

# Foothills County

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# LAND USE BYLAW

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**FOOTHILLS COUNTY  
LAND USE BYLAW  
OFFICE CONSOLIDATION**

Note: Land Use Bylaw No. 60/2014 was adopted by the Foothills County 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 It replaced Land Use Bylaw No. 1/99 which was simultaneously rescinded on that date.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 County 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 Foothills County.

**Bylaws for Text Amendments:**

- April 1, 2015 – Bylaw 19/2015 Land Use Bylaw text amendments
  - April 1, 2015 –Bylaw 20/2015 Amendments to Business Park District
  - June 24, 2015 – Bylaw 59/2015 Direct Control District #29 Riding Arenas
  - June 24, 2015 –Bylaw 60/2015 Land Use Bylaw text amendments
  - July 13, 2016 – Bylaw 44/2016 Land Use Bylaw text amendments
  - July 13, 2016 – Bylaw 45/2016 Federal/Provincial Jurisdiction District
  - July 13, 2016 – Bylaw 46/2016 Municipal Land/Reserve District
  - July 13, 2016 – Bylaw 47/2016 Black Diamond Industrial Rural District
  - November 2, 2016 – Bylaw 62/2016 – Adoption of Amendments for Solar Power
  - November 2, 2016 –Bylaw 69/2016 Direct Control District #32 – Ag Societies
  - September 27, 2017–Bylaw 78/2017–Repeal Bylaw 43/2012 Direct Control #28 Wind Walk
  - September 27, 2017 – Bylaw 79/2017 –Land Use Bylaw Amendments
  - April 11, 2018 – Bylaw 12/2018 –Land Use Bylaw Amendments
  - October 17, 2018 – Bylaw 38/2018 –DC#28 – Waste Management Facilities
  - April 10, 2019 – Bylaw 20/2019 –Amendments to Direct Control District #8
  - April 17, 2019 – Bylaw 8/2019 –Amendments to allow for Secondary Suites
  - June 5, 2019 – Bylaw 9/2019 –Signage Amendments
  - June 26, 2019 – Bylaw 43/2019 –Land Use Bylaw Amendments
  - February 12, 2020 – Bylaw 07/2020 –Low Intensity Industry District
  - March 11, 2020 – Bylaw 12/2020 –Direct Control District #36 Equine Veterinary/Rehabilitation
  - March 25, 2020 – Bylaw 63/2019 – Direct Control District#1 Amendment Spruce Meadows
  - June 10, 2020 – Bylaw 32/2020 –Land Use Bylaw Amendments
  - June 23, 2021 – Bylaw 46/2021 –Land Use Bylaw Amendments
  - January 26, 2022 – Bylaw 03/2022 –Land Use Bylaw Amendments
  - January 26, 2022 – Bylaw 04/2022 – Repealed Bylaw 47.2005 for Direct Control District #15
  - January 26, 2022 – Bylaw 05/2022 – Repealed Bylaw 81/2009 for Direct Control District #21
  - November 16, 2022 – Bylaw 44/2022 – Repealed Bylaw 871 for Direct Control District #2
  - November 16, 2022 – Bylaw 45/2022 –Land Use Bylaw Amendments
  - June 28, 2023 – Bylaw 23/2023 –Land Use Bylaw Amendments – Solar Power
  - December 6, 2023 – Bylaw 67/2023 – Adoption of :Land Use Bylaw Amendments – Cannabis
  - January 31, 2024 – Bylaw 68/2023 Land Use Bylaw Amendments – Secondary Suites
  - May 29, 2024 – Bylaw 14/2024 –Land Use Bylaw Amendments – Airport Amendments
  - July 3, 2024 – Bylaw 40/2024 – Land Use Bylaw Amendments (General)
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## **Foothills County Land Use Bylaw |**

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- February 26, 2025 – Bylaw 06/2025 – Addition of Data Centre Campus definition
- February 26, 2025 – Bylaw 07/2025 – Exceptions under Business Park District pertaining to Data Centre Campus on Ptn. NE 09 and SE 09-19-28-W4.
- July 2, 2025 – Bylaw 45/2025 – Amendments to definitions pertaining to Anaerobic Digester Facilities.
- July 2, 2025 – Bylaw 47/2025 – Land Use Bylaw Amendments allowing exception under General Industry District for setbacks to Highway 2A for Lots 1 – 13, Plan 9812255 (Abild's)
- September 10, 2025 – Bylaw 53/2025 – Land Use Bylaw Amendments amending the definition of Public Works.
- December 3, 2025 – Bylaw 68/2025 – Land Use Bylaw Amendments – Data Processing Facilities.

(Updated December 3, 2025)

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# User Guide

The following “User Guide” is intended for information only and does not form part of the Foothills County 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 Foothills County 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 Foothills County. 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 Uses Bylaw reflects the County’s regulation and policy, including the Municipal Development Plan 2010 as adopted by Bylaw No. 78/2010 and amended by Bylaw 52/2016. Other Bylaws, regulations and Acts of the County 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 six (6) parts which group sections with related information. The six (6) 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 County’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.

## **ADDITIONAL INFORMATION:**

- **LAND USE MAPS:** contain land use maps for each township and range of the County to identify the particular zoning on all parcels.
- **AMENDING BYLAWS:** contains a list of bylaw amendments including text amendments, change in use, amendments under current land uses, and redesignation of land uses.
- **APPENDIX:** contains policies and guidelines approved by the County 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 County 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 County'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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## Table of Contents

### part 1 Administration 5

<b>Section 1</b>	<b>Enactment</b> .....	<b>5</b>
1.1	Title 5	
1.2	Purpose	5
1.3	Effective Date	5
1.4	Scope	5
1.5	Applications In Process.....	6
1.6	Compliance With Law.....	6
1.7	Compliance With Other Legislation.....	6
1.8	Non-Conformity	7
1.9	Severability	7
<b>Section 2</b>	<b>Interpretations</b> .....	<b>8</b>
2.1	Rules Of Interpretation .....	8
2.2	Establishment Of Districts .....	9
2.3	District Boundaries	10
2.4	Special Provisions For Parcels With Sub-Districts.....	11
2.5	Definitions	11
<b>Section 3</b>	<b>Approving Authorities</b> .....	<b>44</b>
3.1	Development Authority .....	44
3.2	Subdivision Approving Authority.....	45
3.3	Subdivision And Development Appeal Board .....	45
<b>Part 2</b>	<b>Planning &amp; Development Applications</b> .....	<b>46</b>
<b>Section 4</b>	<b>Application Requirements For Development Permit And Compliance</b> .....	<b>Letters Of 46</b>
4.1	Development Permit Required .....	46
4.2	No Development Permit Required .....	46
4.3	Development Permit Application Requirements .....	58
4.4	Supplementary Requirements .....	59
4.5	Community Consultation Processes .....	60
4.6	Pre-Application Meetings And Formal Review.....	60
4.7	Temporary Use Approvals.....	61
4.8	Letter Of Compliance .....	61
<b>Section 5</b>	<b>Development Permit Approval Process</b> .....	<b>64</b>
5.1	Notice Of Complete Application .....	64
5.2	Development Referral Process.....	65
5.3	Decision On Development Permit Applications.....	65
5.4	Conditions .....	66
5.5	Discretion .....	67

---

5.6	Variances .....	68
5.7	Notice Of Decision .....	70
5.8	Permit Issuance And Validity .....	71
5.9	Permit Cancellation And Suspension.....	71
5.10	Expiry Of Development Permits.....	71
5.11	Re-Application .....	72
5.12	Forms, Notices, And Fees .....	72
<b>Section 6</b>	<b>Amendments To The Land Use Bylaw, Redesignations, And Structure Plans .....</b>	<b>Area 73</b>
6.1	Procedures For Amendments.....	73
6.2	Amendment Application Requirements.....	73
6.3	Supplementary Requirements For An Amendment Application.....	74
6.4	Community Consultation Processes .....	74
6.5	Pre-Application Meetings And Formal Review.....	75
6.6	Notice Of Complete Application .....	76
6.7	Circulation And Referral Process.....	76
6.8	Amendment Review .....	77
6.9	Advertising Requirements .....	77
6.10	Public Hearing .....	77
6.11	Decision On Amendments .....	78
6.12	Resubmission Interval .....	78
<b>Part 3</b>	<b>Enforcement And Appeals .....</b>	<b>79</b>
<b>Section 7</b>	<b>Enforcement.....</b>	<b>79</b>
7.1	General Provisions .....	79
7.2	Prohibitions .....	79
7.3	Cancellation Or Suspension Of Development Permit .....	79
7.4	Right Of Entry To Property.....	80
7.5	Written Warning .....	80
7.6	Stop Orders .....	80
7.7	Service Of Stop Orders.....	80
7.8	Orders .....	81
7.9	Appeal Of Stop Orders .....	81
7.10	Remedial Orders .....	82
7.11	Service Of Remedial Orders .....	82
7.12	Enforcement Of Remedial Orders .....	82
7.13	Order To Remedy Dangers And Unsightly Property.....	83
7.14	Service Of Order To Remedy.....	83
7.15	Enforcement Of Order To Remedy .....	83
7.16	Appeal Of Order To Remedy .....	84
7.17	Emergencies .....	84
7.18	Offences And Specified Penalties .....	84
7.19	Violation Tickets .....	85

---

7.20	General Penalty .....	85
7.21	Compliance Order .....	85
<b>Section 8</b>	<b>Appeals.....</b>	<b>86</b>
8.1	Development Appeals.....	86
8.2	Subdivision Appeals.....	87
8.3	Court Of Appeal .....	88
8.4	Appeal Of Stop Orders .....	88
<b>Part 4</b>	<b>Rules Governing All Districts .....</b>	<b>89</b>
<b>Section 9</b>	<b>General Regulations .....</b>	<b>89</b>
9.1	Access To Property:.....	89
9.2	Accessory Buildings And Uses.....	90
9.3	Appearance Of Properties.....	91
9.4	Boundary Adjustments.....	91
9.5	Condominium Development.....	91
9.6	Density And Parcel Size Exemptions.....	92
9.7	Density Bonus .....	92
9.8	Developable Area For Parcels .....	93
9.9	Development Adjacent To Public Roadways .....	93
9.10	Environmentally Significant Areas.....	94
9.11	Height And Grade .....	94
9.12	Keeping Of Dogs .....	95
9.13	Land Subject To Flooding .....	95
9.14	Landscaping, Fencing, And Screening.....	96
9.15	Lighting .....	97
9.16	Lot Dimensions .....	98
9.17	Lot Grading And Drainage .....	98
9.18	Man Made Water Bodies .....	100
9.19	Parking And Loading Facilities .....	101
9.20	Public Acquisition Of Lands .....	108
9.21	Relocation Of Structures.....	108
9.22	Road Allowances, Road Plans, And Railways .....	109
9.23	Services And Utilities.....	109
9.24	Signage .....	111
9.25	Site Reclamation .....	114
9.26	Special Events .....	114
9.27	Special Setback Requirements.....	115
9.28	Use And Enjoyment Of Property .....	118
9.29	Mobile Sales Vehicles .....	118
9.30	Multiple Potential Use Development Permits And Change In Use Or Intensity Permits .....	119
9.31	Development Near The Foothills Regional Airport.....	120
<b>Section 10</b>	<b>Specific Use Regulations .....</b>	<b>120</b>
10.1	Agricultural Uses And Livestock Regulations .....	120

---

10.2 Amateur Radio Antennas..... 124

10.3 Riding Arenas ..... 124

10.4 Bed And Breakfasts ..... 127

10.5 Animal Boarding Services..... 127

10.6 Campgrounds ..... 127

10.7 Child Care Facilities / Family Day Homes..... 129

10.8 Composting Activity..... 129

10.9 Confined Feeding Operations..... 129

10.10 Dwellings ..... 130

10.11 Golf Courses And/Or Driving Range..... 135

10.12 Home Based Businesses..... 136

10.13 Kennels ..... 140

10.14 Manufactured Home Park ..... 141

10.15 Cannabis ..... 142

10.16 Commercial Storage Facilities..... 145

10.17 Natural Resource Extraction And Processing..... 146

10.18 Recreation Vehicle Storage ..... 146

10.19 Religious Assembly ..... 147

10.20 Retaining Walls ..... 148

10.21 Satellite Dish, Personal..... 148

10.22 Solar Power Systems ..... 148

10.23 Telecommunications Towers..... 152

10.24 Wind Energy Conversion System, Personal ..... 153

10.25 Tourist Homes ..... 153

10.26 Secondary Suites ..... 154

10.27 Backyard Hens ..... 159

10.28 Abattoirs ..... 160

10.29 Data Processing Facility..... 161

# **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 Foothills County 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 Foothills County. Specifically, the Bylaw:
- a.    Assigns the Foothills County 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 Foothills County 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 County.
- 1.2.3    This Bylaw shall be used in conjunction with the Guidelines, Standards, Policies, and Procedures as adopted and amended by Council from time to time.

### **1.3    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 Foothills County 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 County 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 4.2.1 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 Foothills County 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 County from time to time.

