

LAND USE BYLAW

BYLAW 1102-02

SMOKY LAKE COUNTY

2002

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BYLAW 1102-02

LAND USE BYLAW

Pursuant to the Municipal Government Act, 1994, as amended, the Council of Smoky Lake County duly assembled, hereby enacts as follows:

PART 1.0 - GENERAL

1.1 TITLE

The title of this Bylaw shall be the Land Use Bylaw of Smoky Lake County.

1.2 PURPOSE

The purpose of this Bylaw is to regulate the use and development of land and buildings within the municipality to achieve the orderly and economic development of land. To this end, this Bylaw, amongst other things:

1. divides the municipality into districts;
2. describes the purposes for which land and buildings may be used for each district;
3. establishes a method of making decisions on applications for development including the issuance of development permits;
4. provides the manner in which notice of the issuance of a development permit is to be given; and
5. establishes the number of dwelling units permitted on a lot.

1.3 INTERPRETATION

In this Bylaw

1. "**accessory building**" means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and located on the same lot;
2. "**accessory use**" means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building;
3. "**Act**" means the Municipal Government Act, 1994, as amended;
4. "**adjacent land**" means land that is contiguous to a particular parcel of land and

includes:

- (a) land that would be contiguous if not for a highway, road, river or stream, and
 - (b) any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 3.5(3) of this Bylaw;
- 4a. "**agricultural operation**" means an agricultural operation as defined in the Agricultural Operation Practices Act;
5. "**bed and breakfast establishment**" means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of ten (10) bedrooms, with or without meals, are provided for remuneration to members of the public;
6. "**building**" includes anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
7. "**commercial use**" means an outlet through which products or services are available to consumers and does not include the manufacturing of products;
8. "**confined feeding operation**" means a confined feeding operation as defined in the Agricultural Operation Practices Act;
9. "**Council**" means the Council of Smoky Lake County;
10. "**country residence**" means any dwelling located in a rural area which is situated on a lot used solely for private residential purposes and accessory uses. The dwelling may be occupied permanently or seasonally;
11. "**development**" means:
- (a) an excavation or stockpile and the creation of either of them, or
 - (b) 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, or
 - (c) 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
 - (d) 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;
12. "**development agreement**" is a negotiated agreement between the municipality

and the owner/developer entered into at the time of subdivision or development permit approval which identifies the development responsibilities of each party;

13. "**Development Authority**" means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
14. "**Development Authority Officer**" means the Development Authority Officer established by the municipality's Development Authority Bylaw and appointed by Council;
15. "**development permit**" means a document authorizing a development issued pursuant to this Bylaw;
16. "**discretionary use**" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
17. "**dwelling**" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include single-family dwellings, duplexes and manufactured homes;
18. "**dwelling unit**" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;
19. "**extensive agriculture**" means the use of land or buildings, including the first dwelling, for an agricultural operation, but not including intensive agriculture or confined feeding operations;
20. "**family care facility**" means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes boarding homes for children, group homes and family homes;
21. "**farmstead**" means the currently inhabited or formerly inhabited dwelling or other improvements connected with an agricultural operation and located on a lot used in connection with such use;
22. "**fragmented parcel**" means a lot that is separated from the balance of a titled area by a natural barrier such as a river or coulee, or by a physical barrier such as a road or highway or railway, which barrier prohibits reasonable or normal access;

23. "**front line**" means the boundary line of a lot lying adjacent to a highway or road. In the case of a lakefront lot, the boundary line adjacent to or closest to the lake shall be considered the front line;
24. "**front yard**" means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve;
25. "**group care facility**" means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and boarding homes;
26. "**home occupation**" means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not significantly change the character thereof;
27. "**household**" means:
- (a) a person, or
 - (b) two (2) or more persons related by blood, marriage, or adoption, or
 - (c) a group of not more than three (3) persons who are not related by blood, marriage, or adoption,
- all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants;
28. "**industrial use**" means activities relating to manufacturing, warehousing, and/or resource extraction;
29. "**intensive agriculture**" means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes greenhouses, tree nurseries, silviculture and sod farms, but does not include confined feeding operations;
31. "**internal road**" means a road included in a plan of subdivision for multi-lot country residential use'
32. "**livestock**" means livestock as defined in the Agricultural Operation Practices Act;
35. "**lot**" means:

- (a) a quarter section, or
 - (b) a river lot or a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office, or
 - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
 - (d) 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;
36. “**main building**” means a building in which is conducted the main or principle use of the lot on which it is erected;
37. “**main use**” means the principle use of the lot on which it occurs;
38. “**manufactured home**” means a dwelling designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as dwelling accommodation for a single household. This definition shall include a dwelling that would otherwise be considered to be a one family dwelling if the roof pitch were greater than 1:4, if the depth of eaves were greater than 12 inches (30.4 cm), or if the ratio of depth vs. width (or width vs. depth) were less than 3:1. If the roof pitch is less than 1:4, if the eaves is less than 12 inches (30.4 cm), or if the ratio noted above is more than 3:1, the building shall be considered to be a manufactured home;
39. “**manufactured home park**” means any lot on which two or more occupied manufactured homes are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park, which complies with relevant government regulations governing manufactured home parks;
- 39a. “**manure storage facility**” means a manure storage facility as defined in the Agricultural Operation Practices Act;
40. “**may**” is an operative word which means a choice is available, with no particular direction or guidance given;
41. “**Municipal Planning Commission**” means the Municipal Planning Commission established by the municipality’s Municipal Planning Commission Bylaw and appointed by Council;
42. “**municipality**” means the County of Smoky Lake;

