the temporary accommodation, care, treatment or impoundment of animals. This would include pet clinics, animal veterinary clinics and veterinary offices.

**Appliance Service and Repair** means development used for the sales, service, cleaning and repair of household appliances;

**Building Supply Center** means a commercial retail store where building materials, household accessories and furnishings and other related goods are stored, offered, or kept for sale and may include outside storage.

**Business Offices** means a building or development primarily used for the provision of professional, management, administrative, financial and consulting services. Typical uses include the offices of lawyers, accountants, engineers and architects, medical and dental professional offices; offices for real estate, insurance, clerical, secretarial, employment telephone answering, and office support services.

**Commercial, Agricultural Use** means buildings located on individual lots which provide the public with goods and/or services primarily concentrated on the agricultural industry and may include but are not limited to: small farm equipment sales, western clothing/saddle store, tack supplies, office space, western theme art gallery and craft stores.

**Community Facility Services** means buildings and facilities which are available for the use and enjoyment of the residents and the rural area for the purposes of assembly, culture, and recreational activity.

**Convenience Store** means the use of a building or a portion thereof with a gross floor area of less than 600 sq. m. (6,458 sq. ft) for the sale of foodstuffs and convenience goods to serve the needs of surrounding residents, and the travelling public. Typical uses include small food stores and variety stores selling confectionery, tobacco, grocery, non-alcoholic beverage, pharmaceutical and personal care items, hardware, or printed matter.

**Farm Equipment Sales and Services** means development used for the sales, service, cleaning or repair of farm equipment, farm vehicles, machinery or mechanical equipment typically used in agriculture production and farming.

**Live/Work dwelling** means a development that shall include a detached dwelling unit as the secondary use in conjunction with a commercial establishment.

**Lot grading** means:

- a. the construction of berms in excess of 2m (6.5 ft.) in height;
- b. stockpiling of soil in excess of 2m (6.5 ft.) in height;

trenching and/or excavation that redirects a watercourse or changes the natural drainage pattern of a lot (including but not limited to increasing the volume of run off from property).

**Mini Storage** means self-contained buildings or storage facilities intended to provide inside storage options where the customer is charged a rental fee on a monthly or annual basis for the storage of personal products;

**Outside Storage** means the storing, stockpiling or accumulating of goods, equipment or material in an area that is open or exposed to the natural elements.

**Public or quasi-public** means a building, plant works, equipment system or service owned, operated or enfranchised by the Municipality, Province of Alberta or Government of Canada.

**Public works** means any Municipal work or development done in connection with the construction, maintenance, or upgrading of Municipal roads, Municipal water and sewer systems, and other similar operations on municipally owned lands.

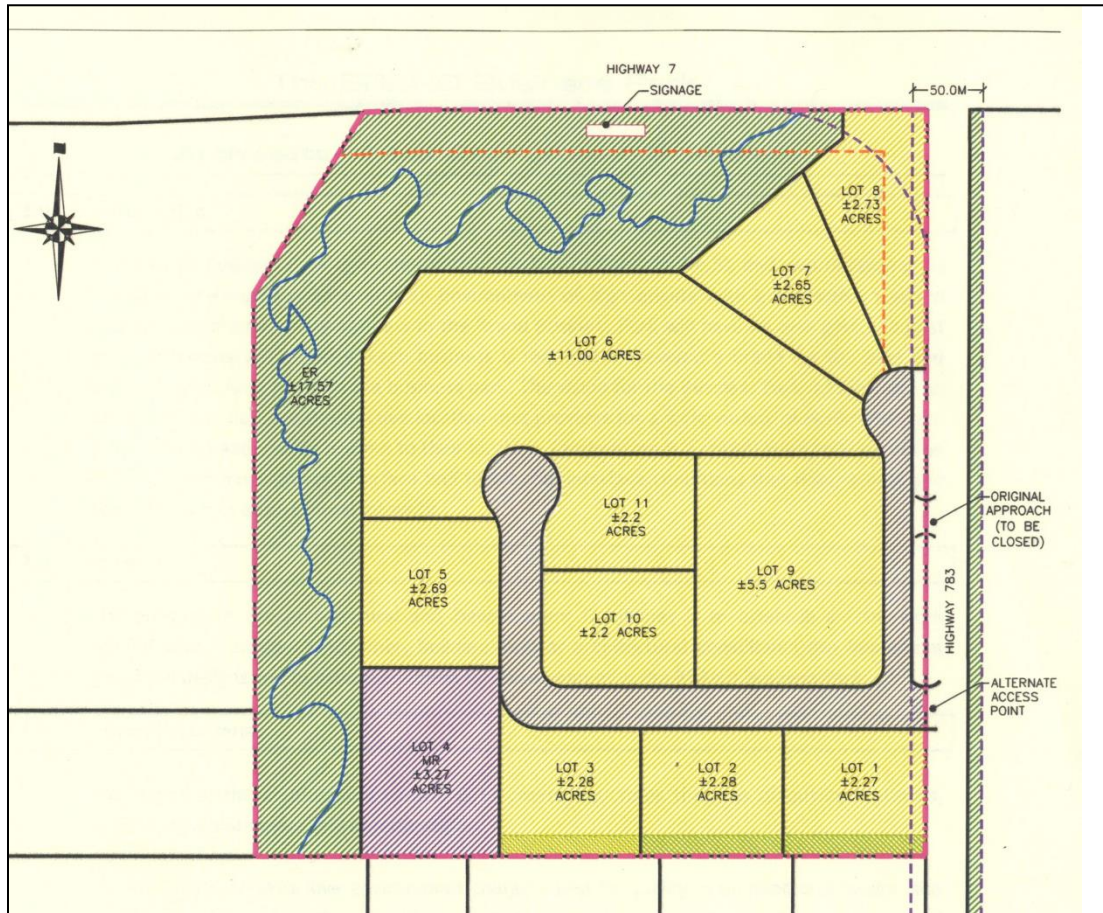
**Recreation Vehicle Sales and Service** means a development used for the rental, lease, and sale of new or used recreation vehicles together with incidental repair and maintenance services and sales of parts. Typical uses include sale and service of, motorcycles, snowmobiles, trailers, livestock trailers, quads, and recreation vehicles.

**Restaurant** means an establishment which is engaged in serving food and beverages which are consumed on its premises by customers seated at tables or counters either inside or outside of the building and as an accessory use thereto, may be engaged in providing customers with takeout service of food and beverages for off-site consumption. This includes a licensed lounge that is ancillary to a restaurant and may include entertainment which is ancillary to the preparation and service of food.

**Retail store** means the use of a building or a portion thereof for the display and sale of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment. The total amount of retail store permitted within the entire Gold Medal Development is limited to 10,000 sq. ft. of gross floor space. More specifically, this definition allows for one larger retail space for a single user or several smaller retail spaces within a strip mall totaling a combined maximum 10, 000 sq. ft gross floor space.

**Signs** – refer to Section 9.24 for Sign Regulations.

18.21.9 LOT LOCATIONS



**18.22 DIRECT CONTROL DISTRICT #22 (DC 22)**

**DC#22**

**18.22.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow for a wide range of commercial uses consistent with the Priddis Meadows Area Structure Plan and Direct Control by Council over the development on the following lands (Priddis Meadows Direct Control Lots):

Plan 0214370, Block 1, Lot 1 (5.65 acres more or less)

To be subdivided into 4 Direct Control Lots pursuant to the Priddis Meadows Area Structure Plan.