## **1.8 NON-CONFORMITY**

- 1.8.1 Non-conforming buildings and non-conforming uses shall be dealt with in accordance with 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 County 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 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 County 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 County in accordance with Part 5 of this Bylaw.
- 2.2.2 Land use district and the associated district provisions are established for the County 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 County 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 County is divided in the following Districts:

OVERLAY DISTRICT	ABBREVIATION
Flood Hazard Protection Overlay	FHP
Airport Protection Overlay	APP

LAND USE DISTRICT	ABBREVIATION
Agricultural	A
Agricultural Business	AB
Country Residential	CR
Cluster Residential	CLR
Country Estate Residential	CER
Residential Community	RC
Residential Multi-Family	RMF
Residential Manufactured Home	RMH
Business Park	BP
Community Commercial	CMC
Highway Commercial	HC
Rural Business	RB

LAND USE DISTRICT	ABBREVIATION
Hamlet Industry	HMI
General Industry	GI
Industrial Edge	IE
Natural Resource Extraction	INR
Low Intensity District	LID
Recreation	REC
Open Space	OS
Environmental Protection	EP
Service District	SD
Public Utility	PUL
Federal/Provincial Jurisdiction District	FPJ
Municipal land/Reserve District	MLR
Direct Control Districts	DC

## **2.3 DISTRICT BOUNDARIES**

- 2.3.1 The boundaries on the Land Use Maps shall be interpreted as follows:
- a. Where a boundary is shown as approximately following the municipal boundary, it follows the Municipal boundary.
  - b. 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.
  - c. Where a boundary is shown as approximately following a parcel line, it follows the parcel line.
  - d. 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:**

**ABATTOIR, PERSONAL USE** means a premise where a landowner or tenant slaughters and/or processes their own animals for purposes of consumption for themselves and their immediate household members only. An Abattoir, Personal use may include the hiring of a Provincially licensed *Mobile Butcher* to slaughter or to process the landowner/tenant’s animal on the landowner/tenant’s property.

**ABATTOIR, MINOR** means a provincially licensed facility where animals are slaughtered and processed (prepared, packaged or stored) with the intent to sell within the Province of Alberta and may include retail sales of inspected and approved meat. May include slaughtering of animals on site. No significant adverse nuisance such as noise, or odor should extend beyond the boundary of the site.

**ABATTOIR MAJOR** means a federally licensed facility where animals are slaughtered and processed (prepared, packaged or stored) with the intent to sell or export to another Province or out of Country. Due to the large scale of the land/ business, there may be off-site impacts such as noise, emissions, odor, and appearance.

**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 land 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 Cannabis production or sales, or an Anaerobic Digester 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

*Additional definitions specific to the Foothills Regional Airport, the Airport Protection Overlay, and related uses can be found under Section 11.2 and Section 18.5.*

**AIRPORT PROTECTION OVERLAY AREA:** are those lands within 4000 metres from the designated aerodrome reference point(s) of the Foothills Regional Airport, excluding those lands located outside of the jurisdiction of Foothills County. *More information can be found on provisions for lands subject to the airport protection overlay under Section 9.31 and Section 11.2.*

**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.

**ANAEROBIC DIGESTER FACILITY** is a facility designed to convert organic waste, such as animal manure, food and agricultural residues, or septic waste, into Renewable Natural Gas (RNA) and digestate through a controlled, oxygen-free (anaerobic) biological process.

An anaerobic digester may also include a range of ancillary facilities that support feedstock processing, biogas production, and energy generation, such as receiving docks, storage tanks or bunkers, pre-treatment systems (e.g., screening, grinding, or shredding), primary and secondary digesters with mixing, heating, and pumping infrastructure, biogas storage and cleaning systems, cogeneration units, digestate separation and storage systems, composting areas, control and monitoring equipment, environmental protection measures (e.g., leachate management, odor control, and stormwater systems), as well as administration buildings, maintenance areas, and safety infrastructure like fencing and fire suppression systems.

**ANIMAL 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 three vehicle trips per day to the parcel by individuals who are not resident on the parcel. *More information on animal 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.*

**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 County 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**

**BACKYARD Hen** refers to the keeping of domesticated female chickens on a parcel less than 3 acres in size for non-commercial purposes, where the keeping of livestock is not otherwise permitted in Foothills County.

**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 owner/operator of the dwelling provide temporary lodging or sleeping accommodation (maximum 14 day stay) of no more than four (4) guest rooms and the guests may be provided with meals. This use shall be subordinate to the principal use of the dwelling as a residence and the accommodation shall be hosted (where the dwelling owner/operator are on site during the majority of the visitor's stay)

*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.

**BIOGAS** is a gas produced in an anaerobic digester, mainly composed of methane and carbon dioxide, resulting from the decomposition of organic materials. Biogas can be used for heat and electricity generation, as renewable natural gas for injection into pipelines or vehicle fuel, directly in industrial processes, or for household cooking and heating.

**BOARDING SERVICES** See Animal Boarding Services.

**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 or bin used for any of the said purposes shall be deemed a building.

**BUILDING FOOTPRINT** means the total ground coverage or impermeable surface of the building area, including any covered roof structures, cantilevers, eaves, attached and covered decks, garage space, carports, porticos, etc. The Building Footprint is used for assessing lot coverage and cumulative area for accessory buildings on a parcel.

**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 smokestack, a fire wall or a parapet wall, a flagpole, 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 VEHICLE** means a vehicle used for the purposes of providing transportation for business purposes and or the transporting of material or equipment as part of the business to the property. A business vehicle may include private passenger vehicles (not exceeding seating capacity of fourteen (14) passengers) with business signage, cube vans, utility trailers, or flat deck trailers used in conjunction with the business but does not include large commercial vehicles.

**BUSINESS VISITS** means round trips to and from the property by individuals for the purpose of doing business on the property of a home based business. This includes materials and/or equipment, travelling to and from a job site. Business visits do not include vehicle trips to the property 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 way of a vehicle exceeding seating capacity of fourteen (14) passengers, are excluded from this definition under regular business visits as this implies a larger scale operation than a home based business and would require site-specific amendment and/or land use redesignation prior to a Development Permit.

**BYLAW ENFORCEMENT OFFICER** means a person appointed under the provisions of the Foothills County 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* is 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* is not to be used for recreational vehicle storage.

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

**CANNABIS ACCESSORY** means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs, and vaporizers, that is represented to be used in the consumption of cannabis; or as defined in the Cannabis Act (Canada) and its regulations as amended from time to time.

**CANNABIS NURSERY** means the use of land, buildings, or structures for the purposes of cultivation of cannabis authorized by license for a nursery pursuant to the Cannabis Regulations, SOR/2018-144, or any successor or replacement legislation or regulations, which may be enacted in substitution thereof.

**CANNABIS PRODUCTION, MICRO** means the use of land, buildings, or structures for the purposes of cultivation, processing, labeling, and packaging, testing, destroying, storing, or transporting cannabis authorized by license for micro-cultivation and/or micro-processing, pursuant to the Cannabis Regulations, SOR/2018-144, or any successor or replacement legislation or regulations, which may be enacted in substitution thereof.

**CANNABIS PRODUCTION, STANDARD** means the use of land, buildings, or structures for the purposes of cultivation, processing, labeling, and packaging, testing, destroying, storing, or transporting cannabis authorized by license for standard cultivation and/or processing, pursuant to the Cannabis Regulations, SOR/2018-144, or any successor or replacement legislation or regulations, which may be enacted in substitution thereof.

**CANNABIS RETAIL STORE** means a building or portion thereof that is licensed by the Province of Alberta for the legal sale of cannabis and cannabis accessories for off-site consumption. This use does not include Cannabis Production.

**CANNABIS SALES** means for the wholesale or retail sale or distribution to the public of any and all types of Cannabis as defined by the Cannabis Act (Canada).

**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.

**CHANGE IN USE OR INTENSITY PERMIT:** A permit that may be obtained in a Commercial, Industrial or Agricultural Business District land uses to allow a business or use to be established in an existing building where there is a compliant *Multiple Potential Use Development Permit* in place, and the proposed business or use complies with that development permit. The Change of Use or Intensity permit will be required when the initial use is being established and when a change in use or change in intensity of use is applied for within a site, a building, or portion of a building, in accordance with an approved *Multiple Potential Use Development Permit*.

**CHILD CARE FACILITY** means a child care program offered or provided for under a facility-based license, to provide child care to more than 6 children, not including the person's own children, in accordance with the Early Learning and Child Care Act. (For example, day care, preschool care, out of school care). *More information on Child Care Facilities and Family Day Homes can be found in Section 10.7 of this bylaw.*

**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 for public or commercial use (federally regulated).

**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.*

**COMMERCIAL VEHICLE, LARGE** means a vehicle and/or trailer, used for commercial or industrial business operations, including but not limited to large tour buses or passenger vehicles exceeding seating capacity of fourteen (14) passengers, gravel trucks, gravel trailers, highway truck tractors, highway truck trailers, crane trucks, vacuum trucks, or semi-trailer trucks.

**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 County 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 Foothills County, 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.*

**CLASS I COMPOST** means an operation where waste, not including hazardous waste, is decomposed through a controlled bio-oxidation process, including a thermophilic phase that results in a stable humus-like material but does not include on-site household composting or composting as part of agricultural general in accordance with Section 10.8, a compost facility that receives only sludge, a class ii compost facility, or a manure storage facility.

**CLASS II COMPOST** means an operation where only vegetative matter or manure is decomposed through a controlled bio-oxidation process, including a thermophilic phase, which results in a stable humus-like material but does not include an Anaerobic Digester Facility, on-site household composting, or composting as part of agricultural general in accordance with Section 10.8 or a manure storage facility.

**CONDOMINIUM UNIT:**

**BUILDING CONDOMINIUM UNIT** means a space that is situated within a building and described as a unit in a condominium plan by reference to floors, walls, and ceilings within the building.

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

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

**CONDOMINIUM UNIT** means land that is situated within a lot described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provisions of the Surveys Act respecting subdivision surveys.

**CONDOMINIUM UNIT, BARELAND** means a bareland unit as defined in the Condominium Property Act, RSA 2000, c.C-22.

**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 Foothills County 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. This use does not include cannabis sales.

**CORPORATE FUNCTION** means a private event, held by corporations or businesses for their staff, clients, or stakeholders, for the purposes of holiday parties, team buildings, etc.

**COUNCIL** means the Council of the Foothills County.

**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.

**COUNTY** means the Foothills County or where the context requires, the geographical area of land contained within the boundaries of the County's corporate limits.

**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

**DATA CENTRE CAMPUS:** A large-scale facility designed to house extensive computer systems and associated components, for supporting artificial intelligence, cloud computing, data security, data storage, management and processing digital media, information and applications. This facility encompasses ancillary structures that support its primary function, including but not limited to administrative offices, educational and training facilities, maintenance facilities, power generation facilities, substations, and security buildings.

**DATA PROCESSING FACILITY (SMALL SCALE):** means a development where the primary use is the operation of computer servers or related equipment for the processing, storage, or management of digital data. Typical activities may include cloud computing, artificial intelligence or machine learning processes, or digital currency (cryptocurrency) mining.

- Such facilities are small in scale, with limited infrastructure. The total electrical demand and noise level falls below the threshold requiring approval by the Alberta Utilities Commission (AUC) under Rule 007 and Rule 012 or any successor legislation. These facilities are anticipated to have minimal off-site impacts.
- For clarity, businesses or industrial operations that use computers or servers as part of normal administrative, operational, or production activities—such as offices or manufacturing facilities—are not considered Data Processing Facilities (Small Scale) where such computer use is incidental to the principal activity.

**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 4.2.1 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 County 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 County'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 County 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 623 of the Municipal Government Act to exercise development powers and duties on behalf of the County. *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.

**DIGESTATE** is the residual material remaining after the anaerobic digestion of organic feedstock. Digestate typically consists of both solid and liquid fractions and may be used as a soil amendment or fertilizer.

**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 County. 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, Liquor and Cannabis 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 man-made bodies that entrap water and includes a private dam and/or excavation for general agricultural purposes, but does not include ornamental ponds, storm water ponds, man-made waterbodies, private, or lagoons for the purposes of processing wastewater. *For more information on regulations on dugouts and other man-made water bodies, please refer to Section 9.18.*

**DWELLING, ATTACHED** means a single building which contains two or more Dwelling Units.

**DWELLING, DUPLEX** means a building designed exclusively to accommodate two Dwelling Units, one situated above the other, with separate entrances to each unit but does not include a Dwelling, Secondary Suite. *See Figure 10.10 A for an illustration on Dwelling types and Section 10.10 for more information on provisions for Dwelling Units.*

**DWELLING, FOURPLEX** means a separate building which consists of two attached duplex dwellings, or a building containing only two stories 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** means a dwelling unit with a minimum width of 6.1m (20ft.), built in whole or in part in a certified plant or site, in accordance with the CSA standards and/or applicable Building Code, for transportation to a building site. A Dwelling Manufactured Home must be constructed after September 2, 2007. A Modular Home and Double Wide Mobile Home are included under this definition.