43. “**natural resource extraction industry**” means the surface or sub-surface mining of metallic or non-metallic minerals;
44. “**non-conforming building**” means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
 - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
45. “**non-conforming use**” means a lawful specific use:
- (a) being made of land or a building or 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
 - (b) 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;
46. “**owner**” means:
- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - (b) in the case of any other land, the person shown as the owner of the lot on the municipality’s assessment roll;
47. “**permitted use**” means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made if the proposal satisfies the regulations of this Bylaw or provides the requirements as established by the Development Authority where, in this Bylaw, the Development Authority is given the authority and responsibility to establish requirements or regulations;
48. “**primary highway**” means a highway designated as such by Ministerial Order pursuant to the Public Highways Development Act;
49. “**public or quasi-public use**” means a use which is for the purposes of public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community activities, and includes cemeteries;

50. “**public road**” means a constructed municipal road not included in a plan for a multi-lot country residential subdivision;
51. "**public utility**" means a public utility, as defined in the Act;
52. "**public utility building**" means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
53. "**rear line**" means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;
54. "**rear yard**" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot;
55. “**recreational use**” means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features including the availability of large areas of land to provide day-to-day sporting and athletic facilities and the structures incidental thereto. This includes ski slopes, golf courses, archery, trap and rifle ranges, race tracks, boating, riding, swimming, picnicking, community halls, skating and curling rinks, drop-in centers, sports grounds, and similar uses, and may include a refreshment stand incidental to the primary use;
56. “**recreational vehicle**” means a vehicular unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted or drawn by another vehicle;
57. “**secondary road**” means a road designated as such by Ministerial Order pursuant to the Public Highways Development Act;
58. “**shall**” is an operative word which means the action is obligatory;
59. "**side line**" means the boundary line of a lot lying between a front line and a rear line of a lot;
60. "**side yard**" means a yard extending from the leading wall of the main building situated on a lot to the side line, and lying between the front and rear yards on the lot;
61. "**single-family dwelling**" means a dwelling consisting of one (1) dwelling unit;
62. "**stall**" means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park;
63. "**Subdivision and Development Appeal Board**" means the Subdivision and

Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw and appointed by Council;

64. "**substandard lot**" means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
65. "**urban municipality**" refers to the Town of Smoky Lake, the Village of Vilna, and the Village of Waskatenau, either solely or collectively;
66. "**width**" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
67. "**yard**" means a part of a lot upon or over which no main building is erected;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

1.4 METRIC AND IMPERIAL MEASUREMENTS

Within this Bylaw, both Metric and Imperial measures are normally provided, the Metric measures within brackets. However, the Metric measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures.

1.5 ESTABLISHMENT OF DISTRICTS

1. For the purpose of this Bylaw, Smoky Lake County is divided into the following Districts:
 - Agricultural (A) District
 - Urban General (UG) District
 - Multi-Lot Country Residential (CR) District
 - Victoria (V) District
 - Direct Control (DC) District
2. The boundaries of the districts listed in subsection 1.5.1 are as delineated on the Land Use District Map, being Schedule "A" hereto.
3. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

PART 2.0 - AGENCIES

2.1 DEVELOPMENT AUTHORITY

- (1) For the purposes of this Bylaw, the Development Authority shall be:
 - (a) the Development Authority Officer, and
 - (b) the Municipal Planning Commission, and
 - (c) only within the DC District, the Council,with their duties and responsibilities as described elsewhere in this Bylaw.
- (2) If the Development Authority Officer is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Development Authority Officer.
- (3) If the Municipal Planning Commission is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Municipal Planning Commission.
- (4) If the Council is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Council.

2.2 DEVELOPMENT AUTHORITY OFFICER

- (1) The Development Authority Officer shall perform such duties that are specified in subsections (2) and (3) hereof and elsewhere in this Bylaw.
- (2) The Development Authority Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, including the decisions thereon.
- (3) For the purposes of Section 542 of the Act, the Development Authority Officer is hereby declared to be the designated officer.

2.3 MUNICIPAL PLANNING COMMISSION

The Municipal Planning Commission shall perform such duties that are specified for it in this Bylaw.

2.4 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board shall perform such duties as are specified in Part Four of this Bylaw.

PART 3.0 - DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1 CONTROL OF DEVELOPMENT

No development other than that designated in Section 3.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following development shall not require a development permit:

1. The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit.
2. The completion of a building which was lawfully under construction at the date of the adoption of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of adoption.
3. The use of any such buildings as referred to in subsection 3.2.2 for the purpose for which construction was commenced.
4. The erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds 3.3 ft. (1.0 m) in height in front yards and less than 1.87 m (6.0 ft.) in side and rear yards.
5. A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.
6. The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
7. On parcels of land exceeding 80 ac. (32.4 ha) used for extensive agriculture and not intensive agriculture or confined feeding operations, the construction of accessory farm uses such as machine shops, barns, graineries, dugouts or similar developments, but not including dwellings. This provision does not apply to any development other than fences within 125 ft. (38.1 m) of the centre line of a public road, within 134 ft. (40.84 m) of the boundary of a secondary road or primary highway, within 209 ft. (63.7 m) of the centre line of a secondary road, within 234

ft. (71.32 m) of the centre line of a primary highway, or within 400 ft. (122 m) of a river, stream, creek or lake;

8. Grading and/or landscaping where the proposed grades will not adversely affect the drainage of the subject or adjacent parcels of land;
9. The demolition or removal of any building or structure.
10. The development of land for a confined feeding operation or a manure storage facility if the confined feeding operation or the manure storage facility is the subject of an approval, registration or authorization under Part 2 of that Act.