**18.22.2 PERMITTED USES**

Single Family Dwellings  
Accessory Buildings  
Signs not requiring a Development Permit

**18.22.3 DISCRETIONARY USES**

Accessory Buildings and Uses  
Home Based Business Major and Minor  
Bed and Breakfast  
Convenience/Grocery Store  
Restaurants  
Appliance Service and Repair  
Business Offices  
Retail/Wholesale Outlets  
Veterinary Clinic  
Health Services  
Community Services  
Lot Grading  
Public/Quasi Public  
Public Works  
Signs requiring a Development Permit

**18.22.4 REQUIREMENTS**

18.22.4.1 Standards of the development shall be at the discretion of Council.

**18.22.5 MINIMUM REQUIREMENTS**

18.22.5.1 Area of Lot:

- a. One acre; or
- b. Area allowed for by bylaw amending this section

### 18.22.5.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback
  - i. 10m (32.80 ft.) from Priddis Ridge Road – Property line
  - ii. 15m (49.20 ft.) from Priddis Valley Road – Property line
  - iii. The distance to the ultimate extent of the right-of-way as determined by Alberta Transportation.
- b. Side Yard Setback
  - i. 1.5m (4.92 ft.) from Property line; or
  - ii. May be reduced to 0m (0ft.) at the discretion of Council.

### 18.22.6 MAXIMUM LIMITS

#### 18.22.6.1 Number of Lots:

- a. Four (as provided for in the Priddis Meadows Area Structure Plan);

#### 18.22.6.2 Height of Buildings:

- a. 10m (32.80 ft.); or
- b. If higher than 10m, at the discretion of Council.

#### 18.22.6.3 Coverage of lot:

- a. 60%

### 18.22.7 PROCEDURE

18.22.7.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for development permit in respect of lands referred to in Section 18.22.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.22.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.22.1. The council may approve a development permit application with or without conditions, or may refuse an application for development permit.

18.22.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.22.1.

**18.23 DIRECT CONTROL DISTRICT #23 (DC 23)**

**DC#23**

**18.23.1 PURPOSE AND INTENT**

The purpose and intent of the District is to allow for the establishment and operation of a Church under the Direct Control of Municipal Council on the following lands:

N.W. 33-21-29-W4; W ½ LSD 13

Consisting of 16.17 acres, more or less

**18.23.2 PERMITTED USES**

Nil

**18.23.3 DISCRETIONARY USES**

Accessory uses  
Church  
Community services  
Day care  
Dwelling – detached single family  
Park & playground  
Soccer academy & playing field  
Special events

**18.23.4 REQUIREMENTS**

18.23.4.1 Standards of development shall be at the discretion of the Council.

**18.23.5 PROCEDURE**

18.23.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.23.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.23.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.23.1. The Council may approve a development permit application without conditions, or may refuse an application for development permit.

18.23.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.23.1.

### 18.23.6 MINIMUM REQUIREMENTS

#### 18.23.6.1 Minimum Yard Setback Requirements:

- a. Front Yard Setbacks:
  - i. 15m (49.21 ft.) from Internal Subdivision Road – Property Line
  - ii. 48m (157.48 ft.) from the centerline of the Municipal Road
  - iii. 64m (209.97 ft.) from the centerline of the Secondary Highway
  - iv. 40m (131.23 ft.) from the ultimate right-of-way from a Primary Highway;
- b. Side yard Setback:
  - i. 15m (49.21 ft.) from Property Line
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from Property Line

### 18.23.7 MAXIMUM LIMITS

#### 18.23.7.1 Height of Buildings

- a. No higher than 18.25m (59.86 ft.)



**18.24 DIRECT CONTROL DISTRICT #24 (DC 24)**

**DC#24**

**18.24.1 PURPOSE AND INTENT**

The purpose and intent of the District is to allow for the Direct Control by the Council over development on the following lot:

Lot 2, Block C, Plan 0113513  
SE 05-21-29-W4M

**18.24.2 PERMITTED USES**

Signs not requiring a Development Permit

**18.24.3 DISCRETIONARY USES**

Accessory Uses  
Agricultural Processing and Distribution  
Auto Sales and Service  
Business Offices  
Convenience / Grocery Store  
Community Services  
Farm Equipment Sales and Services  
Public Works  
Public Quasi Public Installations and Facilities  
Retail Store  
Retail and Wholesale Outlets  
Service Shops (electrical, plumbing and mechanical)  
Service Station  
Signs requiring a Development Permit  
Storage

**18.24.4 REQUIREMENTS**

18.24.4.1 Standards of development shall be at the discretion of the Council.

**18.24.5 MINIMUM REQUIREMENTS**

18.24.5.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section

18.24.5.2 Minimum Yard Setback Requirements:

- a. Front Yard Setbacks:
  - i. 4m (13.12 ft.) from Internal Subdivision Road – Property Line



- ii. 38m (124.67 ft.) from the centerline of the Municipal Road
  - iii. 64m (209.97 ft.) from the centerline of the Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway
- b. Side yard Setback:
  - i. 1.5m (4.92 ft.) from Property Line
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from Property Line

### **18.24.6 MAXIMUM LIMITS**

#### **18.24.6.1 Number of Lots:**

- a. At the discretion of Council.

#### **18.24.6.2 Height of Buildings:**

- a. 12m (39.37 ft.); or
- b. If higher than 12m, at the discretion of Council.

#### **18.24.6.3 Coverage of Lot:**

- a. 60%

### **18.24.7 PROCEDURE**

**18.24.7.1** Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.24.1 shall be referred by the Development Officer to the Council for its approval or refusal.

**18.24.7.2** Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.24.1. The Council may approve a development permit application without conditions, or may refuse an application for development permit.

**18.24.7.3** There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.24.1.

**18.25 DIRECT CONTROL DISTRICT #25 (DC 25)**

**DC#25**

**18.25.1 PURPOSE AND INTENT**

The purpose and intent of the District is to allow for the Direct Control by the Council, in accordance with the Rocky Mountain Show Jumping Area Structure Plan (Bylaw 74/2011), over development on the following Equestrian Centre at Anderson Ranch:

NE 5-22-01-W5M PLAN 5555HS BLOCK C (59.91 Acres)

NE 5-22-01-W5M PLAN 5555HS BLOCK B (25.03 Acres)

SE 8-22-01-W5M (40.0 Acres)

**18.25.2 PERMITTED USES**

Nil

**18.25.3 DISCRETIONARY USES**

Accessory uses

Country recreational centers and lodges

Dwellings

Indoor and outdoor show jumping tournaments

Special events (i.e. – weddings, clinics, annual events)

Extensive agricultural uses

Intensive agricultural uses

**18.25.4 REQUIREMENTS**

18.25.4.1 Standards of development shall be at the discretion of the Council.

18.25.4.2 Setbacks for existing structures to property lines shall be as outlined in the Appendix Figure to the Rocky Mountain Show Jumping ASP and are considered as existing non-conforming.

**18.25.5 PROCEDURE**

18.25.5.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for a development permit in respect of the lands referred to in Section 18.25.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.25.5.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to the lands referred to in Section 18.25.1. The Council may approve a development permit application with or without conditions, or may refuse an application for development permit.