**DWELLING, MOBILE HOME** means a prefabricated or factory-constructed, transportable Dwelling Unit which is equal to or less than 6.1m (20 ft.) in width, designed and built to CAN/CSA Standard, to be moved, from one point to another as a single unit, and which is, upon its arrival at the site where it is to be located, ready for occupancy except for incidental building operations such as placement on a foundation and connection to utilities. A Dwelling Mobile Home must be constructed after September 2, 2007. A Dwelling, Mobile Home does not include a recreational vehicle or park model.

**DWELLING, MOVED ON** means a Dwelling, Single Family or Dwelling Manufactured Home that has previously been lived in or used as a residence, which has now been relocated to a new parcel for the purpose of a Dwelling Unit. Dwelling, Mobile Homes that have been renovated, added to, or altered in any way from their original CSA Standard, now being relocated to a new parcel for the purpose if a Dwelling Unit shall be considered under the Dwelling, Moved on provisions.

**DWELLING, SECONDARY SUITE** 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, sleeping amenities, 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, Secondary Suite may include a Secondary Suite, Principal, or a Secondary Suite, Detached. (See Secondary Suite, Principal and Detached)

**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, SINGLE FAMILY** means a single building which contains one Dwelling Unit in accordance with the applicable Building Code and Section 10.10 of this Bylaw. A Dwelling, Single Family may contain a Secondary Suite in accordance with Section 10.26 and still be considered a Dwelling, single family.

**DWELLING, TEMPORARY** means a Dwelling, Manufactured Home; Dwelling, Mobile Home, or Dwelling Single Family for the purpose of use as a dwelling which has not been situated on a permanent foundation, located on a parcel on a temporary basis in accordance with Section 10.10. This does not include the temporary storage of an unoccupied structure without appropriate utilities or Recreational Vehicles.

**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** means a building or a portion of a building providing sleeping and washroom facilities, 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 is 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 County from an environmental perspective.

**EVENT** means an event or gathering open to the general public, including but not limited to: Exhibitions, expositions, fairs, festivals, entertainment, cause-related awareness, fundraising, and leisure events. Event does not include family events such as, but not limited to birthday parties or holiday celebrations. Depending on the event type, location and size, and the zoning of the property where it is to be held, an event may or may not be considered a Special Event that must comply with the Special Event Bylaw.

**EVENT, PRIVATE:** an exclusive event that is intended for friends, family and people known to the hosts, and which may be attended by invitation only. This includes corporate events, family reunions and weddings.

## **F**

**FAMILY DAY HOME** means a child care program providing child care to no more than 6 children, not including the person's own children, that is offered or provided by an individual in the individual's private residence. *More information on Child Care Facilities and Family Day Homes can be found in Section 10.7 of this bylaw.*

**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 MARKET** see *Public Market*.

**FEEDSTOCK** are materials used directly in manufacturing processes and transformed into an intermediate or finished material.

**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://floods.alberta.ca>).

**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://floods.alberta.ca>).

**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 County 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, Liquor and Cannabis Commission or equivalent body. It may also include food service from food trucks licensed to operate in the County.

**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 4.2.1 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.

**GREEN MATERIAL REUSE STORAGE SITE** means a site or facility where already sorted raw materials such as clean and untreated wood products, soil, and other natural materials used for landscaping and related uses, are collected, stored, or further processed for reuse, and held for the removal to another facility. This use does not include waste disposal, working areas for waste material, or storage sites as defined under the Waste Control Regulation thus requiring setbacks to waste related facilities under the Subdivision and Development Regulation.

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

**GREENHOUSE, PERSONAL** means an enclosed structure used for the cultivation and/or protection of plants for the purpose of personal use by the residents of the property. A detached greenhouse is considered an accessory building and must be constructed in accordance with Section 9.2 of this bylaw.

**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 FLOOR AREA** means the total cumulative floor area of all levels of a building measured to the outside surface of the exterior walls and does not include decks or basements (except in the case of walk-out basements in which case the walk-out basement is considered the first floor). Where buildings are separated by a fire wall, the gross floor area is measured from the centerline of the common fire wall. Gross Floor Area may differ from the Habitable Area of a dwelling as it includes any unfinished space(s), storage, attached garage(s), and mechanical or electrical rooms.

**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 County, 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 County 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.

**GUEST ROOM** means a room to rent for no more than 14 days, within a dwelling for the lodging of guests.

**GUEST ROOM, DETACHED** means a separate building on the property that contains one room or more, to be rented for not more than 14 days for the lodging of guests.

## **H**

**HABITABLE AREA** means the sum of all floors of all livable space contained within the exterior walls of the structure above grade (this does not include any basement area except in the case of walk-out basements in which case the walk-out basement is considered the first floor), designated for human occupancy including areas for living, sleeping, eating or food preparation, or recreational purposes, but does not include the garage, or areas devoted exclusively to mechanical or electrical equipment servicing the development. When determining the habitable area of a Secondary Suite, the basement is included and considered habitable area (whether the basement is finished or unfinished). Please see Section 10.26 for details.

**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 Cannabis Production.

**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.

**HELIPAD:** a designated area, usually with a prepared surface, used for the takeoff, landing or parking of helicopters. This does not include private or public Aerodromes or Airports.

**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 (i.e. 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 TYPE I** means a business or occupation conducted within a dwelling and/or an accessory building on a parcel on which a dwelling is located and where one or more residents of the parcel is the primary owner of the business, and the following requirements apply:

- A maximum of three (3) business visits per day
- A Maximum of one (1) non-resident employees working on the property-
- Maximum of one (1) business vehicle may be permitted on property per day.
- Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw.
- No outdoor storage of business-related material or goods permitted on the property. Storage of business-related materials or goods related to the business must be stored within the principal dwelling or accessory building.
- Large Commercial vehicles, used in conjunction with the business are **not** permitted on the parcel as part of a Home Based Business Type I.
- The business shall not create any impacts outside the dwelling or its accessory building.
- At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties.

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

**HOME BASED BUSINESS TYPE II** means a business or occupation conducted within a dwelling and/or accessory building(s) 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 six (6) *Business Visits* per day.
- A maximum of three (3) non-resident employees working on the property.
- No outdoor storage of business-related materials or goods are permitted. Storage of materials or goods related to the business must be stored within the principal dwelling or accessory building.
- A maximum of three (3) business vehicles or related equipment may be stored outdoors on parcels under 10 acres in size.
- A maximum of six (6) business vehicles or related equipment may be stored outdoors on parcels 10 acres and larger.
- Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening.
- Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw.
- Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority.
- At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties.

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

**HOME BASED BUSINESS TYPE III** 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 twelve (12) business visits per day; or as determined by the Approving Authority in Direct Control Districts.
- No More than six (6) non-resident employees working on the property; or as determined by the Approving Authority in Direct Control Districts.
- A maximum of twelve (12) business vehicles on the property per day; or as determined by the Approving Authority in Direct Control Districts.
- Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw.
- Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening.
- Outdoor storage of business-related goods and materials, large commercial vehicles, trailers, and equipment may be allowed if, in the opinion of the Approving Authority, the outdoor storage is adequately screened from adjacent lands.
- Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Approving Authority.
- At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties.

all in accordance with Section 10.12 of this bylaw.

**HOME OFFICE** means an office situated within a dwelling and/or accessory building on a parcel where all employees of the business working on the site are residents of the dwelling, no outdoor storage of business materials are situated on the property 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.

**HOUSEHOLD HAZARDOUS WASTE DROP OFF AREA** means a facility for the collection and temporary storage of household hazardous waste. No permanent storage or processing of such items is allowed.

**HYDRO VAC WASTE MANAGEMENT** means the storage and/or treatment of slurry waste created in the sub-surface soil excavation process.

## **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 Cannabis Production.

**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 County, 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 Animal Boarding Services and addition information in Section 10.5 Animal 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 Animal Boarding Services and additional information in Section 10.5 Animal Boarding Services.

## **L**

**LANDFILL** means a waste management facility for the collection, storage, treatment, or disposal of any solid or liquid material or product or combination of them that is intended to be stored, treated, or disposed of, in accordance with Alberta Environment Approvals, permits and licenses.

**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.). An uncovered landing is considered part of the stairs and/or associated deck and must adhere to same development requirements.

**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.

Landscaping does not include berming, grading, land leveling or recontouring that are considered under the definition of Lot Grading. *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.

**LARGE COMMERCIAL VEHICLE** – See Commercial Vehicle, Large

**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 County'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, Liquor and Cannabis 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 Gaming, Liquor and Cannabis 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.*

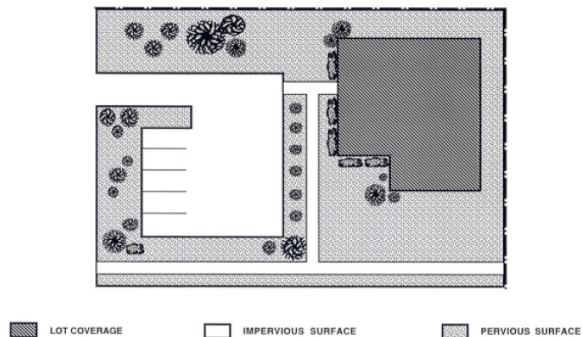
**LOT** means:

- 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, landscaping, dugouts/private dams, ornamental ponds, man-made water bodies, private, storm water ponds, or lagoons for the purpose of processing wastewater as defined by this Bylaw. *More information on Lot Grading can be found in Section 9.17 of this bylaw.*

## M

**MAN-MADE WATER BODIES, PRIVATE** means a man-made water body created for landscaping purposes, or private, active, or passive recreational use, having a depth of 1m (3.28 ft.) or greater but does not include a dugout or storm water management facility.

**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.

**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 9.27.29 through 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 BUTCHER LICENSE** is a Provincial license that enables the license holder to slaughter or assist in slaughtering animals on the animal owners' premises whereby, the meat can only be consumed-by the owners of the animal and members of the owner's immediate family in accordance with Provincial Meat Inspection Regulations. Mobile butcher licenses operate under Provincial jurisdiction and are not subject to Municipal Regulation, however a Foothills County Business License is required to operate in Foothills County.

**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, and Food Trucks.

**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, mobile 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 County.

**MUNICIPAL ROAD, MAJOR** means a municipal road, subject to the direction, control, and management of the County, designed for higher traffic volumes providing access to local and regional areas.

**MULTIPLE POTENTIAL USE DEVELOPMENT PERMIT:** A development permit that may be approved in Commercial, Industrial or Agricultural Business land use districts which contemplate a number of potential future uses and allows for future occupants/tenants to occupy the development and operate a business with a *Change in Use or Intensity Permit* rather than a development permit if the use proposed is contemplated under the Multiple Potential Use Development Permit and provisions under Section 9.30 of the Land Use Bylaw are met.

**MUNICIPALLY OPERATED WASTE MANAGEMENT FACILITIES** means facilities for Waste Management, Major or Waste Management, Minor that are operated by the County or group of municipalities, and/or an organization formed involving more than one municipality, for the purpose of waste management minor, and /or waste management major.

**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.

**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 County, 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*.

**OILFIELD WASTE MANAGEMENT** means an operation that is approved under the Oil and Gas Conservation Act and the regulations under that Act to process, treat, dispose of, store, or recycle oilfield waste.

**ON-FARM SLAUGHTER LICENSE** is a Provincial license that enables on-farm uninspected slaughter and processing activities on the license holder's property in accordance with the Provincial Meat Inspection Act and Regulations. On Farm Slaughter licenses operate under Provincial jurisdiction and are not subject to Municipal regulation.

**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 man-made water body 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 bodies 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 outdoor amenity or facility on public 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.

**PARK MODEL** means portable structure designed and built to be transported on wheels, 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 or Dwelling, Mobile Home.

**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 4.2.1 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.

**PORTABLE SIGN:** a sign, regardless of how mounted or supported, capable of being moved and which is not attached or affixed to a building or the ground.

**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 man-made 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 homeowner's association, or a community association.

**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 the following: produce, meat, fish, seafood, flowers, and crafts and may include retail stores and restaurants. This use does not include cannabis sales.

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

**PUBLIC WORKS** means any work or development carried out in connection with the construction, operation, maintenance, or upgrading of municipal roads; municipally owned sand and gravel pits and other similar operations; and communal water and/or wastewater and stormwater systems (whether municipal, or private systems authorized by the Province and County).

## Q

**QUALIFIED PROFESSIONAL** An individual with specialized knowledge recognized by the County 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

**RADOMES** means a protective dome shaped structure meant for housing one or more satellite dishes, made of material with no attenuating properties that would affect electromagnetic signals to and from the satellite dish (es).

**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, 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, 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 Dwelling, Manufactured Home; Dwelling, Mobile Home or Park Model.

**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 10.18 of this Bylaw.*

**RECYCLEABLE MATERIAL AREA** means an area for receipt and recycling of things such as used tires, white goods, scrap metals, wood, concrete and asphalt, drywall and shingles, agricultural plastics, yard waste, used oil, batteries, subsoil, clean fill, and hydrocarbon contaminated soils.