3.3 NON-CONFORMING BUILDINGS AND USES

1. A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
2. 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 thereto or therein.
3. 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 upon the lot while the non-conforming use continues.
4. 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 the routine maintenance of the building, if the Development Authority considers it necessary, or
 - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.4.13 of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
5. If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
6. The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

3.4 PERMISSION FOR DEVELOPMENT

1. An application for a development permit shall be made to the Development Authority Officer in writing, in the form required by the Development Authority Officer, and shall be accompanied by:
 - (a) a site plan in duplicate showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site;
 - (b) a statement of the existing and proposed uses;
 - (c) a statement of ownership of the land and the interest of the applicant therein;
 - (d) the estimated commencement and completion dates; and
 - (e) the estimated cost of the project or contract price.
2. Each application for a development permit shall be accompanied by a fee as established by Council.
3. The Development Authority Officer or the Municipal Planning Commission may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include
 - (a) floor plans, elevations and sections of any proposed buildings;
 - (b) grading and landscaping plans;
 - (c) in the case of a development permit for industrial development, information on the type of industry, the size of buildings, the number of employees, the estimated water demand and anticipated source, the type of effluent and method of treatment, transportation routes to be used, and information respecting any noxious, toxic, radioactive, flammable, or explosive materials which may be involved; and
 - (d) in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located.
5. The Development Authority Officer shall:
 - (a) receive and review all applications;
 - (b) refer with his recommendations to the Municipal Planning Commission for its consideration and decision all applications for a development permit for a discretionary use;

- (c) refer with his recommendations to the Municipal Planning Commission for its consideration and decision all applications for a development permit for a permitted use which do not comply with all of the regulations of this Bylaw;
 - (d) refer to the Council for its consideration and decision all applications for a development permit in the Direct Control (DC) District; and
 - (e) consider and decide on all other applications for a development permit.
7. When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. A returned application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.
 8. In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
 9. The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
 11. In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority may or may not, at his sole discretion, accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
 12. In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District.
 13. The Municipal Planning Commission may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an

enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Municipal Planning Commission:

- (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
14. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this subsection.

3.5 DEVELOPMENT PERMITS AND NOTICES

1. When a permit has been issued for a permitted use where no variance or relaxation of a regulation of the Bylaw has been granted, the Development Authority Officer shall immediately post a notice of the decision conspicuously in the County office.
2. A permit granted pursuant to this Part for a permitted use where no variance or relaxation of a regulation of the Bylaw has been granted comes into effect one (1) day after the date a decision on the development permit is granted.
3. When a permit for a discretionary use or for a permitted use where a variance or relaxation of a regulation of the Bylaw has been granted, the Development Authority Officer shall immediately:
 - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority Officer, may be affected; and/or
 - (c) publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
4. A permit granted pursuant to this Part for a discretionary use or for a permitted use where a variance or relaxation of a regulation of the Bylaw has been granted does not come into effect until fifteen (15) days after the date a decision or development permit is publicized as described in subsection 3. Any development proceeded with by the applicant prior to the expiry of this period is done solely at

the risk of the applicant.

5. Where an appeal is made pursuant to Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
6. If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
7. A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
8. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

PART 4.0 - APPEALS

4.1 APPEAL PROCEDURE

1. An appeal may be made to the Subdivision and Development Appeal Board (the Board) where a Development Authority
 - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under Section 5.1 of this Bylaw.
2. Notwithstanding subsection 1. above, 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, or in respect of the issuance of a development permit in the Direct Control (DC) District by Council.
3. The person applying for the permit or affected by the order, under subsection 1., or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Board.
4. An appeal shall be made by serving a written notice of appeal, with reasons and with the appropriate development appeal fee as established by Council, to the Secretary of the Board within fourteen (14) days after
 - (a) the date the order, decision or permit issued by the Development Authority was publicized in accordance with this Bylaw; or
 - (b) the forty (40) day period referred to in subsection 4.1.1.a has expired.

4.2 PUBLIC HEARING

1. Within thirty (30) days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
2. The Board shall give at least five (5) days notice in writing of the public hearing to:
 - (a) the appellant;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made;
 - (c) those adjacent land owners who were notified of the development permit decision pursuant to this Bylaw and any other person who, in the opinion

of the Board, are affected by the order, decision or permit; and

(d) such other persons as the Board specifies.

3. The Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:

(a) the application for the development permit, its refusal and the appeal therefrom; or

(b) the order of the Development Authority,

as the case may be.

4. At the public hearing referred to in subsection 4.2.1, the Board shall hear:

(a) the appellant or any other person acting on his behalf;

(b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;

(c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and

(d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on his behalf.

4.3 DECISION

1. The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.

2. A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:

(a) to a judge of the Court of Appeal; and

(b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

PART 5.0 - ENFORCEMENT

5.1 CONTRAVENTION

1. Where a Development Authority finds that a development or use of land or buildings is not in accordance with

- (a) the Act or the regulations made thereunder, or
- (b) a development permit or subdivision approval, or
- (c) this Bylaw,

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
- (ii) demolish, remove or replace the development, and/or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

as the case may be, within the time specified by the notice.

2. Where a person fails or refuses to comply with an order directed to him under subsection 5.1.1 or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.

3. A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.

4. Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

5. In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in

respect to any contravention of this Bylaw.

6. Violation Tickets

- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the County.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

PART 6.0

LAND USE PROVISIONS

6.1 Subdivision of Land

1. Where the development of land involves a subdivision of land, no development permit shall be issued until an application for subdivision has been submitted to the Subdivision Authority and written evidence has been received by the Development Authority that the necessary subdivision has the approval of the Subdivision Authority.
2. Development agreements shall be required as the condition of the approval of the subdivision of land within the County.