- 18.25.5.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.25.1

**18.26 DIRECT CONTROL DISTRICT #26 (DC 26)  
DOG KENNELS AND FACILITIES**

**DC#26**

**18.26.1 PURPOSE AND INTENT**

To allow for the development of Dog Kennels and Dog Facilities on lots with a single family residence and to allow for the Direct Control by Council over development on the following lots:

NW 16-19-26-W4M, PLAN 0810315, BLOCK 1, LOT 2  
NW 30-19-26-W4  
NW 31-20-28-W4  
NE 03-22-01-W5, PLAN 1410872, BLOCK 1, LOT 6  
SE 02-20-01-W5, PLAN 0711052, BLOCK 1, LOT 1  
NW 01-20-02-W5, PLAN 0412085, BLOCK 1, LOT 1

**18.26.2 PERMITTED USES**

Accessory Buildings not requiring a development permit (accessory to the Dwelling)

Agricultural, General

Accessory Uses to the Dwelling

Dwelling, Detached Single Family

- No more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size
- No more than 2 such dwellings are permitted on a single lot 32.4 (80 ac) or greater in size

Dwelling, manufactured home under 6.10m (20 ft.) in length or width

- Permitted use only on lots 32.4 (80 acres) or greater in size

Dwelling, Relocated or Moved on

- Permitted use only on lots 32.4 ha (80 acres) or greater in size.

Home Office, not requiring a development permit

Public Works

Signs not requiring a development permit

Temporary storage of up to 5 unoccupied recreation vehicles

Utility services, minor

**18.26.3 DISCRETIONARY USES**

Accessory Uses to the Dog Kennel or Dog Facility

Animal Shelter

Animal Care Services

Dog Daycare

Dog Training Facility

Dog Grooming

Dwelling, manufactured home - one only

- discretionary use only on lots less than 80 acres in size

Dwelling, moved on,

- discretionary use only on lots less than 80 acres in size
- Kennel (Private)  
Kennel (Commercial)  
Lot Grading  
Manmade water features requiring a permit  
Special Event (accessory to the Dog Kennel or Dog Facility use)  
• discretionary use only on parcels over 21 acres in size  
Temporary storage of up to 10 unoccupied recreation vehicles  
Public Quasi Public Installations and Facilities  
Signs requiring a Development Permit

### **18.26.4 LAND USE REQUIREMENTS**

18.26.4.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.

18.26.4.2 Standards of development shall be at the discretion of the Council.

### **18.26.5 DEVELOPMENT REQUIREMENTS**

#### **18.26.5.1 Maximum Height of Structures**

- Principal buildings, first vehicle garage, and car ports:
  - 12m (39.37 ft.)
- Accessory Buildings and Arenas:
  - 10.67m (35 ft.)
- Radio antennas, internet towers and wind turbines:
  - 16m (52.49 ft.);

#### **18.26.5.2 Maximum Lot Coverage**

- No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area;

#### **18.26.5.3 Minimum Yard Setback Requirements**

- Front Yard Setback:
  - 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - 48m (157.48ft.) from the center line of a Municipal Road;
  - 64m (209.97 ft.) from the center line of a Secondary Highway;

- iv. 40m (131.23 ft.) from a Primary Highway.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line.
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

#### 18.26.5.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

#### 18.26.5.5 Minimum Environmental Setback Requirements:

- a. a. Slope:
  - i. adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. b. Water body:
  - i. 30 m (98.43 ft) (from the top of bank); or
  - ii. The setback determined appropriate by The Approving Authority in accordance with the "Riparian Setback Matrix Model", whichever is greater.

#### 18.26.5.6 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of Land Use Bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

#### 18.26.5.7 Minimum habitable area per dwelling

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

### 18.26.6 SPECIAL PROVISIONS

- 18.26.6.1 The Approving Authority may, when issuing a development permit, determine the maximum number of dogs that may be kept on the premises at any one time by the operator of a Dog Kennel or Dog Facility.
- 18.26.6.2 The Approving Authority may, when issuing a development permit set a period of time for which the permit will remain valid, and may include the option to apply for renewal at the end of the term. See Section 4.7 for information regarding temporary uses.

- 18.26.6.3 The Approving Authority may, as a condition of issuing a Development Permit, impose any condition that addresses a relevant planning and development matter, including but not limited to:
- Location and maximum size of facilities to be constructed;
  - Hours of “operation” – that is hours during which clients may visit the facility;
  - Number of non-resident employees;
  - Number of vehicle visits per day;
  - Hours during which animals must remain indoors;
  - Noise;
  - Buffering;
  - Lighting;
  - Manure management;
  - Screening of facilities.
- 18.26.6.4 In determining the number of dogs, pups less than six months of age shall not be included.
- 18.26.6.5 No building or exterior exercise area, to be used to accommodate the dogs shall be allowed within 300 m (1,000 ft.) of any dwelling located on adjacent parcels.
- 18.26.6.6 All dogs, including pups shall be kept indoors between the hours of 9:00pm to 7:00am daily unless supervised by at least one person per four dogs.
- 18.26.6.7 All dog facilities, including buildings and exterior exercise areas shall be located to the rear of the principal building unless otherwise approved by the Approving Authority.
- 18.26.6.8 All dog facilities shall be visually screened by fences or landscaping from the existing dwellings on adjoining lots.
- 18.26.6.9 Design Guidelines:
- all development located within the Highway 2A Industrial Area structure plan (H2AI Area Structure Plan) area shall comply with the Highway 2A Corridor Design Guidelines (2013), as may be amended or replaced by Council from time to time.
- 18.26.6.10 Lighting:
- All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Dark Sky Bylaw.
- 18.26.6.11 Lot Drainage:
- A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
  - Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 18.26.7 PROCEDURE

- 18.26.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.26.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.26.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.26.1. The council may approve a development permit application with or without conditions, or may refuse an application for development permit.
- 18.26.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.26.1.



**18.27 DIRECT CONTROL DISTRICT #27 (DC 27)  
MAJOR HOME BASED BUSINESS DISTRICT**

**DC#27**

**18.27.1 PURPOSE AND INTENT**

To allow for the development of major home based businesses to operate, on lots with a single family residence and to allow for the Direct Control by Council over development on the following lots:

NW 36-20-29-W4M, PLAN 0012098, BLOCK 1  
SE 32-19-02-W5, PLAN 0910606, BLOCK 2, LOT 1  
SE 24-21-29-W4, PLAN 1113203, BLOCK 1, LOT 1  
NW 31-21-28-W4, PLAN 0112113, BLOCK 7, LOT 1  
SE 26-21-01-W5, PLAN 0413714, BLOCK 2, LOT 3  
SE 14-20-01-W5, PLAN 9710876, LOT 9  
SW 20-20-01-W5, PLAN 9412786, LOT 1  
NW 21-20-28-W4, PLAN 9211875, BLOCK C  
SW21-20-03-W5, PLAN 9112603, BLOCK 3

**18.27.2 PERMITTED USES**

Accessory Buildings not requiring a development permit (accessory to the Dwelling)

Agricultural, General

Accessory Uses to the Dwelling

Dwellings, Detached Single Family

- No more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size
- No more than 2 such dwellings are permitted on a single lot 32.4 (80 ac) or greater in size  
Dwelling, manufactured home under 6.10m (20 ft.) in length or width
- Permitted use only on lots 32.4 (80 acres) or greater in size  
Dwelling, Relocated or Moved on
- Permitted use only on lots 32.4 ha (80 acres) or greater in size.