**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.

**RENEWABLE NATURAL GAS (RNG)** is biogas that has been upgraded for use in place of fossil natural gas.

**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, Liquor and Cannabis 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. This use does not include cannabis production or cannabis sales.

**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 grocery store, liquor sales, or cannabis 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 County 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

**SALVAGE FACILITY** a place where second-hand goods, including furniture, books, toys, clothing, building material, and other salvageable items are collected to be sorted and stored for sale or resale.

**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 ANTENNA** means a three axis, parabolic, tracking antenna and attendant processing equipment for reception and transmission of electromagnetic radio signals from and to orbiting satellites.

**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.*

**SCALE HOUSE** means an office, located a short distance from the main entrance, where all incoming vehicles must stop to be weighed or measured and receive a disposal ticket.

**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.*

**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-cans 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.*

**SECONDARY SUITE, DETACHED** means a *Dwelling, Secondary Suite*, which is detached from and subordinate to, the principal dwelling located on the same parcel. A Secondary Suite, Detached may be a stand-alone suite or a suite within or attached to, an accessory building or detached garage on the same parcel as the principal dwelling and shall be constructed in accordance with all provisions under Section 10.26.

**SECONDARY SUITE, PRINCIPAL** means a dwelling, Secondary Suite, located within the principal dwelling unit, in an extension or addition to the principal dwelling, or above a garage attached to the principal dwelling in accordance with Section 10.26 of this bylaw.

**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** means the distance which a building or other structure is to be removed from a property line, a street or road, a river or stream, a shore or flood plain, or any a place which needs protection.

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

**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 SYSTEM, PRIVATE** 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, resident, business, or occupant of a site, for personal, domestic, business use, and/or agriculture uses on-site. Annual electricity produced for the site is generally expected to be equal to consumption. *More information can be found in Section 10.22.*

**SOLAR POWER SYSTEM, COMMERCIAL** 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 uses not located on-site (the lands containing the system and/or adjacent lands owned by the same owner) or for distribution and/or sale off-site. *More information can be found in Section 10.22.*

**SOLID FENCE** means a fence, as defined under this bylaw, constructed out of solid material (including chain link fence with slats) which acts as a visual barrier providing 50% or greater concealment through any openings or spaces in every segment of the fence.

**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, childcare 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 County 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 bodies 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 the County Council to exercise subdivision powers and duties on behalf of the County. *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 Canada Innovation, Science and Economic Development (ISED). *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, mobile 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. Tourist homes are categorized as follows:

- a. **UNHOSTED** accommodation whereby the dwelling owner/operator is not residing in the dwelling during the period it is being occupied by guests.
- b. **HOSTED** accommodation whereby the dwelling owner/operator is 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.

**UPCYCLING** means to reuse (discarded objects or material) in such a way as to create a product of a higher quality or value than the original.

**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 County 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 but does not include an Anaerobic Digester Facility.

## 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, LARGE COMMERCIAL** see Commercial Vehicle, large.

**VEHICLE SIGN:** a sign that is mounted, affixed, or painted onto an operational or non-operational vehicle, including but not limited to trailers with or without wheels, Sea-cans, wagons, motor vehicles, tractors, recreational vehicles, mobile billboards, or any similar mode of transportation that is left or placed at a location clearly visible from a highway.

**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 INCINERATION ENERGY RECOVERY** means a waste management process that combusts waste to produce energy but does not include an Anaerobic Digester Facility.

**WASTE MANAGEMENT MAJOR** means 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 but are not limited to):

- Class II landfills,
- Contaminated soil reclamation sites or oilfield waste management operations.
- Waste transfer and compacting stations,
- Recycling material areas and facilities (not including recycling collection points),
- Household hazardous waste drop off areas.
- Incinerators and waste incineration energy recovery operations, and
- Wrecking and scrap metal yards.

**WASTE MANAGEMENT MINOR** means 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.

**WASTE TRANSFER STATION** means a waste management facility where waste is collected and held for removal and to an approved waste management or recycling facility.

**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.

**WHOLESALE LANDSCAPE SUPPLY** means the bulk distribution of landscaping materials to contractors and jobbers, or to retailers for repackaging.

**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 623 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 Foothills County 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.
  - 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 4.2.1 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. This does not preclude the requirement for an approved legal, physical access and approved approach in accordance with Section 9.1. See Section 9.1 Access to Property for more details.

- 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:
- a. Adversely impact the natural drainage direction or volume into, out of, or through a property; and/or
  - b. 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,
- a. 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:
- a. Branding.
  - b. Sorting.
  - c. Herd health management.
  - d. Market delivery; and
  - e. 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 parcels, any construction, excavation, or other activity necessary in order to enable the land to be used for Agricultural, General purposes, except where:

- a. The site of the development is within the minimum setback distance required to a Municipal Road or Provincial Highway.

*(Please note, although you may not require a Development Permit by the Foothills County, a roadside development permit may be required from Alberta Transportation for any development within 300m (984.25 ft.) of a Provincial Highway.)*

- b. The construction, excavation or other activity is to construct or accommodate the construction of a building to be used as a Dwelling, Moved On, a Dwelling, Secondary Suite, or Dwelling, Temporary.
- c. Construction involving 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
- d. 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.

- e. The placement of fill or topsoil on any site in excess of the limits identified under 4.2.1.37.

**Accessory Buildings/Structures:**

- 4.2.1.7 A detached accessory building where it is accessory to a primary residence:
  - a. having an area 20.8 sq. m. (224 sq. ft.) or less, where an accessory building is a permitted use in the land use district, including those lands designated as Sub-district “A”, Direct Control District, within the Flood Hazard Protection Overlay, and/or within the Airport Protection Overlay provided the structure does not result in the cumulative accessory buildings on the property exceeding the size or number of accessory buildings allowed under Table 4.2.1.7A, and does not exceed to maximum permitted height under the designated Land Use District or the Airport Protection Overlay, and
  - b. 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 does not exceed the cumulative size of accessory buildings allowed under Table 4.2.1.7A except on any lands designated Sub-district “A”, Direct Control District, or Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay, or where the accessory building is being relocated from another property. Relocation of structures requires a Development Permit in accordance with Section 9.21 of this bylaw.

**Table 4.2.1.7A**

PARCEL SIZE	SIZE OF ACCESSORY BUILDING
Less than 1 acre	Maximum of two (2) buildings with a total cumulative size not to exceed 41.8 sq. m. (450 sq. ft.) accessory to the residence
1.0 - 1.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 88.26 sq. m. (950 sq. ft.) accessory to the residence
2 - 2.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 155.6 sq. m. (1,675 sq. ft.) accessory to the residence
3.0 - 4.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 285.7 sq. m. (3,075 sq. ft.) accessory to the residence
5.0 - 9.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 325.2 sq. m. (3,500 sq. ft.) accessory to the residence
10.0 - 14.99 acres in size:	Maximum of five (5) buildings with a total cumulative size not to exceed 380.9 sq. m. (4,100 sq. ft.) accessory to the residence
15.0 - 20.99 acres in size:	Maximum of five (5) buildings with a total cumulative size not to exceed 422.7 sq. m. (4,550 sq. ft.) accessory to the residence
21.0 acres and over in size:	Maximum of six (6) buildings with a total cumulative size not to exceed 478.5 sq. m. (5,150 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 exists on the property, in accordance with Section 4.2.1.7 of this Bylaw.

- 4.2.1.8 The construction of a Dwelling, Attached where it is listed as a discretionary use under the Residential Community District land use rules and is contemplated in an approved Area Structure Plan/or Outline Plan.
- 4.2.1.9 Permanent dwellings are permitted up to two private garages, attached to the permitted dwelling or detached, in addition to the accessory buildings allowed under Section 4.2.1.7A, where:
- a. the total cumulative area of the garage(s) does not exceed 167.23 sq. m. (1,800 sq. ft.), on Agricultural zoned properties; or
  - b. the total cumulative area of the garage(s) does not exceed 111.48 sq. m. (1,200 sq. ft.) on all other land use districts.
- excluding any lands designated Sub-district “A”, Direct Control District, Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay, in which a Development Permit is required.
- 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 County.
  - 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”, Direct Control District, Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay.
- 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 temporary storage of the following number of unoccupied recreation vehicles on a parcel where a dwelling unit exists on site and the use is listed as a Permitted Use,
- a. No more than five (5) unoccupied recreation vehicles on a parcel where it is located outside of a Hamlet boundary.
  - b. No more than one (1) unoccupied recreational vehicle on a parcel in all other land use districts where listed as a permitted use.
  - c. Notwithstanding Section 2.4.2 “Special Provision for Parcels with Sub-districts”, the above exemption to a Development Permit is applicable on sub-district “A:” designated lands.

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 user 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 system, private which meets the following criteria:
  - a. The installation is to be used for on-site personal household, business use, and/or agricultural purposes only and it meets all other policies under Section 4.2.1.18.
  - b. The solar array is mounted on the wall or roof of an approved building, and:
    - i. 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 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 side and rear yard 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 County or Alberta Environment.

- f. The addition of any accessory building in conjunction with the array (whether for mounting, battery storage, or similar purposes) which is within 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 system, private.
- 4.2.1.19 A home office situated in a dwelling where *Home Office* is listed as a permitted use under the applicable land use district and is operated in accordance with the Home Office definitions and provisions under Section 10.12 of this Bylaw, provided that an annual business license is obtained.
- 4.2.1.19.1 A *Home Based Business Type I* operating in accordance with Section 10.12 of this bylaw where it is listed as a permitted use under the appropriate land use district, provided 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:
- a. Material is not brought on site for the purpose of composting.
  - b. Compost material is not removed from the property.
  - c. The compost site is located within the building setback area on the property in accordance with the applicable land use; and
  - d. There is no offensive smoke, dust, odor, 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 man-made water bodies can be found under Section 9.18 of this Bylaw.*

**Dwellings:**

- 4.2.1.23 The construction of a first Dwelling, Single Family, Dwelling Manufactured Home; or addition thereto where it is a permitted use and meets the maximum allowable dwelling density under the applicable land use district and the lot has legal physical access to an approved municipal road or Provincial highway, excluding any lands designated Sub-district "A", Direct Control District, Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay.

- 4.2.1.24 The placement of a Dwelling, Mobile Home on a parcel 80 acres or more in size, where it is a permitted use and meets the maximum allowable dwelling density under the applicable land use district in conformance with Section 10.10 and has physical legal access to an approved Municipal road or Provincial highway, excluding any lands designed Sub-district “A”, Direct Control District, Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay.
- 4.2.1.25 Where there is one other Dwelling Unit existing on a lot 32.37 ha (80 acres) or more in size (gross lot area), the construction-of a second Dwelling, Single Family or placement of a Dwelling, Manufactured Home, or Dwelling, Mobile Home-where it is a permitted use and meets the maximum allowable dwelling density under the applicable land use district, excluding any lands designated Sub-district “A”, Direct Control District, Flood Hazard Protection Overlay District, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay.

*Please note that Dwelling, Single Family or Dwelling, Manufactured Home that have been previously lived in or used as a residence and is being relocated to a new parcel is considered a Dwelling, moved on, and is not included under Section 4.2.1 and shall require a Development Permit Provisions on dwellings can be found under Section 10.10 of this Bylaw.*

**Fences/Gates:**

- 4.2.1.26 The erection, construction or maintenance of post and rail fence, standard wire fencing or other equivalent means of enclosure that do not create a shelterbelt or visual barrier, located wholly within the lot, constructed in accordance with all provisions of Section 9.14 of this bylaw.
- 4.2.1.27 On Commercial and industrial zoned properties, the erection, construction, or maintenance of a chain link fence less than 2.44m (8 ft.) in height located wholly within the lot.
- 4.2.1.28 The erection, construction or maintenance of a solid fence or similar structural means of enclosure that may create a visual barrier (including chain link fence with solid slats or equivalent), equal to or less than 2m (6.56 ft.) in height, constructed in accordance with all other provisions this bylaw, that meet the following criteria:
- a. located wholly within the lot, and is located no closer than:
    - i. 20 m (65.62 ft.) from the centerline of a municipal road or municipal right of way.
    - ii. 25m. (82.02 ft.) from the centerline of a secondary highway and Dunbow road; and
    - iii. 40m (131.23 ft.) from the ultimate right of way of any Primary Highway; and
  - b. meets the minimum setback requirements for fencing on corner lots, in accordance with sub-section 9.27.9.

- 4.2.1.29 A fence or other means of enclosure greater than 2m (6.56 ft.) in height, constructed in accordance with all other provisions of this bylaw, for livestock confinement or as a livestock wind break on Agricultural and Agricultural Business District zoned lands where the fence is setback in accordance with the minimum yard setback requirements for the applicable land use district.

**Keeping of Dogs:**

- 4.2.1.30 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:**

- 4.2.1.31 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:**

- 4.2.1.32 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.
- 4.2.1.33 The construction, maintenance, and repair of retaining walls provided:
- a. Retaining walls greater than 1m (3.28 ft) 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.
- 4.2.1.34 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.*
- 4.2.1.35 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 County on the subject parcel.
- 4.2.1.36 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.