6.2 Number of Dwelling Units on a Lot

1. The number of dwelling units permitted on any lot shall not exceed one (1).
2. Exceptions to Section 6.2.1 shall be permitted when the second or any additional dwelling unit:
 - (a) is to be occupied by a person who is employed full time for at least six (6) months each year in an agricultural pursuit, or
 - (b) is contained in a building designed for or divided into two (2) or more dwelling units, or
 - (c) is a manufactured home as defined in this Bylaw, located within a manufactured home park, or
 - (d) is in a building that is the subject of a condominium plan registered in a Land Titles Office under the Condominium Property Act.
3. Exceptions to Section 6.2.1 may be permitted, at the sole discretion of the Development Authority, when the second or any additional dwelling unit is for a temporary building to be used as a second dwelling unit on a lot where the second dwelling unit is to be used by a member of the immediate family of the residents of the main building on the lot.
4. If approving a development permit under the circumstances described in subsection 6.2.3 above, the Development Authority shall issue such a permit only for a period of time not to exceed two (2) years. All the other regulations of this Bylaw together with all requirements regarding the provision of water supply and the disposal of sanitary sewage must be met by the development. Such permits may be reissued if the landowner or occupant makes application within two (2) years after the permit has been approved; however, such renewal will be subject to a complete review by the

Development Authority to determine if the relationship between occupants still exists and, if issued, will again be issued only for a period of time not to exceed two (2) years. If the relationship is determined to not exist, or if, for any other reason the development permit is refused, the second dwelling unit will be removed forthwith.

6.3 Site Conditions

1. Development shall not be permitted on steep slopes (in excess of 15%), on unstable slopes or land characterized by soil instability, or on lands exhibiting evidence of poor drainage or flooding unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise.
2. A minimum buffer strip of 75 ft. (22.86 m) shall be preserved from the top of the bank of any river, creek, watercourse, or waterbody. No structures of any kind shall be permitted within this strip except for boathouses. The Development Authority may require a soil analysis, and additional setbacks may be required.
3. In considering the approval of an application, the Development Authority may impose conditions requiring the retention of trees or additional planting of such a type and extent that he considers necessary.
4. The Development Authority may prescribe setback and/or buffering requirements for uses which may be incompatible with adjacent land uses.
5. The Development Authority may prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar uses.
6. No dugouts or permanent buildings/structures within 125 ft. (38.1 m) of the centre line of a public road or within 209 ft. (63.7 m) of the centre line of a secondary road, except that for wire fences, the minimum setback shall be 75 ft. (22.8 m) from the centre line of either a public road or a secondary road, unless otherwise approved by the Development Authority.

6.4 Existing Substandard Lots

Development on existing substandard lots may be considered by the Development Authority. Compliance with the Plumbing and Drainage Regulations and any other Provincial legislation or regulations will be required.

6.5 Water Supply/Sanitary Facilities

All development to be used as a dwelling, or for commercial or industrial purposes shall be provided with sanitary facilities to the satisfaction of the Plumbing and Drainage Regulations and any other Provincial legislation or regulations.

6.6 Protection from Exposure Hazards

1. The location of any anhydrous ammonia (AA) or liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 2000 gal. (9092 l) shall be in accordance with the requirements of the Development Authority, but in no case be less than a minimum distance of 400 ft. (121.92 m) from assembly, institutional, commercial or residential buildings.
2. AA or LPG containers with a water capacity of less than 2000 gal. (9092 l) shall be located in accordance with regulations under the Safety Codes Act.
3. Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.
4. Setbacks from pipelines and other utility corridors shall be at the discretion of the Development Authority and be in accordance with the appropriate Provincial legislation or regulations.

6.7 Objects Prohibited or Restricted in Yards

1. No person shall keep or permit in any part of any yard in any Multi-Lot Country Residential District or in any residential area in the Urban General District:
 - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located; or
 - (c) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
2. No use shall be allowed which may be offensive to a neighbouring owner or municipality. The word “offensive” here implies sight, smell and/or anything which may adversely affect a neighbouring owner or municipality.

6.8 Topsoil Removal

A development permit is required before the commencement or continuation of the

removal of top soil, and such permits shall only be granted where it is shown to the satisfaction of the Development Authority that the land will not be adversely affected by removal. The Development Authority may refer any application for removal of top soil to appropriate provincial or municipal authorities or staff for comments prior to making a decision on the application.

6.9 Primary Highways

No development permit shall be issued for development within 0.5 miles (800 m) of the boundary of the right-of-way of a primary highway until any necessary permits for the development have been issued by Alberta Transportation and Utilities.

6.10 Historical and Archaeological Sites

1. Historical sites or archaeological sites identified pursuant to Provincial legislation shall be protected in accordance with guidelines established by the Province.
2. In addition, an application for a development permit which may significantly impact on the following sites shall be submitted to Alberta Community Development for comment prior to consideration of the decision on the development permit:

Fort Victoria
White Earth Mission
Wahstayo Mission
Victoria Trail
Kulka Store, North Bank
Warspite Ferry Landing
Pakan Ferry Landing
Waskatenau Ferry Landing
Shandro Ferry Landing

6.11 Signs

1. No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
2. Notwithstanding the generality of subsection 6.11.1 above, the following signs may be erected on land or affixed to the exterior surface of a buildings or structure without application for a development permit provided that no such signs shall be illuminated and provided that any necessary permits have been obtained as required by Provincial regulations:
 - (a) signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or

trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to an apartment, to a club, or to a similar institution, not exceeding 12 sq. ft. (1.11 sq. m) and limited to one (1) sign per lot,

(b) temporary advertisement relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character not exceeding 20 sq. ft. (1.86 sq. m), provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisements relate,

(c) advertisements or signs in relation to the function of local authorities, utility boards, or other public or quasi-public bodies.

3. No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
4. No signs or advertising structures of any kind shall be permitted within 0.5 miles (800 m) of a primary highway unless any requisite approval from Alberta Transportation and Utilities has first been obtained.

6.12 Accessory Buildings in Urban General and Multi-Lot Country Residential Districts

1. An accessory building shall not be used as a dwelling.
2. Accessory buildings shall be located such that the minimum distances shown on Figure "A" between the accessory buildings and main buildings, lot lines, and other buildings, structures, and uses are provided.
3. The siting of an accessory building on an irregularly-shaped lot shall be as approved by the Development Authority.
4. An accessory buildings shall not be located in the front yard.
5. The height of an accessory building shall not exceed 15 ft. (4.57 m).
6. Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.