Home Office, not requiring a development permit

Public Works

Signs not requiring a development permit

Temporary storage of up to 5 unoccupied recreation vehicles

Utility services, minor

**18.27.3 DISCRETIONARY USES**

Accessory Uses to the major home based business

Accessory Building to the major home based business

Dwelling, manufactured home under 6.10m (20 ft.) in length or width - one only

- Discretionary use on lots less than 80 acres in size

Dwelling, moved on,

- Discretionary use on lots less than 80 acres in size
  - Home based business minor
  - Home based business major
  - Kennel (Private)
  - Lot Grading
  - Manmade water features requiring a permit
  - Special Event (accessory to the business use)
- Discretionary use only on parcels over 21 acres in size
  - Temporary storage of up to 10 unoccupied recreation vehicles
  - Public Quasi Public Installations and Facilities
  - Signs requiring a Development Permit

### **18.27.4 LAND USE REQUIREMENTS**

18.27.4.1 Standards of the development shall be at the discretion of Council.

### **18.27.5 DEVELOPMENT REQUIREMENTS**

18.27.5.1 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.)
- b. Accessory Buildings and Arenas:
  - i. 10.67m (35 ft.)
- c. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft.);
- d. Or as determined by Council

18.27.5.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area;

18.27.5.3 Minimum Yard Setback Requirements

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the centre line of a Municipal Road
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway
  - iv. 40m (131.23 ft.) from a Primary Highway
  - v. Or as determined by Council
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line
  - ii. Or as determined by Council
- c. Rear Yard Setback

- i. 15m (49.21 ft.) from property line
  - ii. Or as determined by Council
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 18.27.5.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

### 18.27.5.5 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30 m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

### 18.27.5.6 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of Land use bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

### 18.27.5.7 Minimum habitable area per dwelling

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

## 18.27.6 SPECIAL PROVISIONS

18.27.6.1 Home based business, major does not include a medical marihuana production facility.

18.27.6.2 No more than five (5) non-resident employees working on site;

18.27.6.3 Maximum of eight (8) Business Visits per day;

18.27.6.4 The business or occupation must be conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business;

18.27.6.5 The business shall not occupy more than 50% of the gross floor area of the principle dwelling plus the area of accessory structures.

18.27.6.6 Material Storage:

- a. On parcels 10 acres and larger, exterior storage may be allowed if, in the opinion of the Approving Authority, the exterior storage is adequately screened, a maximum of 5 vehicles or equipment may be stored outdoors;

### 18.27.6.7 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 18.27.6.8 Nuisance:

- a. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot;

### 18.27.6.9 The Approving Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of facilities to be constructed;
- b. Development setbacks;
- c. Hours of operation;
- d. Number of non-resident employees;
- e. Number of vehicle visits per day;
- f. Noise;
- g. Buffering;
- h. Lighting;
- i. Outdoor storage;
- j. Parking requirements;
- k. Screening of facilities.

### 18.27.6.10 Design Guidelines:

- a. All development located within the Highway 2A Industrial Area structure plan (H2AI Area Structure Plan) area shall comply with the Highway 2A Corridor Design Guidelines (2013), as may be amended or replaced by Council from time to time..

### 18.27.6.11 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

### 18.27.6.12 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 18.27.7 PROCEDURE

- 18.27.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.27.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.27.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.27.1. The council may approve a development permit application with or without conditions, or may refuse an application for development permit.
- 18.27.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.27.1.

**18.28    *DIRECT CONTROL DISTRICT #28 (DC 28) REPEALED***

***DC #28***

**18.29 DIRECT CONTROL DISTRICT #29 (DC 29)  
LIMITED PUBLIC or COMMERCIAL RIDING ARENA**

**DC#29**

**18.29.1 PURPOSE AND INTENT**

To allow for the development of a Limited Public or Commercial Arena, as defined in Section 2.5 of this bylaw, to operate on lots, with or without a single family residence, and to allow for the Direct Control by Council over development on the following lots:

NW 17-22-1 W5M (+/- 32.87 acres)  
PTN. LSD 11 NW 17-22-1 W5M (+/- 21.29 acres)  
NW 12-20-02-W5M, Plan 0810029, Lot 5 (87.7 acres)  
NW 12-20-02-W5, PLAN 0810029, BLOCK 1, LOT 5 (87.70 acres)  
NW 08-21-28-W4 (40.0 ACRES)  
NE 35-20-29-W4 (23 +/- 1 ACRES)  
NW 21-20-02-W5 (134.85 ACRES)

**18.29.2 PERMITTED USES**

Accessory Buildings not requiring a development permit (accessory to the Dwelling)  
Agricultural, General  
Accessory Uses to the Dwelling

**Dwellings:**

No more than 1 dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size  
No more than 2 dwellings are permitted on a single lot 32.4 ha (80 ac) or greater

- Detached Single Family
- Manufactured Home under 6.10m (20 ft.) in length or width - permitted on lots 32.4 (80 acres) or greater in size
- Relocated or Moved-on permitted on lots 32.4 ha (80 acres) or greater in size

Home Office not requiring a development permit  
Public Works  
Signs not requiring a development permit  
Temporary storage of up to 5 unoccupied recreation vehicles

**18.29.3 DISCRETIONARY USES**

Accessory Uses - Accessory to a Minor or Major Home Based Business  
- Accessory to the Arena

Accessory Building - Accessory to a Minor or Major Home Based Business  
- Accessory to the Arena

Arena, Commercial  
Arena, Limited Public  
Boarding Services

Campground, Minor - Accessory to the Arena on parcels 8.49 ha (21 acres) or greater in size

**Dwellings:**

- Detached Single Family  
In addition to the number listed as a permitted use on a single lot
- Manufactured home under 6.10m (20 ft.) in length or width

Discretionary use on lots less than 32.4 ha (80 acres) in size

- Relocated or Moved-on

Discretionary use on lots less than 32.4 ha (80 acres) in size

- Dwelling, Temporary

Home Based Business (Minor) - only on parcels with a residence

Home Based Business (Major) - only on parcels with a residence

Intensive Livestock Operation

Lot Grading

Manmade water features requiring a permit

Public Quasi Public Installations and Facilities

Special Event (accessory to the Arena or Business use)

- Discretionary use only on parcels 8.49 ha (21 acres) or greater in size

Signs requiring a Development Permit

Temporary (short-term) Manure Storage

Utility Services, Minor

### 18.29.4 LAND USE REQUIREMENTS

18.29.4.1 Standards of the development shall be at the discretion of Council.

### 18.29.5 DEVELOPMENT REQUIREMENTS

18.29.5.1 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.);
- b. Accessory Buildings and Arenas:
  - i. 10.67m (35 ft.);
- c. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft.);
- d. Or as determined by Council.

18.29.5.2 Maximum Floor Area of Arena Building:

- a. The maximum allowable size of the Arena Building for an Arena, Limited Public or Arena, Commercial shall be at the discretion of Council.

18.29.5.3 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

18.29.5.4 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the centre line of a Municipal Road;
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway;



- iv. 40m (131.23 ft.) from a Primary Highway;
  - v. Or as determined by Council.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
- e. Corner Parcel Restrictions:
  - i. In accordance with Sections 9.27.9 - 9.27.12.

### 18.29.5.5 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30m (98.43 ft.) from the top of bank; or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the *"Riparian Setback Matrix Model"*, whichever is greater.