- 4.2.1.37 The placing of topsoil or fill on a property in accordance with provisions under Section 9.17, 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, for the purposes of:
- a. The placing or replacing of sand and fill for the purposes of an indoor or outdoor riding arena or
  - b. Development of less than 1 acre, where the placing of clean topsoil is for landscaping purposes as defined by this Bylaw, on parcels 1 acre in size and larger, no more than once annually; or
  - c. The placing of up to 20 cubic yards of topsoil for the purposes of landscaping as defined by this bylaw, on parcels under 1 acre in size no more than once annually, or
  - d. 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; or
  - e. The placement of fill or topsoil on any site in accordance with an already approved Development Permit, Subdivision Approval, or Development Agreement.

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

**Man-Made Water Bodies:**

- 4.2.1.38 Man-made water bodies 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 County.

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

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

**Signs:**

- 4.2.1.39 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.
- 4.2.1.40 One sign per parcel, 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. The sign shall not exceed 1.5 sq. m. (16 sq. ft.) in area, in a Residential Community District; or
  - c. The sign shall not exceed 3 sq. m. (32 sq. ft.) in area, in any other District; and
  - d. The sign shall not be greater than eight (8) ft. in height.
  - e. The sign must be located entirely within the subject lands relating to the sale, lease, or rental.
  - f. The sign is removed within 14 days of the sale, lease, or rental.
- 4.2.1.41 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.
- 4.2.1.42 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 County. Only one sign per Development is permitted.
- 4.2.1.43 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.
- 4.2.1.44 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.
- 4.2.1.45 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.
- 4.2.1.46 Gate signage is permitted on 21 acres or more and shall not exceed 1.0 sq. m. (11 sq. ft.).
- 4.2.1.47 One temporary sign, for the purposes of identification of and/or public engagement for a proposed development, redesignation, subdivision, or statutory plan proposal where:
- a. The sign does not exceed 3.0 sq. m. (32 sq. ft.) in area.
  - b. The sign does not exceed 2.5m. (8 ft.) in height; and
  - c. There shall be a limit of one (1) sign per lot.

- d. The landowner must receive permission, through internal review by the County, prior to this sign being installed on the subject lands. (Review submissions must contain the location, dimensions, date of installation and removal, and content of the proposed sign).
- e. The sign must be located entirely within the subject lands and shall include contact information (website and/or valid phone number) for enquiries/questions.
- f. The sign shall remain on site for a period of no more than 6 months.

4.2.1.48 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:**

4.2.1.49 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:**

4.2.1.50 The construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement.

4.2.1.51 The use of land by the County or by other neighboring municipality and/or organization involving more than one municipality, which the County or neighboring 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 County or neighboring municipality and/or organization involving more than one municipality, or their authorized representative.

**Temporary Uses:**

4.2.1.52 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.

4.2.1.53 The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum, or plebiscite.

**Other:**

- 4.2.1.54 The placement and erection of memorial, historical, cemetery markers or monuments in the County.
- 4.2.1.55 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.
- 4.2.1.56 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.
- 4.2.1.57 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.
- 4.2.1.58 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 County or are operating under an approved special event permit).
- 4.2.1.59 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.
- 4.2.1.60 No Development Permit approval is required for the keeping of backyard hens, accessory to a principal dwelling, on parcels under 3 acres in size, located outside of Hamlet boundaries in accordance with Section 10.27 provided all other requirements under the bylaw are met.
- 4.2.1.61 The placement of no more than one temporary storage container on a property for up to 60 consecutive days per year. Such container shall contain no explosives or flammables and shall be located on the site in a location that meet the minimum setback distances for the appropriate land use. An example of applicable temporary storage containers may include but are not limited to Sea Cans.
- 4.2.1.62 Abattoir, Personal Use on lands where it is accessory to the principle use on site and where livestock and/or backyard hens are permitted (dependent on parcel size and land use district), provided all other provisions of the land use bylaw are adhered to (i.e., number of animal units permitted on site).

### 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 landowners within one half mile (0.5 mile) radius from the parcel prior to an application being made to the County 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 county 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 County 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 County 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 a security to be provided.
- 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.
- 4.7.7 In the case of Dwelling, Temporary, renewal applications shall only be permitted for the time period identified in Section 10.10, to a maximum of a six year term at which time they shall be considered as a new application.

#### **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 County'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 non-compliance exists, no greater than 5% in Residential Community District and for Country Estate District parcels 0.80 acres or smaller or 2.5% in all other land use districts, 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.
- 4.8.7 For properties where a building is on a bareland condominium unit or where a building condominium unit shares a common wall with a building on an adjacent condominium unit, the side yard setbacks will not apply to the common wall side of the structure as per Section 9.5.4. of the Land Use Bylaw.
- 4.8.8 On parcels of land that were located within the Village of Blackie prior to its dissolution and incorporation into Foothills County’s jurisdiction on August 31, 1997, and where a building was constructed in accordance with setbacks outlined in the Village of Blackie Land Use Bylaw 1-1980 and amendments thereto, or in accordance with a Development Permit or Building Permit issued by the Village of Blackie, the setbacks are deemed to comply irrespective of whether they meet the current setbacks outlined in this Bylaw.
- Buildings that were constructed in the Village of Blackie prior to the adoption of Bylaw 1-1980 adopted February 11, 1980, that do not meet current Foothills County setbacks as outlined in this Bylaw are deemed non-conforming.
- 4.8.9 On parcels of land that were located within the Village of Cayley prior to its dissolution and incorporation into Foothills County’s jurisdiction on May 31, 1996, and where a building was constructed in accordance with the setbacks as set out in the Hamlet of Cayley Land Use Bylaw 229 and amendments thereto, or in accordance with a Development Permit or Building Permit issued by the Village of Cayley, the setbacks are deemed to comply, irrespective of whether they meet the current setbacks outlined in this Bylaw.

Buildings that were constructed in the Village of Cayley prior to the adoption of Bylaw 229 adopted April 9, 1980, that do not meet current Foothills County setbacks as outlined in this Bylaw are deemed non-conforming.

- 4.8.10 On all parcels of land within the Foothills County that are not located within the boundaries of the former Village of Blackie or former Village of Cayley, where a building was constructed prior to the passing of Foothills County's Land Use Bylaw 566 (adopted April 23, 1981), or can be shown to have been constructed in accordance with a Development Permit or Building Permit issued by Foothills County, and where the building does not comply with current setbacks as outlined in this Bylaw, the building is deemed non-conforming

## **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 determine whether the application is complete or incomplete, within 20 days after the receipt of an application for a Development Permit in accordance with Section 640.1(a) of the Municipal Government Act.
- 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.
  - b. When required by the Municipal Development Plan, Intermunicipal Development Plans or the Subdivision and Development Regulation.
  - c. Any additional federal, provincial, or municipal agencies as deemed necessary and may include internal circulation within the County Office, to local Councilors, utility companies, and registered community associations that have shown interest in the application.
  - d. 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, where a Development Permit application is made for a permitted use that does not comply with one or more other provisions of this Bylaw and therefore requires a variance, the application shall be considered a Permitted Use with a variance. In such cases, the Development Authority shall process the application in accordance with this Bylaw and may impose conditions pursuant to Section 5.4.3.
- 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 County, 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 County 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.
- 5.3.10 A decision of the development authority must state whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board (Land and Property Rights Tribunal).

## 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 County 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 County 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 County'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 County.
  - 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 5.6.13, 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 a variance on existing development, on any yard setback to a maximum of 90% of the setback required by this Bylaw, with the exception of:
- a. a side yard setback on lands zoned Residential Community District.
  - b. a setback to a Municipal road that would result in development being less than 5m from the ultimate right of way of the Municipal road, Municipal Road, Major, or Internal Subdivision road.

- 5.6.3 The Development Authority may allow with respect to existing development on Residential Community 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 non-compliance exists no greater than 5% in Residential Community District and for Country Estate District parcels 0.80 acres or smaller or 2.5% in all other land use districts, subject to the provisions of section 5.6 “Variances”.
- 5.6.8 Compliance may be granted for structures which are no larger than 1.5 sq. m. (16 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.
- 5.6.9 Within two years from the date the updated Secondary Suite provisions adopted under Bylaw 68/2023 (January 31, 2024), the following variances may be considered when applying for approval to bring existing suites into compliance, which were not previously allowed in Foothills County prior to the passing of said bylaw:
  - a. The Development Authority may issue a Development Permit for an existing oversized Secondary Suite if:
    - i. The Secondary Suite existed prior to the date of the adoption of these regulations; and
    - ii. The Secondary Suite is no more than 25% greater than the size permitted under Section 10.26 Secondary Suites; and
    - iii. A Development Permit has been granted approval within two years of the date which Bylaw 68/2023 received third reading on January 31, 2024.
  - b. The Development Authority may issue a Development Permit for reduced building setbacks for a Secondary Suite where:
    - i. the building code, safety code, and fire code requirements can be met (for example side yard setbacks may not be relaxed on smaller parcels due to separation distances of residential buildings with greater than 10 minutes fire department response time).
    - ii. it does not materially interfere with or affect the use, enjoyment, or value of the neighboring properties.

This applies to Secondary Suites on parcels under 2 acres in size and Secondary Suites within hamlet boundaries or Secondary Suite, Detached on other parcels (within hamlet boundaries does not include the hamlets of Heritage Pointe and Priddis Greens).

- 5.6.10 The Development Authority may allow a 10% variance to the maximum size requirements of a new Secondary Suite, where the Development Authority is of the opinion it will not materially interfere with or affect the use, enjoyment, or value of the neighboring properties.
- 5.6.11 The Development Authority may allow up to a 25% variance to the allowable maximum size requirements of a Secondary Suite, where an application has been made for a change in use from an approved Dwelling, Temporary to a Secondary Suite, Detached, in accordance with Section 10.26.
- 5.6.12 The Development Authority may issue a Development Permit for the renewal of a Dwelling, Temporary, in excess of the Maximum Dwelling Density within the applicable land use district, if an approved Development Permit for that Dwelling, Temporary is in place, and is occupied in accordance with the approval, prior to the date of passage of the bylaw amendments adopting the Maximum Dwelling Density, where it is determined that it does not materially interfere with or affect the use, enjoyment, or value of the neighbouring properties.
- 5.6.13 The Development Authority may issue a Development Permit for a Dwelling, Temporary that has been prefabricated, built, or factory constructed before September 2, 2007, if an approved Development Permit for that Dwelling, Temporary is in place and occupied in accordance with that approval, should it have appropriate C.S.A. certification, or an equivalent at the time of placement on the subject parcel, to the satisfaction of the Safety Codes Officer.

## **5.7 NOTICE OF DECISION**

- 5.7.1 A decision on applications for a Development Permit shall:
  - a. Specify the date on which the decision was made and must be given or sent to the applicant on the same day the decision is made.
  - b. 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 Foothills County; or
  - b. Sent by ordinary mail to adjacent landowners; 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 Notice of decision of the Development Authority on a Development Permit application is deemed to have been given or sent to the applicant the same day the decision is made.

*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 22<sup>nd</sup> 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 21-day 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.

## **5.9 PERMIT CANCELLATION AND SUSPENSION**

- 5.9.1 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.

## **5.10 EXPIRY OF DEVELOPMENT PERMITS**

- 5.10.1 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.
- d. Notwithstanding Section C. in the case of a Multiple Potential Use Development Permit in Commercial, Industrial or Agricultural Business Land Use Districts, the development permit will be considered null and void if the use is abandoned for a period of 18 months or more.

## **5.11 RE-APPLICATION**

- 5.11.1 When an application for a Development Permit, is refused by either the Development Authority, Council, or by a decision of the Subdivision and Development Appeal Board or Land and Property Rights Tribunal, another application with respect to the same parcel(s) of land, for the same or similar use of the land, may not be made by the same or any other applicant until the expiration of at least six (6) months from the date of the last refusal or appeal decision, unless a resolution is passed by Council to waive the waiting period.:
- 5.11.2 Notwithstanding Section 5.11.1, the Development Authority may at its discretion receive a new or revised development permit application for the same or similar use of the parcel before the six (6) months has elapsed from the date of the decision, when, in the opinion of the Development Authority, the application has been significantly modified.

## **5.12 FORMS, NOTICES, AND FEES**

- 5.12.1 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.
- 5.12.2 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.

## **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 County, 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 County 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 county 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 landowners within one half mile (0.5 mile) radius from the parcel prior to an application being made to the County. 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 County.
- 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 County staff and the applicant and or landowners, on new applications within the Highway 2A Industrial Area Structure Plan Area unless County staff has granted a written waiver to such requirement.
- 6.5.2 Pre-application meetings are encouraged between the County 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 County 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 County 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 County 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
- 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 County 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 County shall:
  - a. Arrange for notice of a public hearing to be published in two (2) issues of a newspaper circulating in the County, 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 County 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 County, 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 When an application for an amendment to this Bylaw, redesignation or change in land use designation, a site specific amendment, statutory plan or amendment to a statutory plan, has been refused by Council, another application with respect to the same parcel(s) of land, for the same or substantially the same application, shall not be considered within six (6) months of the date of the refusal, unless a resolution is passed by Council to waive the waiting period.