Figure "A" - Siting of Accessory Buildings in Urban General and Multi-Lot Country Residential Districts

7. Notwithstanding any regulation in this Section to the contrary, a fence or hedge may be constructed along a boundary line of a lot or immediately adjacent to a main building provided that the fence meets the setback requirements of Section 6.3.6.

6.13 Access and Parking

1. In all Districts, vehicular ingress to and egress from roads shall only be permitted at locations approved by the Development Authority.
2. Off-street parking and off-street loading spaces shall be provided in accordance with the minimum requirements of each use as determined by the Development Authority.
3. Unless otherwise approved by the Development Authority, a parking space shall not be less than 8.5 ft. (2.59 m) in width nor less than 18 ft. (5.49 m) in length, and shall be located on the same lot as the main building or use.
4. Unless otherwise approved by the Development Authority, a loading space shall be located on the same lot as the main building or use.
5. In all Districts, if not otherwise provided for, in regulating the facilities for off-street parking, the owner of the land to be developed may, subject to the approval of the Development Authority;
 - (a) provide the required off-street parking on land other than that to be developed, or
 - (b) at his option and in lieu of providing off-street parking, pay to the municipality such amount of money on such terms as the Development Authority considers reasonable in return for the equivalent public parking space to be provided by the municipality elsewhere in the District. Any money so received by the municipality shall be used only for the development of municipal off-street parking facilities.

6.14 Manufactured Homes

1. Manufactured homes shall have Canadian Standard Association Certification.
2. All accessory structures, such as patios, porches, additions and skirtings, shall be
 - (a) designed and erected as to harmonize with the manufactured homes,
 - (b) considered as part of the main building, and
 - (c) erected only after obtaining a development permit.

3. A manufactured home shall be skirted from the floor level to the ground level.
4. With the exception of driveways, no accessory building or use shall be located in the front yard of a manufactured home in a manufactured home park or in an Urban General District.
5. All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
6. The following shall also apply to manufactured home parks:
 - (a) The stalls shall be located a minimum of 10 ft. (3.05 m) from the park boundary. The setback strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
 - (b) All roads shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 30 ft. (9.14 m).
 - (c) There shall be safe, convenient, all-season pedestrian access of not less than 3 ft. (0.91 m) in width for intended use between individual manufactured homes, the park streets and all community facilities provided for park residents.
 - (d) Visitor parking space shall be provided as required by the Development Authority, and shall not be used for the storage of boats, trailers, etc.
 - (e) Two (2) off-street parking space shall be provided on or adjacent to each manufactured home stall.
 - (f) A minimum of 10% of the gross site area shall be devoted to recreational use or recreational space as required by the Development Authority.
 - (g) All areas not occupied by manufactured homes and their additions, internal roads, footpaths, driveways, permanent buildings and any other developed facilities, shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around laundry yards, refuse collection points and playgrounds.
 - (h) No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well being of the park residents and for the management and maintenance of the park.
 - (i) Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.

- (j) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- (k) Manufactured homes shall be separated from each other by at least 20 ft. (6.10 m) side-to-side and at least 10 ft. (3.05 m) from either front or rear stall line, provided further that any porch or addition to the manufactured home is regarded as part of the manufactured home for the purpose of spacing. Notwithstanding the above, the minimum side yard requirements shall be 10 ft. (3.05 m).
- (l) The minimum site area shall be 5 ac. (2.02 ha).
- (m) The maximum permissible density shall be 6 manufactured home spaces per gross developable acre (15/ha) of the area actually being developed at each stage of the development.
- (n) The minimum size for a manufactured home stall shall be 5000 sq. ft. (464.5 sq. m).

6.15 Commercial and Industrial Development

1. All site regulations and development requirements shall be based upon the type of development proposed and shall be at the discretion of the Development Authority.
2. At the time of development permit application, the proponent of a commercial or an industrial development shall identify all municipal servicing costs associated with the proposed development.

6.16 Natural Resource Extraction Industries

1. Where not required to do so by Provincial agencies, the proponent of a natural resource extraction industry shall be required to submit a reclamation plan to the Development Authority for its approval prior to the issuance of a development permit.
2. A development permit shall not be issued for a sand, gravel, clay, or marl operation which will disturb 5 ac. (2.02 ha) or more of land until the proponent receives approval of a reclamation plan from appropriate Provincial authorities.
3. A disturbed area shall be reclaimed to:
 - (a) at least its former capability for agriculture; or
 - (b) any other use which the Development Authority believes will be more beneficial to the County.

4. At the time of development permit application, the proponent of a new or expanding natural resource extraction industry shall identify all municipal servicing costs associated with the proposed development.

6.17 Single-Lot Country Residential Development

1. The subdivision of one parcel per quarter section or river lot for country residential purposes, as a farmstead or a vacant lot, may be permitted on each previously unsubdivided quarter section or river lot. A quarter section or river lot which has been subdivided for a public, quasi-public, or institutional use shall be considered as unsubdivided.
2. Country residential sites shall not be less than 1 ac. (0.4 ha) and not more than 10 ac. (4.05 ha) in size.
3. Notwithstanding Subsection 2., in the case of existing farmsteads where shelterbelts, driveways, fences, or other natural or physical features are considered part of the farmstead, the parcel size may exceed 10 ac. (4.05 ha).
4. The maximum lot size for a fragmented parcel shall be determined by the limits of the fragmented.
5. A fragmented parcel may be subdivided from the balance of a titled area provided the fragmented parcel:
 - (a) has a minimum area of 1 ac. (0.4 ha);
 - (b) has physical access to an improved public road or secondary road; and
 - (c) has a suitable building site.
6. Development for residential purposes shall be prohibited within 100 ft. (30.48 m) of a lake or the North Saskatchewan River.
7. The Development Authority shall use the minimum distance separations between a single dwelling and a confined feeding operation as determined through the use of Schedule 1 of the Standards and Administration Regulation adopted pursuant to the Agricultural Operation Practices Act as a guide for evaluating an application for a development permit for a dwelling in close proximity to a confined feeding operation. However, the owner or operator of an confined feeding operation will be allowed to develop a dwelling for his own use provided that it is located on the same parcel of land as the confined feeding operation.
8. Where a residential subdivision or a dwelling is allowed within the minimum distance separations described in Subsection 7. above, the County may require as a condition of the approval of the subdivision or dwelling that the