### 18.29.5.6 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of Land use bylaw for additional setback requirements that may apply;
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

### 18.29.5.7 Minimum habitable area per Dwelling:

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

## 18.29.6 SPECIAL PROVISIONS

18.29.6.1 Home Based Business (Major) does not include a medical marihuana production facility.

18.29.6.2 No more than five (5) non-resident employees shall be working on site for an Arena, Limited Public.

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- 18.29.6.3 The number of non-resident employees working on site for an Arena, Commercial shall be at the discretion of Council.
- 18.29.6.4 Maximum of sixteen (16) Business Visits permitted per day, or as determined by Council for Arena, Limited Public.
- 18.29.6.5 The maximum number of Business Visits per day for Arena, Commercial shall be at the discretion of Council.
- 18.29.6.6 Any minor or major home business or occupation must be conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business.
- 18.29.6.7 Any minor or major home business shall not occupy more than 50% of the gross floor area of the principle dwelling plus the area of accessory structures.
- 18.29.6.8 Material Storage:
- a. On parcels 10 acres and larger, exterior storage may be allowed if, in the opinion of the Approving Authority, the exterior storage is adequately screened, a maximum of 5 vehicles or equipment may be stored outdoors.
- 18.29.6.9 Manure Management:
- Applicants for Arena, Commercial or Arena, Limited Public shall provide a manure management plan to the satisfaction of Council as a part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.
- 18.29.6.10 Safety and Fire Code Requirements:
- Applicants shall be required to provide proof of compliance or the ability to become compliant with all Provincial Safety Code and Fire Code requirements as part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.
- 18.29.6.11 Landscaping and Screening:
- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
  - b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.
- 18.29.6.12 Nuisance:
- a. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.
- 18.29.6.13 Camping:
- a. Whether camping is permitted in support of special events at an Arena, Commercial or Arena, Limited Public, shall be at the discretion of Council and will be outlined in the Development Permit. Council may also specify:
    - i. The maximum number of camping units permitted per event;

- ii. The maximum length of stay; and
- iii. Number of events where camping shall be permitted annually.

18.29.6.14 The Approving Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of Arena building to be constructed;
- b. Development setbacks;
- c. Hours of operation;
- d. Number of non-resident employees;
- e. Number of vehicle visits per day;
- f. Number of Animal units permitted on the property;
- g. Size and number of structures permitted on site;
- h. Number of events or contests permitted annually;
- i. Requirements for evacuation and emergency response plans;
- j. Upgrades on municipal roads;
- k. Mitigation of impacts on municipal roads;
- l. Compliance reporting requirements;
- m. Noise;
- n. Buffering;
- o. Lighting;
- p. Outdoor storage;
- q. Parking requirements;
- r. Screening of facilities;
- s. Proof of compliance with fire and safety codes inspections of the facility;
- t. Manure Storage provisions;
- u. Any other condition that Council deems necessary.

18.29.6.15 Design Guidelines:

- a. All development located within the Highway 2A Industrial Area structure plan (H2AI Area Structure Plan) area shall comply with the Highway 2A Corridor Design Guidelines (2013), as may be amended or replaced by Council from time to time.

18.29.6.16 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

### 18.29.6.17 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 18.29.7 PROCEDURE

- 18.29.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.29.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.29.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.29.1. The council may approve a development permit application with or without conditions, or may refuse an application for development permit.
- 18.29.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.29.1.

**18.30 DIRECT CONTROL DISTRICT #30 (DC 30)  
LEIGHTON ART CENTRE**

**DC#30**

**18.30.1 PURPOSE AND INTENT**

To allow the continued operation of the Leighton Art Centre and to allow for the Direct Control by Council over development on the following lands:

Meridian 5 Range 2 Township 21 Section 21  
That portion of the Southeast quarter lying  
North of the southerly 1320 feet throughout  
Containing 32.4 hectares (80 acres) more or less  
Excepting thereout the easterly 179.929 meters of  
the northerly 89.965 meters containing 1.62 hectares  
(4 acres) more or less

AND

Meridian 5 Range 2 Township 21 Section 21  
The easterly 179.929 meters of the northerly  
89.965 meters containing 1.62 hectares  
(4 acres) more or less

**18.30.2 PERMITTED USES**

Accessory Buildings not requiring a development permit  
Administration Offices  
Agricultural, General  
Accessory Uses to the Art Centre (e.g. Washrooms, parking, storage and/or maintenance facilities)  
Art Centre  
Dwellings, Detached Single Family

- No more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size

Education Centre  
Existing Heritage Structures (Leighton Home and One-room School House)  
Interpretive Pathways  
Museum / Art Gallery  
Open Air Performance and Art Spaces  
Public Works  
Signs not requiring a development permit  
Utility services, minor

**18.30.3 DISCRETIONARY USES**

Artist Shelters  
Food Service, Accessory to the art centre  
Dwelling, manufactured home (mobile home) - one only

- discretionary use only on lots less than 80 acres in size

Dwelling, Moved On,

- discretionary use only on lots less than 80 acres in size

Dwelling, Temporary  
Lot Grading  
Manmade water features requiring a permit

Retail art and craft sales  
Retail sales of goods related to the arts, heritage and/or nature.  
Special Events  
Temporary Artist Accommodation up to eight (8) units  
Temporary structures for special events  
Public / Quasi Public Installations and Facilities  
Signs requiring a Development Permit

### **18.30.4 LAND USE REQUIREMENTS**

18.30.4.1 Standards of the development shall be at the discretion of Council.

### **18.30.5 DEVELOPMENT REQUIREMENTS**

18.30.5.1 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.);
- b. Accessory Buildings
  - i. 10.67m (35 ft.);
- c. Or as determined by Council.

18.30.5.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than forty (40) percent of the lot area.

18.30.5.3 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the centre line of a Municipal Road;
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway;
  - iv. 40m (131.23 ft.) from a Primary Highway;
  - v. Or as determined by Council.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

- e. Corner Parcel Restrictions:
  - i. In accordance with Sections 9.27.9 - 9.27.12.

### 18.30.5.4 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30 m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the “Riparian Setback Matrix Model”, whichever is greater.

### 18.30.5.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply;
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

### 18.30.5.6 Minimum habitable area per Dwelling, (except for Dwelling, temporary):

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

## 18.30.6 SPECIAL PROVISIONS

### 18.30.6.1 Landscaping and Screening:

- a. landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 18.30.6.2 Nuisance:

- a. no offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot;

### 18.30.6.3 The Development Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of facilities to be constructed;
- b. Development setbacks;
- c. Hours of operation;
- d. Maximum number of patrons for food service facility;
- e. Number of employees;

- f. Number of temporary accommodation units;
- g. Number of vehicle visits per day;
- h. Number and duration of special events permitted;
- i. Noise;
- j. Buffering;
- k. Lighting;
- l. Outdoor storage;
- m. Parking requirements;
- n. Screening of facilities.

### 18.30.6.4 Lighting:

- a. all lighting must be in accordance Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

### 18.30.6.5 Lot Drainage:

- a. a Development agreement shall be entered into for any lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

## 18.30.7 PROCEDURE

- 18.30.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.30.1 may be referred by the Development Officer to the Council for its approval or refusal.
- 18.30.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council or their delegate shall decide on all applications for development permits with respect to lands referred to in Section 18.30.1. The council or their delegate may approve a development permit application with or without conditions, or may refuse an application for development permit.
- 18.30.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.30.1.



### 18.30.8 DEFINITIONS PERTINENT TO THIS REGULATION WHICH WILL BE ADDED TO SECTION 2.5 DEFINITIONS

**Administration Office** means a specific building or rooms within a building providing for the day-to-day business operation of a facility or primary use on a parcel, and may include kitchen and washroom facilities for staff use.

**Art Centre** means a building or series of buildings, structures and landscape spaces to facilitate Art Heritage and Nature themed usage available for the purposes of assembly, cultural instruction, art production and educational, research, social and recreational activities.

**Artist Shelter** means a covered or enclosed structure intended to provide temporary shelter from the elements for artists while engaged in art or craft activities. These structures are not to be used for overnight accommodation.

**Education Centre** means structures and/or outdoor areas devoted to the principal use of education.

**Food Service, Accessory** means the serving of food, which may or may not have been prepared on site, in support of an approved principal use on the premises. The service may occur either on a day to day basis or for special events, and may include the service of alcoholic beverages under license from the Alberta Gaming and Liquor Commission or equivalent body. It may also include food service from food trucks licensed to operate in the MD of Foothills.