## **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 County 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.

7.6.2 Stop orders issued pursuant to Section 645 of the Municipal Government Act must specify the date on which the order is made and must contain any other information required by the regulations.

## **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 Stop orders must be given or sent to the person or persons to whom the Stop Order is issued on the same day the decision is made.

## **7.8 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 County 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 County 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 County 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 County is authorized to enforce or a bylaw.
  - b. A contravention of the Municipal Government Act, another enactment that the County 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.
- 7.9.2 An appeal made to the Subdivision and Development Appeal Board on a stop order, pursuant to Section 685 of the Municipal Government Act, is commenced by filing a notice of the appeal, containing reasons, with the board within 21 days after the date of on which the order is issued.

## 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 County 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 County 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 affected:
- 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 County may take whatever action or measures necessary to remedy a contravention of the Municipal Government Act, this Bylaw, or any other enactment the County 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 County 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 County 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 County to remedy a contravention are an amount owing to the County 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 County 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 County 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 affected:
- 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 County 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 County 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 County 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 County 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 County 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.
  - 7.18.1.1 Where a contravention of this Bylaw is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues, and a person is guilty of such an offence and is liable to a penalty for each such day.
- 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 minimum 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 County believes, on reasonable and probable grounds, that a person has committed an offence with respect to this Bylaw, the officer may issue a violation ticket in accordance with 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 referred to the Subdivision and Development Appeal Board or the Municipal Government Board (Land and Property Rights Tribunal), in accordance with Section 685 (2.1) of the Municipal Government Act and shall be consistent with the applicable procedures of the appropriate 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:
  - a. within 21 days after the date on which the decision is made: or
  - b. if no decision is made with respect to the application within the 40-day period, or within any extension of that period, within 21 days after the date the period or extension 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 appropriate Board as per Section 685(2.1) of the Municipal Government Act.
- 8.1.6 An appeal made by any affected person other than the applicant must be made within 21 days after the date on which the decision is made.

- 8.1.7 An appeal on a Development Permit decision shall be made by serving a written notice of appeal in person, by mail, or by email, 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 appropriate Board as per Section 685 (2.1) of the Municipal Government Act, within 21 days after the date on which the decision is made 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 the same day the decision is made.
- 8.1.9 There is no appeal on a decision by Council with respect to a Direct Control District.
- 8.1.10 The 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 or Municipal Government Board (Land and Property Rights Tribunal) 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 (Land and Property Rights Tribunal)
    - i. unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application:
      - (A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,
      - (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
      - (C) is the subject of a licence, permit, approval, or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or
      - (D) is the subject of a licence, permit, approval, or other authorization granted by the Minister of Environment and Parks, or
    - ii. in any other circumstances described in the regulations under section 694(1)(h.2)(ii),
- 8.2.3 Pursuant to Section 678(3) of the Municipal Government Act, the date of receipt of the decision is deemed to be 7 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 679 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 permission 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 County must be given notice of the application for permission 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 County 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 County.
- 9.1.2    Legal, physical access to a parcel of land, for any use other than agricultural use, must exist prior to a Development Permit and/or Building Permit being issued.
- 9.1.3    Section 4.2.1 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.
- 9.1.4    Notwithstanding Section 9.1.3, A Development Permit or Building Permit cannot be obtained until the Director of Public Works has signed off on an approved legal, physical access. Sign off by the Director of Public Works may involve the landowners to fully executing and complying with all requirements of a Municipal Development Agreement for the purposes of development of legal access to the lands, including submission of appropriate engineered drawings, cost estimates, liability insurance and a letter of credit to the satisfaction of the Director of Public Works.
- 9.1.5    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 County has become a party to the easement to ensure that it cannot be removed without Council resolution.
- 9.1.6    All site access from roads shall be to the satisfaction of the Director of Public Works and Engineering with respect to location and design.

- 9.1.7 As a condition of development permit, redesignation or land use amendment, 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.
- 9.1.8 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.
- 9.1.9 The Council may allow access by way of easement in special circumstances if deemed appropriate. In such case, the County 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.
- 9.1.10 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 Dwelling, Unit. 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 permitted permanent Dwelling, Unit 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 In accordance with Section 4.2.1.9, permanent dwellings with up to two private vehicle garages, attached to the permitted dwelling or detached, in addition to the accessory buildings allowed under Section 4.2.1.7, do not require a Development Permit, and shall not be included in the total accumulated area unless noted by a Development Permit Decision where:
  - a. the total cumulative area not to exceed 167.23 sq. m. (1,800 sq. ft.), on agricultural zoned parcel or
  - b. the total cumulative area of not exceeding 111.48 sq. m. (1,200 sq. ft.) in all other land use districts .
- 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 a Sea-can and must be in compliance with Table 4.2.1.7A for a maximum area for accessory buildings not requiring a Development 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 County.
- 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.
- 9.5.9 Common property or a unit characterizing condominium common property, may be considered when evaluating compliance with setbacks on a "*Building Condominium Unit*" for a letter of compliance.
- 9.5.10 Setbacks to boundaries of adjacent "*Building Condominium Units*" shall be established in the Development Permit or as part of any exemption in the land use district where appropriate.

*Note: The Land Use Bylaw takes precedent over all condominium bylaws and/or architectural controls, the County 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 County 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 County'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 County, 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.

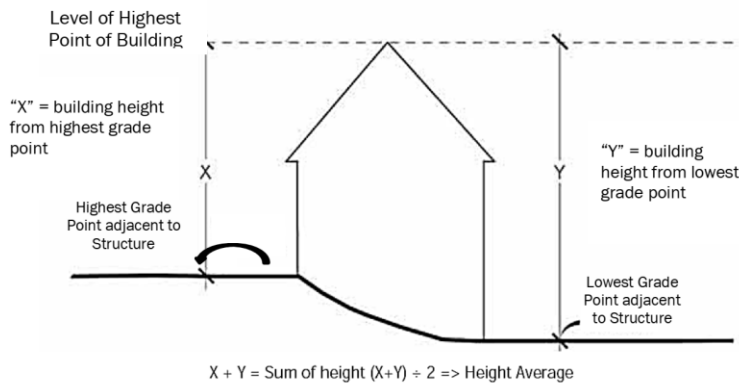
**9.10 ENVIRONMENTALLY SIGNIFICANT AREAS**

- 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**



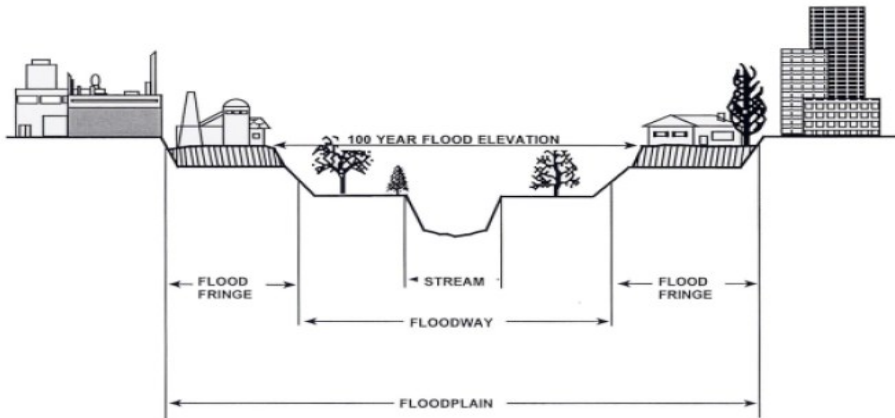
## 9.12 **KEEPING OF DOGS**

- 9.12.1 In accordance with Section 4.2.1, 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 County 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://floods.alberta.ca>).
  - 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://floods.alberta.ca>).
- 9.13.2 *Lands Impacted by 2013 Flood Event* are those lands which the County 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 4.2.1, 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 County 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 County’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:
- a. 20 m (65.62 ft.) from the centerline of a municipal road or municipal right of way.
  - b. 25m. (82.02 ft.) from the centerline of a secondary highway and Dunbow road; and
  - c. 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 it is exempt under Section 4.2.1 of this Bylaw.
- 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 County.
  - a. If solid metal fencing is installed a border capping unfinished edges on the top and bottom of the fence shall be included.
  - b. Fencing shall be consistent with the character and quality of the design and materials of the structures on the property; and
  - c. The minimum setback distances required for yards do not apply to fences 2m (6.5 ft.) or less in height, except where applicable under Section 9.14.7 and 9.27.9.
  - d. Fencing shall not be constructed that will interfere with the amenities of the neighborhood nor materially interfere with or affect the use, enjoyment, or value of neighboring properties.
- 9.14.13 Where a fence is not exempt from the requirements of a Development Permit under Section 4.2.1 of this bylaw, a fence shall be considered a Discretionary use in all land use districts and may be approved if the Development Authority has determined that:
  - a. The fence would not interfere with the amenities of the neighborhood; and
  - b. The fence would not materially interfere with or affect the use, enjoyment, or value of neighboring properties.

## **9.15 LIGHTING**

- 9.15.1 All new lighting in the County should be installed in accordance with the “Dark Sky Bylaw” attached as Appendix E of this bylaw. The County passed this bylaw to regulate the type of light source and fixtures permitted in the County thereby mitigating light pollution and reducing existing light pollution.
- 9.15.2 The following shall affect ALL exterior lighting undertaken in the County.
  - a. the installation of any exterior lighting in the County shall meet the requirements set forth in the “Dark Sky Bylaw” attached as Appendix E of this bylaw.
  - b. 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.
  - c. 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.
  - d. 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 4.2.1 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 County; 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 4.2.1 "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 County or an adjacent County for development that has been approved by that County.
  - 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 A Development Permit shall be required for relocating topsoil from one property to another in the County or from lands outside of the County except where it is in accordance with an executed Development Agreement or exempted under Section 4.2.1 of this Bylaw.

- 9.17.11 On applications for Development Permit for the placing of topsoil on a property in accordance with Section 9.17.10, the Development Authority, may require the following:
- a. an executed Development Agreement, and/or
  - b. a Road Use Agreement to the satisfaction of the County's Public Works department or written confirmation from the County that a Road Use Agreement is not required; and
  - c. An approved engineered Lot Drainage Plan to the satisfaction of the County's Public Works Department.
- 9.17.12 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 Bodies".*

## **9.18 MAN MADE WATER BODIES**

- 9.18.1 A Development Permit is required for the construction of man-made water bodies except where exempt from getting a Development Permit under Section 4.2.1 "No Development Permit Required" of this bylaw.
- 9.18.2 An application for a Development Permit shall be obtained through the County 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.
- 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 body 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 County 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:
- 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.
  - 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.
  - 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
  - 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 stalls 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 senior 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 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.C Parking Requirements for residential and residential related land uses:**

TYPE OF DEVELOPMENT	MINIMUM PARKING REQUIREMENT
Dwelling Detached Single Family Dwelling, Duplex Dwelling, Semi-detached Dwelling, Manufactured/Mobile Dwelling, Moved On Dwelling, Temporary	2 per dwelling unit
Dwelling, Secondary Suite <ul style="list-style-type: none"> <li>• Up to a max. 1000 sq. ft. in size</li> <li>• Over 1000 sq. ft. in size</li> </ul>	1 parking stall 2 parking stalls
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/mobile home parcel 1 guest parking stall per 4 manufactured/mobile home parcels
Mixed Use	Must combine residential requirement with the proposed commercial use for total parking and loading requirements
Bed and Breakfast	1 per each guest room plus, spaces required for the corresponding base dwelling unit. plus, spaces required for each employee
Family Day Home	1 parking stall per employee; and 1 pick-up and drop-off stall per 3 children, unless lawful on-street parking is available.  <i>** Parking requirements for a Family Day Home may be altered at the discretion of the Approving Authority as part of the conditional approval of the Development Permit based on the maximum number of children in attendance, proposed special events/activities held in conjunction with use, and location.</i>
Home Based Business,	1 parking stall per non-resident employee on the property, plus, a minimum of 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking.  OR  as determined by the Development Authority as a condition of Development Permit;

**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
Child Care Facility	1 parking stall per employee; and 1 pick-up and drop-off stall per 3 children, unless lawful on-street parking is available. <i>** Parking requirements for a Family Day Home may be altered at the discretion of the Approving Authority as part of the conditional approval of the Development Permit based on the maximum number of children in attendance, proposed special events/activities held in conjunction with use, and location.</i>
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 stalls 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**

<b>LOADING REQUIREMENTS</b>	
<b>Uses</b>	<b>Number of Loading Spaces</b>
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 County, 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:
- a. Does not affect required on-site sewage disposal.
  - b. 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.
  - c. Does not affect the minimum parcel size or yard requirements of the district in which the lot is located; and
  - d. 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 4.2.1 (a) of this Bylaw, no person shall relocate a Dwelling, moved on, Building, Structure, or portion thereof onto a site without first obtaining a Development Permit for the Dwelling Moved-On, Building or structure. The relocated Dwelling, moved on, 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 relocation of a Dwelling, Move On, Building, or Structure or portion thereof as referenced in 9.21.1 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 Dwelling, moved on, 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, moved on, Building, or Structure are to be completed within one year of the issuance of the Development Permit, failing which the relocated Dwelling, moved on, Building, or Structure shall be removed unless a Development Permit has been issued extending the time for completion.
- 9.21.5 The applicant may be required to submit a security or deposit in an amount equal to the value of work required to complete the exterior of the building or structure. The amount will be confirmed by the Approving Authority based on cost estimates submitted with the application. Notwithstanding these estimated costs, the deposit shall be no less than the minimum set out in the Fee Schedule, as approved by Council. The security or deposit may be released upon inspection of the structure confirming that the exterior of the structure or building is complete as per the conditions of Development Permit.