applicant/landowner enter into an agreement, which may be able to be registered as a caveat against the title of the residential property, within which the dwelling applicant/landowner recognizes the right of the confined feeding operation to operate and expand, notwithstanding any non-compliance with the minimum distance separations.

6.18 Multi-Lot Country Residential Development

1. Residential development shall not be allowed on land having critical development constraints. The following list of development criteria shall be used in determining the suitability of land for seasonal/permanent residential development:
 - (a) Groundwater of sufficient quantity and quality shall be available to support the proposed development. No development shall be permitted in areas where reserves of potable water are inadequate in the opinion of the Development Authority.
 - (b) Development shall be prohibited on slopes in excess of 15% or unstable slopes subject to soil slippage or other mass movement.
 - (c) Development shall be prohibited in areas characterized by wetlands, swamps, muskeg, or saturated soils. Development shall also be prohibited in areas subject to periodic flooding or on soils which become saturated due to flooding.
 - (d) Development shall be prohibited on soils which have extremely fast percolation rates (2 min./1 inch or faster) and/or would promote the possibility of groundwater contamination.
2. Development for multi-lot country residential purposes shall be prohibited:
 - (a) on sites where adequate year-round access is not available by either a paved or gravelled all-weather road in good condition;
 - (b) on sites where necessary services are not provided at the sole expense of the developer;
 - (c) within 100 ft. (30.48 m) of a lake or North Saskatchewan River;
 - (d) within the minimum distance separation distances as determined through the use of Schedule 1 of the Standards and Administration Regulation adopted to the Agricultural Operation Practices Act.
3. A Historical Resources Impact Assessment may be required of the developer by Alberta Community Development prior to the issuance of a development permit or for any subdivision.

4. All development shall locate on lots large enough to support on-site water supply and sewage disposal systems. All development shall be required to install sewage disposal systems which have been approved by the authority having jurisdiction.
5. No development shall be permitted on Reserve land if it does not serve the interests of the general public.
6. Notwithstanding any other provision of this Bylaw to the contrary, only on single-family dwelling shall be permitted on each lot. Guest houses shall not be allowed as they constituted additional dwelling units.
7. All development shall be required to maintain a buffer of sufficient size and composition to act as a noise and visual barrier from adjacent incompatible uses.
8. Spaces for day use, hiking trails, overnight camping, and similar activities shall be suitably organized and clearly marked. Adequate lake access, boat launching, and parking facilities shall be provided where applicable.
9. Any proposed facilities such as change houses, sewage disposal, garbage disposal, and on-site water supply shall be required to have approval from authorities having jurisdiction, and shall be of sufficient size and quality to handle anticipated use.
10. The clearing of vegetation shall be minimized and occur only after obtaining a development permit.
11. No more than two (2) recreational vehicles shall be permitted on a lot for longer than four (4) consecutive days.
12. Where there is an approved Area Structure Plan, regulations in that Plan will apply.
13. Any person who proposes to alter the bed or shoreline of a lake must first receive appropriate approvals from Provincial authorities. Under Provincial law, most development on the bed or shoreline of a lake (up to the high water mark) is required to obtain a License of Occupation from Provincial authorities prior to construction. Improvements not requiring a license include minor bank stabilization, erection of a small, removable, seasonal, domestic pier, or placement of a removable boatlift on the lake bed during the summer months. Shoreline alterations involving such things as depositing soil materials within the high water level of a lake will generally not be permitted. To some extent, this policy also applies to the bed and shore of the North Saskatchewan River; however, this is complicated by Federal legislation

Further information may be obtained from appropriate Provincial government offices in Edmonton and St. Paul.

6.19 Bed and Breakfast Establishments

1. A bed and breakfast establishment shall comply with the following regulations:
 - (a) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of ten (10) sleeping bedrooms.
 - (b) Cooking facilities shall not be located within the sleeping units.
 - (c) In addition to any other parking requirements of this Bylaw, one (1) additional parking space shall be provided for each sleeping unit.
 - (d) A bed and breakfast establishment shall comply with all of the other requirements for a home occupations described in this Bylaw.

6.20 Confined Feeding Operations and Manure Storage Facilities

Confined feeding operations and manure storage facilities for which an approval or a registration is required pursuant to the Agricultural Operations Practices Act are not regulated by this Bylaw but by that Act.”

6.21 Keeping Animals in Country Residential and Urban General Districts

1. Fur bearing animals, fowl or livestock other than small domestic pets such as cats and dogs may be permitted, subject to the issuance of a development permit, on lots lying within the Multi-Lot Country Residential District.
2. No livestock, whether or not the keeping of such livestock is considered to be a confined feeding operation for which neither an approval nor a registration is required pursuant to the Agricultural Operations Practices Act, other than small domestic pets such as cats and dogs, may be allowed on lots in the Urban General District, unless a development permit has been issued for the keeping of such animals by the Development Authority. The issuance of such a permit shall be solely at the discretion of the Development Authority.

PART 7.0 - LAND USE DISTRICTS

7.1 Agricultural (A) District

The general purpose of this District is to reduce conflicts between agricultural and non-agricultural land uses and conserve areas of higher capability agricultural land from inappropriate development.