**Interpretive Pathways** means defined linear trails or pathways with interpretive or educational signs, art installations and/or benches or other outdoor furnishings.

**Licensed** means “licensed premises” as defined by the Alberta Gaming and Liquor Commission.

**Museum/Art Gallery** means “a non-profit making, permanent institution in the service of society and its development, and open to the public, which acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, material evidence of people and their environment”. (International Council of Museums and Alberta Museum Association) This definition includes art galleries with collections of works of art as well as museums with historical collections of objects.

**Open Air Performance and Art Spaces** means spaces designated for the production, installation, observation, documentation and enjoyment of works of art in any medium, including but not limited to, sculpture, painting, printmaking, textiles, photography, installation art, performance, dance, theater, music, film, video, digital media and other means of electronic and mechanical production, both permanent and non-permanent.

**Temporary Artist Accommodation** means structures or spaces/units within structures, either permanent or temporary intended to be occupied or used by one or more persons, including artists or visitors to an Art Centre for overnight accommodation for a limited period of time – visitor stays not to exceed 180 days per year. This accommodation may include a communal kitchen serving several units within a structure or individual kitchens to serve each unit.

**18.31 DIRECT CONTROL DISTRICT #31 (DC 31)  
BLACK DIAMOND INDUSTRIAL RURAL**

**DC#31**

**18.31.1 PURPOSE AND INTENT**

To allow operation of industrial related businesses on the lands. This district recognizes the necessity for uses to remain primarily light/medium industrial in nature due to the proximity to waste disposal sites, natural resource extraction activities in the area, and in response to limited reclamation and remediation of the lands in the area. The importance of maintaining minimal nuisance factor extending beyond the boundaries of the site must be considered when looking at new uses on these lands to reduce impact on the Town of Black Diamond. This district will allow for the Direct Control by Council over development on the following lands:

- Plan 0512737, Block 1, Lot 3, SE 17-20-02-W5
- Plan 0512737, Block 1, Lot 4, SE 17-20-02-W5
- Plan 1011623, Block 2, Lot 2, SW 17-20-02-W5
- Plan 1011623, Block 2, Lot 3, SW 17-20-02-W5
- Plan 0712752, Block 2, Lot 1, SW 17-20-02-W5
- Plan 0112173, Block 1, SW 17-20-02-W5

**18.31.2 PERMITTED USES**

Accessory Buildings not requiring a development permit  
Agricultural General  
Office (in conjunction with primary industrial use on site)  
Contractor Limited  
Industry Light  
Manufacturing, Light  
Public Works  
Signs not requiring a development permit

**18.31.3 DISCRETIONARY USES**

Accessory Building requiring a development permit;  
Accessory Uses  
Agricultural Processing and Distribution  
Agricultural Support Services  
Auto Body  
Auto Repair  
Auto Sales  
Auto Wreckers  
Car/Truck Wash  
Card Lock Fuel Dispensing Facility  
Commercial Storage  
Contractor General  
Farm Equipment Sales and Service  
Industry, General

Industrial, Manufacturing/Processing  
Industrial, Storage and Warehousing  
Lot Grading  
Manmade Water features requiring a permit  
Outdoor Display area (in conjunction with principal business)  
Outdoor Storage  
Public Quasi Public Installations and Facilities  
Recreation Vehicle Sales  
Recreation Vehicle Storage  
Recycling Depot  
Signs requiring a Development Permit  
Storage Compound  
Utility Services, Minor  
Warehousing and Storage  
Warehouse Sales  
Waste Management Facility, Minor

### **18.31.4 LAND USE REQUIREMENTS**

18.31.4.1 Standards of the development shall be at the discretion of Council.

### **18.31.5 DEVELOPMENT REQUIREMENTS**

18.31.5.1 Maximum Height of Structures:

- a. All Buildings
  - i. 12m (39.37 ft. ft.);
- b. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft.);
  - ii. Or as determined by Council.

18.31.5.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

18.31.5.3 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the centre line of a Municipal Road;
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway;
  - iv. 40m (131.23 ft.) from a Primary Highway;
  - v. Or as determined by Council.

- b. Side Yard Setback:
  - i. 1.5m (4.92 ft.) from property line;
  - ii. Or as determined by Council
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

#### 18.31.5.4 Corner Parcel Restrictions:

- a. In accordance with Sections 9.27.9 - 9.27.12.

#### 18.31.5.5 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30 m (98.43 ft) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority;

#### 18.31.5.6 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply;
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

### 18.31.6 SPECIAL PROVISIONS

18.31.6.1 The number of employees working on site shall be at the discretion of Council.

18.31.6.2 The maximum number of Business Visits per day shall be at the discretion of Council.

#### 18.31.6.3 Storage:

- a. Exterior storage may be allowed if adequately screened with partial to full screening as required by the Approving Authority.

### 18.31.6.4 Safety and Fire Code Requirements:

- a. Applicants shall be required to provide proof of compliance or the ability to become compliant with all Provincial Safety Code and Fire Code requirements as part of the development permit application for their development unless requested to do so by Council as part of the Land Use Bylaw amendment application.

### 18.31.6.5 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 18.31.6.6 Nuisance:

- a. Minimal offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.

### 18.31.6.7 The Approving Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of accessory building to be constructed;
- b. Development setbacks;
- c. Hours of operation;
- d. Number of employees;
- e. Number of vehicle visits per day;
- f. Size and number of structures permitted on site;
- g. Requirements for evacuation and emergency response plans;
- h. Upgrades on municipal roads;
- i. Mitigation of impacts on municipal roads;
- j. Compliance reporting requirements;
- k. Noise;
- l. Buffering;
- m. Lighting;
- n. Outdoor storage;
- o. Parking requirements;
- p. Screening of facilities;
- q. Proof of compliance with fire and safety codes inspections of the facility;
- r. Any other condition that Council deems necessary.

### 18.31.6.8 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

### 18.31.6.9 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 18.31.6.10 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mentioned uses listed for this district and each use shall be considered as a separate use.

## 18.31.7 PROCEDURE

18.31.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.31.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.31.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.31.1. The council may approve a development permit application with or without conditions, or may refuse an application for development permit.

18.31.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.31.1.

**18.32 DIRECT CONTROL DISTRICT #32 (DC 32)**  
**AGRICULTURAL SOCIETIES**

**DC#32**

**18.32.1 PURPOSE AND INTENT**

To allow the operation of agricultural societies, and accessory community recreational facilities providing services and facilities for the agricultural related, recreational, tourism, or social needs of the community.