- 9.21.6 An application for a Development Permit must be accompanied with the following:
- a. A completed checklist declaration for the relocation of a building/dwelling, moved on.
  - b. A current (up to date) APEGGA certified Professional Engineer's report for the building or structure to be moved, stating that the building or structure meets the requirements of the applicable Building Code and that it is structurally capable of being moved.
  - c. A site plan (can be hand drawn) showing:
    - i. the entire parcel.
    - ii. north at the top of the page.
    - iii. identify and show all existing structures and the proposed building or structure with measurements from the same, in feet or metres, to all parcel lines.
    - iv. show all existing wells, septic tanks, disposal fields, dugouts on the parcel.
  - d. Photos of the existing building or structure to be moved showing the exterior appearance.
  - e. Information on all improvements proposed to complete the building or structure including the exterior finish, and detailed cost estimates for the work to be completed.

## **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 right 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 County 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 County shall be done to the satisfaction of the County.
- 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 County 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 bodies. See Section 9.18 on Man-made water bodies 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, regardless of how mounted or supported, capable of being moved and which is not attached or affixed to a building or the ground.

**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 mounted, affixed, or painted onto an operational or non-operational vehicle, including but not limited to trailers with or without wheels, Sea-cans, wagons, motor vehicles, tractors, recreational vehicles, mobile billboards, or any similar mode of transportation that is left or placed at a location clearly visible from a highway.

**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 County'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 4.2.1* 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 County 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 County:
  - a. Vehicle Signs, except for signs exclusively advertising the business for which the vehicle is used, where the vehicle:
    - i. is a motor vehicle or trailer.
    - ii. is registered and operational; and
    - iii. used on a regular basis to transport personnel, equipment, or goods as part of the normal operations of that business.
  - b. Signs that are prohibited in accordance with the Dark Sky Bylaw included as Appendix E of this bylaw.
  - c. Signs that display intermittent, flashing, or rotating lights.
  - d. Signs using a red or yellow background.
  - e. Signs that incorporate moving parts; and
  - f. 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 center 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 9.24.10; 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**

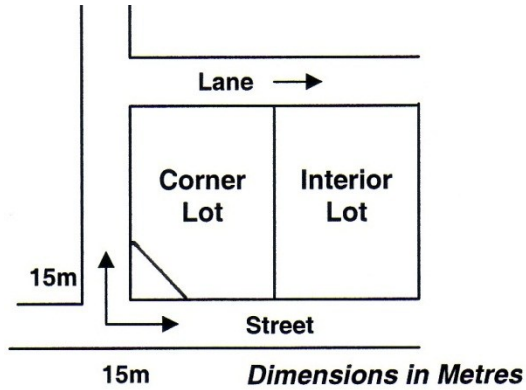
- 9.26.1 No person shall operate, maintain, hold, conduct, promote or advertise a Special Event in the County unless he or she has first obtained a Development Permit and special event permit from the County in respect of such activity.
- 9.26.2 Special Events must be in accordance with *Bylaw 11/97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

## 9.27 SPECIAL SETBACK REQUIREMENTS

### General Provisions:

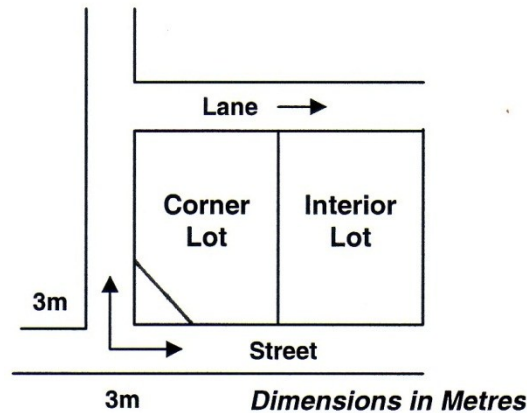
- 9.27.1 The minimum setback distances required for front, side, and rear yards do not apply to driveways, sidewalks, or steps with associated landings under 0.6m (2 ft.) above grade, wholly within the lot.
- 9.27.2 At grade (less than 0.60m (2ft) attached patios and decks may be constructed to within 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, window wells, 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 District, Country Residential District, Cluster Residential District parcels, and may project into the minimum rear yard setback, of a Estate Residential District and Residential Manufactured Home District parcels 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 Balconies, eaves, fireplaces, sills, canopies, window wells, and cornices may project into the minimum rear yard setback to a maximum of 1.5m (4.92 ft.) on Residential Community District parcels for the principal building and 0.1m (0.33 ft.) for an accessory building.
- 9.27.7 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.
- 9.27.8 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.
- 9.27.9 Where more than one minimum setback distance is applicable under this Bylaw, the greater distance shall prevail.
- 9.27.10 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



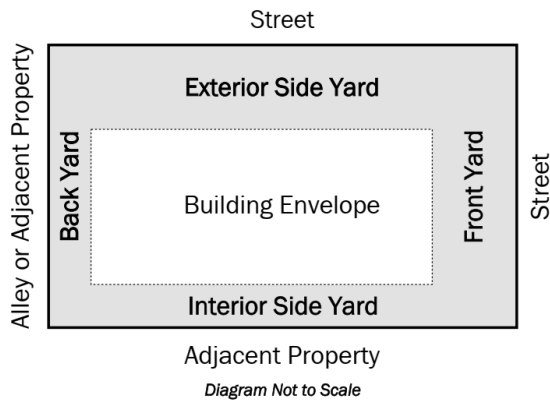
- b. within all other Residential and Commercial Districts not noted above, all Industrial Districts, Service, Districts, and Utility districts which lie within a triangle as illustrated on the sketch shown below:

Figure 9.27.9 B



- 9.27.11 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



- 9.27.12 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. (See Figure 9.27.10A)

- 9.27.13 Notwithstanding subsection 9.27.9 and 9.27.10, standard barbed wire fencing or equivalent shall be permitted within the identified sight triangle.
- 9.27.14 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.
- 9.27.15 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 applicable Building Code requirements for High Intensity Residential Fire.
- 9.27.16 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 Applicable Building Code requirements for High Intensity Residential Fire.

**Environmental Considerations:**

- 9.27.17 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.
- 9.27.18 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 County. The “*Riparian Setback Matrix Model*” and associated “*Developers Guidelines*” are attached as *Appendix F*.
- 9.27.19 See Section 9.13 for information pertaining to development in and near areas subject to flooding.
- 9.27.20 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.
- 9.27.21 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.
- 9.27.22 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.
- 9.27.23 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 and Provincial Legislation and Approvals**

- 9.27.24 All development shall comply with the applicable Provincial legislation and approvals with respect to setbacks contained therein unless the setback is varied by the Approving Authority as set out in the Matters Relating to Subdivision and Development Regulation and Guidelines for Setback Reviews, each as may be replaced or amended from time to time.
- 9.27.25 It is the responsibility of the landowner/developer to contact the appropriate department for updated and current regulations in accordance with 9.27.23.

- 9.27.26 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:**

- 9.27.27 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:**

- 9.27.28 Development setbacks from pipeline right 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:**

- 9.27.29 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 County for processing. Setbacks for abandoned well sites shall be consistent with the recommendations and requirements of AER.

**Confined Feeding Operations:**

- 9.27.30 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.
- 9.27.31 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
- 9.27.32 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 County 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 Foothills County.
  - 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.

### **9.30 MULTIPLE POTENTIAL USE DEVELOPMENT PERMITS AND CHANGE IN USE OR INTENSITY PERMITS**

- 9.30.1 A development permit application may be made for multiple potential uses in Commercial, Industrial or Agricultural Business land use districts as follows:
- a. A new building(s) that may contain multiple potential future uses,
  - b. A new building(s) with multiple bays, some, or all of which may contain multiple potential future uses,
  - c. Multiple potential uses in an existing approved building(s) or portion of an existing approved building(s).
- 9.30.2 A development permit application for multiple potential uses may contemplate uses that are listed as permitted or discretionary in the applicable land use district or may contemplate both permitted and discretionary uses.
- 9.30.3 A development permit application for multiple potential uses must be accompanied by the same information as applications for specific uses as per Sections 4.3 and 4.4 of this bylaw.
- 9.30.4 For the purposes of Sections 5.9.1 d. and 5.10.1 b. of this bylaw regarding the cancellation, suspension, or expiry of a Development permit, in order for a development permit for multiple potential uses to be considered completed, at least one of the contemplated uses must be occurring.
- 9.30.5 For the purposes of Section 5.10.1.d. of this bylaw regarding the expiry of a development permit, the development would be considered abandoned if none of the approved uses are being carried out for a period of eighteen months.
- 9.30.6 Where there is an approved *Multiple Potential Use Development Permit* that is in compliance; an application may be considered for a *Change in Use or Intensity Permit* for a use identified in the existing development permit rather than making an application for a new development permit only where:
- a. All conditions of the existing development permit have been met.
  - b. The proposed use is listed as a potential use under the existing development permit.
  - c. No variances to the existing development permit or the Land Use Bylaw would be required.
  - d. All applicable building and safety codes permits have been closed.
- 9.30.7 An application for a Change in Use or Intensity Permit shall be accompanied by the following:
- a. A completed Change in Use or Intensity Permit application form.
  - b. The requisite Change in Use or Intensity Permit application fee and Safety Codes inspection fee as outlined in the Fee Bylaw as may be amended from time to time.

- c. A declaration that the proposed use complies with all conditions of the existing development permit.
  - d. A description of the proposed use, with sufficient detail that a development officer can verify that the use is in compliance with the existing Multiple Potential Use Development Permit; and
  - e. An application for a Foothills County business license.
- 9.30.8 A Change in Use or Intensity Permit shall not be issued until the property, the building or portion of the property or building that will house the proposed use has:
- a. Passed a Safety Codes Inspection to the satisfaction of the Safety Codes Officer; and
  - b. Passed a Fire Inspection to the satisfaction of Foothills Fire Department.
- 9.30.9 If alterations to the building are contemplated to accommodate a new use or intensity of use or are changes are required as a result of the Safety Codes Inspection or Fire Inspection, appropriate permits (building, gas, plumbing, electrical) shall be obtained. A *Change in Use or Intensity Permit* shall not be issued until construction is complete and all permits are closed.

### **9.31 DEVELOPMENT NEAR THE FOOTHILLS REGIONAL AIRPORT**

- 9.31.1 The Airport Protection Overlay area is defined in Section 2.5 as those lands within 4000 metres from the designated aerodrome reference point(s) of the Foothills Regional Airport, excluding those lands located outside of the jurisdiction of Foothills County.
- 9.31.2 Provisions for land subject to the Airport Protection Overlay are provided for in Section 11.2.
- 9.31.3 It is the landowner's responsibility to determine if their lands are located within the Airport Protection Overlay and comply with all provisions thereof.

## **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 Notwithstanding subsection 10.1.1, backyard hens shall be permitted on parcels less than three (3) acres in size, outside of Hamlet boundaries, in accordance with Section 10.27 Backyard Hens.
- 10.1.3 Section 4.2.1 of this bylaw outlines all provisions where no Development Permit is required. All other instances are considered requiring a Development Permit. It is the landowner’s responsibility to ensure that they have obtained all necessary permits.
- 10.1.4 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.
- 10.1.5 Table 10.1 A outlines the number of animals equivalent to one animal unit for the purposes of this Bylaw. Backyard hens are not included within this table and are dealt with under the provisions in Section 10.27

**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>	

- 10.1.6 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.
- 10.1.7 The following applies to all parcels of land on which livestock are kept:
  - a. Pasture management shall be maintained to ensure that there is no overgrazing.
  - b. Manure management shall occur to ensure no contamination of runoff onto adjacent lands, riparian areas, or to a watercourse; and
  - c. 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:**

- 10.1.8 A Development Permit is required for all agricultural, intensive uses whether such uses involve a new facility or expansion of an existing facility.
- 10.1.9 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.
- 10.1.10 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.
- 10.1.11 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 County.
- 10.1.12 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.
- 10.1.13 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.
- 10.1.14 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.
- 10.1.15 All agricultural, intensive use applications must comply with all applicable provisions of the Agricultural Operation Practices Act, Code of Practice.

- 10.1.16 Seasonal feeding or wintering livestock between November 1 and May 31 are to be considered under the applicable agricultural, intensive use requirements.
- 10.1.17 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 4.2.1 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.
- 10.2.3 A Development Permit is required for all Amateur Radio Antennas within the *Airport Protection Overlay*, unless otherwise waived as per Section 11.2.4.7.