1. PERMITTED USES

- (a) Extensive agriculture
- (b) Buildings and uses accessory to permitted uses

2. DISCRETIONARY USES

- (a) Bed and breakfast establishments
- (b) Commercial uses
- (c) Family care facilities
- (d) Farmsteads
- (e) Group care facilities
- (f) Home occupations
- (g) Industrial uses
- (h) Institutional uses
- (i) Intensive agriculture
- (k) Manufactured home parks
- (l) Natural resource extraction industries
- (m) Public and quasi-public buildings and uses
- (n) Public utilities
- (o) Recreational uses
- (p) Single lot country residential uses
- (q) Other uses which, in the opinion of the Municipal Planning Commission, are similar to the above mentioned permitted and discretionary uses
- (r) Buildings and uses accessory to discretionary uses

3. REGULATIONS

1. Minimum Lot Area - Permitted Uses

Extensive Agriculture - 80 ac. (32.38 ha), except where the lot is subject to the following exemptions:

- (a) where a discretionary use is allowed, a minimum area of not less than 70 ac. (28.33 ha);
- (b) where lot is fragmented by a natural or a manmade barrier;
- (c) where the original quarter section or river lot is less than 160 ac. (64.75

- ha), a minimum are of not less than 70 ac. (28.33 ha); or
- (d) where a lot has been separated from the original quarter section or river lot, a minimum area of not less than 70 ac. (28.33 ha).

2. Minimum Lot Area - Discretionary Uses

- (a) As regulated in Section 6 of this Bylaw;
- (b) If not regulated in Section 6 of this Bylaw, as required by the Municipal Planning Commission

3. Minimum Yards

- (a) Front
 - (i) From Public Roads - 125 ft. (38.1 m) from the centre line of the road allowance
 - (ii) From Secondary Roads - 134 ft. (40.84 m) from the boundary of the right-of-way or 209 ft. (63.7 m) from the centre line, whichever is greater
 - (iii) From Primary Highways - 134 ft. (40.84 m) from the boundary of the right-of-way or 234 ft. (71.21 m) from the centre line, whichever is greater.
- (b) Side - 60 ft. (18.29 m) or as required by the Development Authority
- (c) Rear - 60 ft. (18.29 m) or as required by the Development Authority

4. Applications for development permits within 1 mi. (1.6 km) of an urban municipality may be submitted to the urban municipality for comments prior to rendering a decision on the development permit. The Development Authority shall give due consideration to the recommendations of the urban municipality.

5. Development proposals adjacent to a primary highway shall comply with any relevant provincial regulations.

7.2 Urban General (UG) District

The general purpose of this District is to provide a variety of urban-type uses within the hamlets of Spedden, Bellis, and Edwand.

1. PERMITTED USES

- (a) Single-family dwellings
- (b) Buildings and uses accessory to permitted uses

2. DISCRETIONARY USES

- (a) Bed and breakfast establishments
- (b) Commercial uses
- (c) Duplexes
- (d) Family care facilities
- (e) Group care facilities
- (f) Home occupations
- (g) Institutional uses
- (h) Light industrial uses
- (i) Manufactured homes
- (j) Manufactured home parks
- (k) Public and quasi-public buildings and uses
- (l) Public utilities
- (m) Recreational uses
- (n) Other uses which, in the opinion of the Municipal Planning Commission, are similar to the above mentioned permitted and discretionary uses
- (o) Buildings and uses accessory to discretionary uses

3. REGULATIONS

1. Minimum Lot Dimensions

(a) Single-Family Dwellings

	<u>Service Level</u>	<u>Width</u>	<u>Area</u>
(i)	Unserviced	100 ft. (30.48 m)	20,000 sq. ft. (1858 sq. m)
(ii)	Water only	100 ft. (30.48 m)	15,000 sq. ft. (929 sq. m)
(iii)	Sewerage only	100 ft. (30.48 m)	10,000 sq. ft. (1393.5 sq. m)
(iv)	Both services	50 ft. (15.24 m)	6000 sq. ft. (557.4 sq. m)

(b) All other uses - as required by the Municipal Planning Commission

2. Minimum Floor Areas

- (a) Single-Family Dwellings - 800 sq. ft. (74.32 sq. m)
- (b) Duplexes - 1200 sq. ft. (111.48 sq. m)
- (c) Manufactured homes - 600 sq. ft. (55.74 sq. m)
- (d) All other uses - as required by the Municipal Planning Commission

3. Minimum Yards

- (a) Residential Uses
 - (i) Front - 25 ft. (7.62 m)
 - (ii) Rear - 25 ft. (7.62 m)
 - (iii) Side - 10% of lot width, but not less than 5 ft. (1.52 m) each

- (b) Commercial Uses

Retail stores constructed adjacent to existing similar uses may be built without front or side yards where there is lane access. Where there is no lane access, one side yard of at least 15 ft. (4.51 m) shall be provided. If a lot borders a residential use, the side yard shall not be less than 5 ft. (1.52 m).

- (c) All other uses - as required by the Municipal Planning Commission

7.3 Multi-Lot Country Residential (CR) District

The general purpose of this District is to regulate the development of residences in a multi-lot country residential subdivision or bareland condominium.