This district recognizes the need for the community associations and agricultural societies to operate as a viable business thus allowing a multitude of uses accessory to the principal use of the sites. This district will allow for the Direct Control by Council over development on the following lands:

**High River Agricultural Society**

- Ptn. NE 12-19-29-W4, North 1402.5' (80.28 acres)

**Millarville Racing and Agricultural Society**

- Plan 1310854, Block 2, Lot 1, NE 12-21-03-W5 (65.31 acres)
- Plan 5354HR, Parcel A, NE 12-21-03-W5 (10.42 acres)

**Okotoks Agricultural Society**

- Plan 0214196, Block 11, Lot 1, NW 09-21-29-W4 (18.97 acres)

**18.32.2 PERMITTED USES**

Accessory Buildings not requiring a development permit

Accessory Uses to the Agricultural Society (e.g. Washrooms, parking, storage and/or maintenance facilities)

Administration Offices for Agricultural Society

Agricultural, General

Arena, Commercial (as part of the Agricultural Society only)

Arena, Limited Public (as part of the Agricultural Society only)

Assembly use

Community buildings and facilities

Dwellings:

No more than 1 dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size

No more than 2 dwellings are permitted on a single lot 32.4 ha (80 ac) or greater

- Detached Single Family
- Manufactured Home under 6.10m (20 ft.) in length or width - permitted on lots 32.4 (80 acres) or greater in size
- Relocated or Moved-on permitted on lots 32.4 ha (80 acres) or greater in size

Park

Private Amenity Space (accessory to the primary Agricultural Society use on site)

Public Works

Signs not requiring a development permit

## 18.32.3 DISCRETIONARY USES

Accessory Building requiring a development permit;  
Agricultural, Intensive use (accessory to the primary Agricultural Society use on site)  
Agricultural Support Services  
Auctioneering Services  
Auctioneering Services, Livestock  
Boarding Services  
Business Offices  
Campground, Minor - (accessory to the primary Agricultural Society use on site)  
Commercial Business  
Conference Centre  
Cultural Facilities (accessory to the primary Agricultural Society use on site)  
Dwellings:

- Detached Single Family  
In addition to the number listed as a permitted use on a single lot
- Manufactured home under 6.10m (20 ft.) in length or width  
Discretionary use on lots less than 32.4 ha (80 acres) in size
- Relocated or Moved-on  
Discretionary use on lots less than 32.4 ha (80 acres) in size
- Dwelling, Temporary

Food Service, (accessory to the primary Agricultural Society use on site)  
Home Based Business (Minor) - only on parcels with a residence  
Library and Exhibit (accessory to the primary Agricultural Society use on site)  
Lot Grading  
Manmade Water Features requiring a permit  
Outdoor Storage (accessory to the primary Agricultural Society use on site)  
Public Market  
Public or Quasi Public Installations and Facilities  
Recreation, Community  
Recreation Services, indoor  
Recreation Services, outdoor  
Retail store (accessory to the primary Agricultural Society use on site)  
Signs requiring a development permit  
Special Events  
Temporary (short-term) Manure Storage  
Utility Services, Minor

## 18.32.4 LAND USE REQUIREMENTS

18.32.4.1 Standards of the development shall be at the discretion of Council.

## 18.32.5 DEVELOPMENT REQUIREMENTS

18.32.5.1 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
  - i. 12m (39.37 ft.);



- b. Accessory Buildings and Arenas;
  - i. 10.67m (35 ft.);
- c. Radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft.);
- d. Or as determined by Council.

### 18.32.5.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

### 18.32.5.3 Maximum Floor Area of Arena Building:

- a. The maximum allowable size of the Arena Building for an Arena, Commercial, or Arena, Limited Public shall be at the discretion of Council.

### 18.32.5.4 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the centre line of a Municipal Road;
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway;
  - iv. 40m (131.23 ft.) from a Primary Highway;
  - v. Or as determined by Council.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 18.32.5.5 Corner Parcel Restrictions:

- a. In accordance with Sections 9.27.9 - 9.27.12.

### 18.32.5.6 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report, whichever is greater.
- b. Water body:
  - i. 30 m (98.43 ft.) (from the top of bank); or
  - ii. Setback determined appropriate by The Approving Authority in accordance with the “Riparian Setback Matrix Model”, whichever is greater.

### 18.32.5.7 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply;
- b. The Approving Authority may require a greater building setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

### 18.32.5.8 Minimum habitable area per Dwelling, (except for Dwelling, temporary):

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

## 18.32.6 SPECIAL PROVISIONS

18.32.6.1 The number of non-resident employees working on site for an Arena, Commercial shall be at the discretion of Council.

18.32.6.2 The maximum number of Business Visits per day for Arena, Commercial shall be at the discretion of Council.

18.32.6.3 Any minor home business or occupation must be conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is the owner or part owner of the occupation or business.

18.32.6.4 Any minor home business shall not occupy more than 50% of the gross floor area of the principle dwelling plus the area of accessory structures.

### 18.32.6.5 Outdoor Storage:

- a. On parcels 10 acres and larger, exterior storage may be allowed if, in the opinion of the Approving Authority, the exterior storage is adequately screened;
- b. a maximum of 5 vehicles or equipment may be stored outdoors.

### 18.32.6.6 Manure Management:

- a. Applicants for Arena, Commercial or Arena, shall provide a manure management plan to the satisfaction of Council as a part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.

### 18.32.6.7 Development Permit:

- a. To ensure that each Agricultural Society is permitted to operate in the same manner as they have been historically and to clearly provide direction to each society going into the future, a Development Permit is required for each Agricultural Society parcel or parcels outlining the uses and activities that will be included on the site to allow. An additional Development Permit will be required for any new uses that occur on site that are not in accordance to the regular Development Permit approval.

### 18.32.6.8 Emergency Response Plan:

- a. Each site will be required to have an Emergency Response Plan, approved by the Director of Emergency Management and Council that deals with each use approved for the site. New uses approved will require an addendum or additional Emergency Response Plan to accommodate for that use as per the discretion of the Director of Emergency Management.

### 18.32.6.9 Special Events:

- a. Special events will be approved at the discretion of Council that are above and beyond the approved Development Permit.

### 18.32.6.10 Safety and Fire Code Requirements:

- a. Applicants shall be required to provide proof of compliance or the ability to become compliant with all Provincial Safety Code and Fire Code requirements as part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.

### 18.32.6.11 Landscaping and Screening:

- a. Landscaping shall be completed in accordance with the Municipal Screening Standards (Appendix G of this Bylaw);
- b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards K (Appendix G of this Bylaw).

### 18.32.6.12 Nuisance:

- a. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.

### 18.32.6.13 Camping:

- a. Campground, minor may be allowed, accessory to the principal use of the site, at the discretion of the approving authority;
- b. Campground, major is neither permitted nor discretionary under this district;

- c. Whether camping is approved in support of regular events or special events on site, shall be at the discretion of Council and will be outlined in the Development Permit. Council may also specify:
  - i. The maximum number of camping units permitted per event;
  - ii. The maximum length of stay; and
  - iii. Number of events where camping shall be permitted annually.

18.32.6.14 The Approving Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of Arena building to be constructed;
- b. Development setbacks;
- c. Hours of operation;
- d. Number of non-resident employees;
- e. Number of vehicle visits per day;
- f. Number of Animal units permitted on the property;
- g. Size and number of structures permitted on site;
- h. Number of events or contests permitted annually;
- i. Requirements for evacuation and emergency response plans;
- j. Upgrades on municipal roads;
- k. Mitigation of impacts on municipal roads;
- l. Compliance reporting requirements;
- m. Noise;
- n. Buffering;
- o. Lighting;
- p. Outdoor storage;
- q. Parking requirements;
- r. Screening of facilities;
- s. Proof of compliance with fire and safety codes inspections of the facility;
- t. Manure Storage provisions;
- u. Any other condition that Council deems necessary.

18.32.6.15 Design Guidelines:

- a. All development located within the Highway 2A Industrial Area structure plan (H2AI Area Structure Plan) area shall comply with the Highway 2A Corridor Design Guidelines (2013), as may be amended or replaced by Council from time to time.

18.32.6.16 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

18.32.6.17 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

### 18.32.7 PROCEDURE

- 18.32.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.32.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.32.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.32.1. The council may approve a development permit application with or without conditions, or may refuse an application for development permit.
- 18.32.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.32.1.

### 18.32.8 DEFINITIONS PERTINENT TO THIS REGULATION WHICH WILL BE ADDED TO SECTION 2.5 DEFINITIONS

**Administration Office** means a specific building or rooms within a building providing for the day-to-day business operation of a facility or primary use on a parcel, and may include kitchen and washroom facilities for staff use.

**Food Service, Accessory** means the serving of food, which may or may not have been prepared on site, in support of an approved principal use on the premises. The service may occur either on a day to day basis or for special events, and may include the service of alcoholic beverages under license from the Alberta Gaming and Liquor Commission or equivalent body. It may also include food service from food trucks licensed to operate in the MD of Foothills.

**18.33 DIRECT CONTROL DISTRICT #33 (DC 33)**

**DC#33**

**BAR KAY CEE RANCH**

**18.33.1 PURPOSE AND INTENT**

To allow the continued operation of the Bar Kay Cee Ranch private country recreational property established by the Bar Kay Cee Club and to allow for the Direct Control by Council over development on the following lands:

Meridian 5 Range 5 Township 22 Section 36  
That portion of the North East Quarter  
Which lies south and west of a roadway on plan 876BM  
Containing 62.1 hectares (153.48 acres) more or less  
Excepting thereout:  

Plan	Number	Hectares	Acres
Road	8410952	0.271	0.67

  
Excepting thereout all mines and minerals

NE 36-22-05-W5

**18.33.2 PERMITTED USES**

Accessory Buildings not requiring a development permit

Accessory Uses to the country recreational use

parking areas,  
picnic areas,  
washrooms,  
boathouses,  
barns, and  
sheds

Administration Offices

Agricultural, General

Club House, Private

Dwellings, Detached Single Family

\*one such dwelling for the superintendent or property manager.

Outdoor Riding Facilities

Pathways and Trails

Personal Use Radio Antenna

Picnic Shelter / Cook House

Private Amenity Space

Private Lakes

Public Works

Recreational Cabins (Cabins # 5, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 32, 34, 36, 38, 40 as shown in Appendix A)

Signs not requiring a development permit

Skeet Range, private

Solar Power Equipment, personal (not requiring a development permit)

Swimming Pool

Utility services, minor

Wind Energy Conversion Systems, personal

### 18.33.3 DISCRETIONARY USES

Accessory Buildings requiring a development permit  
Arena

\* Accessory to the country recreational use to be used by members and guests

Campground – Minor (accessory to the country recreational use)

Dwelling, manufactured home (mobile home) - one only

Dwelling, relocated or moved on

\* As an allowed detached single family dwelling or recreational cabin

Food Service, accessory to the country recreational use

Greenhouse, private

Internet Tower

Lot Grading

Recreational Cabins (up to 4 cabins in addition to those listed under permitted uses)

Signs requiring a Development Permit

Solar Power Equipment requiring a development permit, accessory to the country recreational use

Special Events

Storage of up to 1 unoccupied recreational vehicle per cabin, accessory to the country recreational use

Telecommunication Tower

Temporary structures for special events

Wind Energy Conversion Systems, accessory to the country recreational use

### 18.33.4 LAND USE REQUIREMENTS

18.33.4.1 Standards of the development shall be at the discretion of Council.

### 18.33.5 DEVELOPMENT REQUIREMENTS

18.33.5.1 Maximum Height of Structures:

- a. 12m (39.37 ft.); or
- b. As determined by Council.

18.33.5.2 Minimum Setback Requirements:

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of any Internal Subdivision Road (municipally owned);
  - ii. 48m (157.48ft.) from the centre line of a Municipal Road;
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway;
  - iv. 40m (131.23 ft.) from a Primary Highway;
  - v. Or as determined by Council.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line; or
  - ii. As determined by Council
- c. Rear Yard Setback:

- i. 15m (49.21 ft.) from property line; or
  - ii. as determined by Council
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 18.33.5.3 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report.
- b. Water body:
  - i. 25m to:
    - a. the original watercourse that created the manmade ponds of Lake Placid and Trout Lake (see attached Appendix A);
    - b. the bed and shore of Deer Lake and Mirror Lake (see attached Appendix A);
  - ii. as determined by Alberta Environment; or
  - iii. as determined by Council .

### 18.33.5.4 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of Land Use Bylaw for additional setback requirements that may apply;

### 18.33.5.5 Minimum habitable area per Dwelling:

- a. 84 sq. m. (904.20 sq. ft.)

## 18.33.6 SPECIAL PROVISIONS

### 18.33.6.1 Landscaping and Screening:

- a. landscaping shall be completed in accordance with the Municipal Screening Standards;
- b. levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards.

### 18.33.6.2 Nuisance:

- a. no offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot;

### 18.33.6.3 No development permit is required for the addition to, rebuilding or replacement of an existing recreational cabin (Cabins # 5, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 32, 34, 36, 38, 40 as shown in Appendix A) on its established building site, but such development will require a building permit and shall otherwise comply with the provisions of this Bylaw.



## Municipal District of Foothills No. 31 - Land Use Bylaw

- 18.33.6.4 No development permit will be required for the construction of the first accessory building under 20.8 sq. m. (224 sq. ft.) accessory to each recreational cabin.
- 18.33.6.5 The Development Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:
- a. Location and maximum size of facilities to be constructed;
  - b. Development setbacks;
  - c. Number of employees;
  - d. Number of vehicle visits per day;
  - e. Number and duration of special events permitted;
  - f. Noise;
  - g. Buffering;
  - h. Lighting;
  - i. Outdoor storage;
  - j. Parking requirements;
  - k. Screening of facilities.
- 18.33.6.6 Lighting:
- a. All lighting must be in accordance Section 9.15 of this Land Use Bylaw and with the Municipal Dark Sky Bylaw.
- 18.33.6.7 Lot Drainage:
- a. A Development agreement shall be entered into for any lot grading requiring a development permit to the satisfaction of the Director, Public Works and Engineering;
  - b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land Use Bylaw.

### 18.33.7 PROCEDURE

- 18.33.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.33.1 may be referred by the Development Officer to the Council for its approval or refusal.
- 18.33.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council or their delegate shall decide on all applications for development permits with respect to lands referred to in Section 18.33.1. The council or their delegate may approve a development permit application with or without conditions, or may refuse an application for development permit.
- 18.33.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.33.1.

### 18.33.8 EXCEPTIONS

18.33.8.1 Existing Cabins that currently do not meet setbacks to Mirror Lake or the original watercourse that created the manmade ponds of Lake Placid and Trout Lake may be rebuilt or replaced without meeting the required setback, at the discretion of the approving authority as long as:

- a) The new structure does not encroach further into the setback than the structure that existed at the coming into effect of this bylaw; and
- b) The proponent can demonstrate that the proposed location is the most appropriate site for the new cabin.

18.33.8.2 Existing Cabins that currently do not meet setbacks to Mirror Lake or the original watercourse that created the manmade ponds of Lake Placid and Trout Lake may be added onto without being brought into compliance with the required setback at the discretion of the approving authority as long as:

- a) The addition to the structure does not encroach any further into the setback.

### DEFINITIONS PERTINENT TO THIS REGULATION WHICH WILL BE ADDED TO SECTION 2.5 DEFINITIONS

**CLUB HOUSE** means a building where members of a club and their guests may hold social events or gather for group activities, meetings, informational sessions or other purposes.

**RECREATIONAL CABIN, PRIVATE** means a dwelling unit used on a non-permanent basis for recreational activity and accommodation. A Recreational Cabin, Private is not to be used as a permanent residence or for any commercial purposes including Airbnb or other short-term rental.

Appendix A: Site Plan