1. PERMITTED USES

- (a) Single-family dwellings
- (b) Buildings and uses accessory to permitted uses

2. DISCRETIONARY USES

- (a) Bed and breakfast establishments
- (b) Extensive agriculture
- (c) Home occupations
- (d) Institutional uses
- (e) Parks and playgrounds
- (f) Public and quasi-public buildings and uses
- (g) Public utilities
- (h) Recreational buildings and uses
- (i) Other uses which, in the opinion of the Municipal Planning Commission, are similar to the above mentioned permitted and discretionary uses
- (j) Buildings and uses accessory to discretionary uses

3. REGULATIONS

1. Minimum and Maximum Lot Area

- (a) Single-Family Dwellings
 - (i) within 1000 ft. (304.8 m) of a lake
 - not less than 20,000 sq. ft. (1860 sq. m)
 - not more than 3 ac. (1.21 ha)
 - (ii) all others - not less than 1 ac. (0.4 ha) and not more than 3 ac. (1.21 ha) of developable land
 - (iii) the maximum lot size for a fragmented parcel shall be determined by the limits of the fragmentation
- (b) All other uses - as required by the Municipal Planning Commission

2. Minimum Ground Floor Areas

- (a) Single-Family Dwellings
 - (i) within 1000 ft. (304.8 m) of a lake - 600 sq. ft. (55.74 sq. m)
 - (ii) all others - 800 sq. ft. (74.32 sq. m)

(b) All other uses - as required by the Municipal Planning Commission

3. Minimum Yards

(a) Single-Family Dwellings

(i) Front - 25 ft. (7.62 m)

(ii) Rear - 25 ft. (7.62 m)

(iii) Side - 10% of lot width, but not less than 5 ft. (1.52 m) each

(iv) No building shall be closer than 125 ft. (38.1 m) to the centre line of an adjoining public road, or 25 ft. (7.62 m) from the boundary of an internal road.

(b) All other uses - as required by the Municipal Planning Commission

7.4 Victoria (V) District

The general purpose of this District is to recognize the historic importance of the area near the Victoria Trail in the County. Regulations in this District are the same as within the Agricultural (A) District, however, development proposals are to be reviewed in light of the special need of the District - to preserve the historical values of the Victoria Trail.

1. PERMITTED USES

- (a) Extensive agriculture
- (b) Buildings and uses accessory to permitted uses

2. DISCRETIONARY USES

- (a) Bed and breakfast establishments
- (b) Commercial uses
- (c) Family care facilities
- (d) Farmsteads
- (e) Group care facilities
- (f) Home occupations
- (g) Industrial uses
- (h) Institutional uses
- (j) Intensive livestock operations
- (k) Manufactured home parks
- (l) Natural resource extraction industries
- (m) Public and quasi-public buildings and uses
- (n) Public utilities
- (o) Recreational uses
- (p) Single lot country residential uses
- (q) Other uses which, in the opinion of the Municipal Planning Commission, are similar to the above mentioned permitted and discretionary uses
- (r) Buildings and uses accessory to discretionary uses

3. REGULATIONS

1. Minimum Lot Area - Permitted Uses

Extensive Agriculture - 80 ac. (32.38 ha), except where the lot is subject to the following exemptions:

- (a) where a discretionary use is allowed, a minimum area of not less than 70 ac. (28.33 ha);
- (b) where lot is fragmented by a natural or a manmade barrier;
- (c) where the original quarter section or river lot is less than 160 ac. (64.75 ha), a minimum are of not less than 70 ac. (28.33 ha); or
- (d) where a lot has been separated from the original quarter section or river

lot, a minimum area of not less than 70 ac. (28.33 ha).

2. Minimum Lot Area - Discretionary Uses

- (a) As regulated in Section 6 of this Bylaw;
- (b) If not regulated in Section 6 of this Bylaw, as required by the Municipal Planning Commission

3. Minimum Yards

- (a) Front
 - (i) From Public Roads - 125 ft. (38.1 m) from the centre line of the road allowance
 - (ii) From Secondary Roads - 134 ft. (40.84 m) from the boundary of the right-of-way or 209 ft. (63.7 m) from the centre line, whichever is greater
 - (iii) From Primary Highways - 134 ft. (40.84 m) from the boundary of the right-of-way or 234 ft. (71.21 m) from the centre line, whichever is greater.
- (b) Side - 60 ft. (18.29 m) or as required by the Development Authority
- (c) Rear - 60 ft. (18.29 m) or as required by the Development Authority

4. Decisions on all applications for development permits will be made by the Development Authority bearing in mind the historical nature of the area and of the Victoria Trail within the District. Tourist-oriented developments, which maintain and enhance the historic nature and the historical interpretation of the District, will be encouraged. Conditions of approval for developments which may increase the use of the Trail by heavy equipment or trucks will be designed to limit the use of the Trail by the equipment or trucks, if possible.

7.5 Direct Control (DC) District

The general purpose of this district is to provide Council with direct control over the use and design of development in areas of unique character or special concern.

1. PERMITTED USES

None

2. DISCRETIONARY USES

- (a) Extensive agriculture
- (b) Public utilities
- (c) Recreational uses
- (d) Buildings and uses accessory to discretionary uses

3. REGULATIONS

All regulations shall be established by Council, who shall evaluate any proposal for development with respect to its compliance with:

- (a) the objectives and policies of an applicable Statutory Plan;
- (b) the regulations of this Bylaw; and
- (c) the regulations of adjacent Districts.

However, Council shall not be bound by any of these matters.

PART 8.0 - ADMINISTRATION

8.1 APPLICATION TO AMEND BYLAW

1. A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Section 8.2.1.
2. Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

8.2 FORM OF APPLICATION

1. All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
 - (a) an application fee as established by Council for each application;
 - (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land; and
 - (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable.

8.3 AMENDING BYLAWS

All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the Act.

8.4 SCHEDULE

Schedule A is part of this Bylaw.

8.5 REPEALING EXISTING CONTROLS

Bylaw No. 1068-98, as amended, is hereby repealed.

8.6 DATE OF COMMENCEMENT

This Bylaw comes into effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THIS 25th DAY OF JULY, A.D. 2002

Reeve

County Manager

READ A SECOND TIME IN COUNCIL THIS 26th DAY OF AUGUST, A.D. 2002

Reeve

County Manager

READ A THIRD TIME IN COUNCIL THIS 26th DAY OF AUGUST, A.D. 2002

Reeve

County Manager