## 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 to Direct Control #29 District 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 redesignation. 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 the redesignation approval 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 the redesignation and Development Approval.
- 10.3.9 The Approving Authority may impose limits and restrictions on the development which may include, but are not limited to:
  - a. The maximum number of livestock 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. Number of events or contests permitted annually.
  - e. Maximum number of overnight camping units allowed per event and number of events where camping shall be permitted.
  - f. A manure management plan; and
  - g. 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 or redesignation to Direct Control #29 District 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:**

<b>Limited Public Use Arena</b>	
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
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;
Overnight camping	As determined by Council;
Engineering Requirements	Professionally Engineered stamped plans (structural, mechanical, and fire) Must meet applicable Building Code and Fire Code provisions for public buildings. Other requirements as deemed necessary by Council
Other Requirements	Manure Management Plan to the satisfaction of the Approving Authority any others as determined by the County

**Table 10.3 C Criteria for Commercial Arenas:**

<b>Commercial Arena</b>	
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
Non-resident vehicle trips per day	As determined by the Council;
Arena structure size	As determined by the Council;
Overnight camping	As determined by Council;
Engineering Requirements	Professionally Engineered stamped plans (structural, mechanical, and fire). Must meet applicable 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 County
Other Requirements	Manure management plan to the satisfaction of the Approving Authority Any other requirements as determined by the County

## 10.4 **BED AND BREAKFASTS**

- 10.4.1 Bed and breakfast homes shall comply with the following:
- a. A bed and 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 applicable Building Code.

## 10.5 **ANIMAL BOARDING SERVICES**

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

- 10.5.1 An approval is required for animal 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 three 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 odor; 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 County.
- 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. Camping sites and/or structures shall be setback a minimum of 15m (49.21 ft.) to the property line OR as determined by the Approving Authority based on location, parcel size, proximity to adjacent development, and buffering and landscaping.

**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 Camping sites and/or structures shall be setback a minimum of 15m (49.21 ft.) to the property line OR as determined by the Approving Authority based on location, parcel size, proximity to adjacent development, and buffering and landscaping.

## 10.7 **CHILD CARE FACILITIES / FAMILY DAY HOMES**

- 10.7.1 Child care establishments include the following categories:
- a. **CHILD CARE FACILITY** means a child care program offered or provided for under a facility-based license, to provide child care to more than 6 children, not including the person's own children, in accordance with the Early Learning and Child Care Act and Regulation. (For example, day care, preschool care, out of school care)
  - b. **FAMILY DAY HOME** means a child care service providing child care to no more than 6 children, not including the person's own children, that is offered or provided by an individual in the individual's private residence.
- 10.7.2 Child Care Facilities and Family Day Homes shall be operated in accordance with the Provincial regulations and Early Learning and child Care Act and Regulation.
- 10.7.3 When considering an application for the development of a Child Care Facility and Family Day Home, the Development Authority may take into account the size of operation, potential traffic generation, available parking, adjacent land uses, and potential impacts on other development in the surrounding area.
- 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 and/or a Family Day Home.
- 10.7.5 Staff member to child ratio for the appropriate type of Child Care Facility/Family Day Home establishment shall be in accordance with the Early Learning and Child Care Regulation where applicable.
- 10.7.6 Parking facilities for approved Child Care Facilities and Family Day Homes 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 4.2.1 of this bylaw outlines all provisions where no Development Permit is required with respect to composing 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**

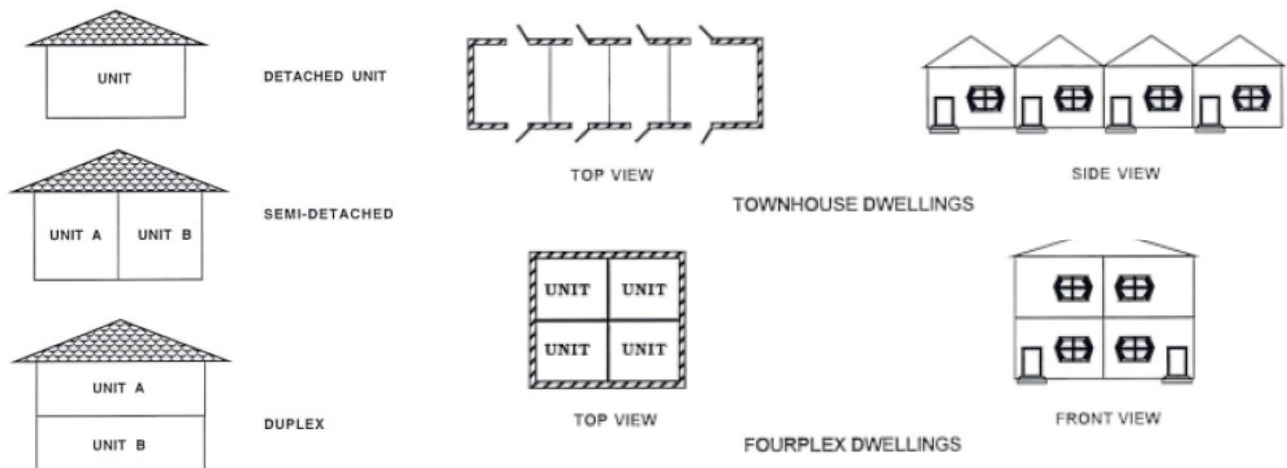
- 10.9.1 Applicants/landowners are responsible for obtaining the necessary licences, permits, and approvals required by the NRCB under the Agricultural Operation Practices Act.
- 10.9.2 Any confined Feeding Operation (CFO) proposed within the County will be required to comply with all aspects of the 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 4.2.1 of this bylaw. Please refer to Section 4.2.1 for provisions where no Development Permit is required.
- 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 Direct Control District, on lands zoned Sub-district "A" under ALL land use zonings, and within lands under the Flood Hazard protection Overlay and/or within lands defined under policy 11.2.4.2 within the Airport 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 Protection Overlays.*
- 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 Density

- 10.10.5 In all districts, where the maximum dwelling density is not identified and the dwelling type is listed as a permitted or discretionary use in the applicable land use district, the following maximum number of dwelling units (dwelling density per parcel) shall apply:
- a. for a parcel under 80 acres in size you are permitted no more than:
    - i. one Dwelling, Single Family; and
    - ii. either one Dwelling, Secondary Suite in accordance with Section 10.26, or one Dwelling, Temporary in accordance with Section 10.10.
    - iii. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

- b. for a parcel 80 acres or larger in size, you are permitted no more than:
  - i. two Dwellings, Single Family; and
  - ii. either one Dwelling, Secondary Suite in accordance with Section 10.26, or one Dwelling, Temporary in accordance with Section 10.10.
  - iii. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.
- 10.10.6 The number of dwelling units on a parcel shall remain within the maximum dwelling density for the appropriate land use district upon which they are located.
- 10.10.7 Dwelling units in excess of the maximum dwelling density may be allowed by approval of Council through a land use bylaw amendment or site-specific amendment for a specific parcel.
- 10.10.8 Dwelling units in excess of the maximum dwelling density may be allowed by approval of the Development Authority only where variance powers are granted to do so under Section 5.6.
- 10.10.9 Where the lands are under a condominium title, the maximum dwelling density can be exceeded in accordance with the necessary land use approval and provision of appropriate utilities.
- 10.10.10 Where more than three dwelling units per parcel are approved by the County, a licensed water source or waiver from Alberta Environment may be required in accordance with the Water Act.

**Dwelling, Manufactured Home and Dwelling, Mobile Home**

- 10.10.11 A Dwelling, Mobile Home may be permitted as a permanent Dwelling, Single Family on parcels 80 acres in size or larger if:
  - a. It is placed upon a permanent foundation pursuant to the provisions of the applicable Building Code.
  - b. It meets the minimum habitable area per dwelling requirement, height restrictions, and other applicable Development Requirements in accordance with the land use district in which it is located.
  - c. was prefabricated, built or factory-constructed later than September 2, 2007.
  - d. a building permit and safety codes permit (plumbing, gas, and electrical) are obtained; and
  - e. it does not exceed the maximum dwelling density and maximum height requirements and meets minimum habitable area per dwelling and other requirements as per the applicable land use district.
- 10.10.12 A Dwelling, Mobile Home may only be permitted on parcels under 80 acres in size if:
  - a. approved by Development Permit for temporary purposes as a Dwelling, Temporary in accordance with Section 10.10, **OR**
  - b. approved by Development Permit as a Secondary Suite, Detached in accordance with Section 10.26; **AND**
  - c. all applicable building and safety codes requirements are met; and
  - d. it does not exceed the maximum dwelling density and maximum height requirements and meets minimum habitable area per dwelling and other requirements as per the applicable land use district.

10.10.12.1 A Dwelling, Manufactured Home may be permitted as a permanent Dwelling, Single Family if:

- a. it is placed upon a permanent foundation pursuant to the provisions of the applicable Building Code.
- b. It does not exceed the maximum dwelling density, meets the minimum habitable area per dwelling requirement, maximum height requirements, and other applicable requirements in accordance with the land use district in which it is located.
- c. was prefabricated, built or factory-constructed later than September 2, 2007.
- d. a building permit and safety codes permit (plumbing, gas, and electrical) are obtained.

10.10.12.2 A Dwelling, Manufactured Home or Dwelling, Mobile Home may be permitted as a Secondary Suite, Detached where approved by Development Permit in accordance with Section 10.26

10.10.13 Installation of a Dwelling, Manufactured Home or Dwelling, Mobile Home will require a building permit prior to moving the structure onto the parcel where it is to be installed in accordance with the following:

- a. The parcel shall be sized appropriately in accordance with the provisions of this bylaw;
- b. The structure shall be prefabricated, built, or factory constructed later than September 2, 2007,
- c. The structure 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 building permit application.
  - i. Applications for Dwelling, Manufactured Homes and Dwelling, Mobile Homes that do not have CSA approval, regardless of age, shall be accompanied by a current, up to date engineer's report.

10.10.14 A Dwelling, Manufactured Home or Dwelling, Mobile Home being used as a permanent Dwelling Unit shall be placed on a proper foundation in accordance with the applicable Building Code regulations.

10.10.15 Where a Dwelling, Manufactured Home or Dwelling, Mobile Home is limited to a temporary approval as a Dwelling, Temporary under the provisions of Section 10.10, the foundation shall be temporary.

10.10.16 The undercarriage of a Dwelling, Manufactured Home or Dwelling, Mobile 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:**

10.10.17 No person shall erect a Dwelling, Single Family, Dwelling, Mobile Home, or Dwelling, Manufactured Home on a lot less than 32.4 ha. (80 acres) (Gross Lot Area) on which another Dwelling, Single Family, or Dwelling, Manufactured Home is already located unless:

- a. the dwelling has been approved by a Development Permit as a Dwelling, Temporary, in accordance with Section 10.10, **OR**
- b. the dwelling has been approved by a Development Permit as a Secondary Suite, Detached in accordance with Section 10.26; **AND**

- c. is in conformance with the maximum dwelling density requirement under the applicable land use district.
- 10.10.18 Notwithstanding subsection 10.10.17 a lot that is within 0.40 ha (1 ac) less than 32.4 ha (80 ac) due to the provision of land for road widening, a 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**

- 10.10.19 A Development Permit is required for a Dwelling, Moved On in all cases where the dwelling is relocated from a separately titled parcel.
- 10.10.20 A Dwelling, Moved On shall meet the following criteria:
- a. must have an approved building permit and necessary Safety Codes Permits (Plumbing, Gas, Septic and Electrical) prior to moving the dwelling onto the lands or constructing the foundation.
  - b. the dwelling must be moved on to an approved foundation within 60 days of arrival onto the lot.
  - c. the Development Permit application must be accompanied by a current up to date APEGGA certified Professional Engineer's report stating that the dwelling meets the requirements of the applicable Building Code, that it is structurally capable of being moved, and is of the minimum square footage required under the applicable land use district, provided to the County prior to the dwelling being placed on the foundation.
  - d. the Dwelling Unit shall conform to the Development Requirements for the applicable land use district for the lot, including but not limited to maximum dwelling density, habitable area per dwelling, minimum setback requirements, and maximum height requirements.
  - e. The dwelling shall have a high standard of exterior finish and be compatible with the adjacent development.
  - f. The applicant shall include photos of the dwelling to be moved, showing the exterior appearance with the Development Permit application.
  - g. The applicant shall include a copy of work required to complete the dwelling including the exterior finish, renderings, or artistic drawings of how the dwelling is to look when completed and detailed cost estimates for the work to be completed with the Development Permit application.
  - h. The applicant shall submit a security or deposit in an amount equal to the value of work required to complete the exterior of the dwelling to a high standard of appearance, which may include a portion of the exterior of the foundation that is above grade. The amount will be confirmed by the Approving Authority based on cost estimates submitted with the application. Notwithstanding these estimated costs, the deposit shall be no less than the minimum set out in the Fee Schedule, as approved by Council. The security or deposit may be released upon inspection of the structure confirming that the exterior of the dwelling is complete as per the conditions of Development Permit.
  - i. the applicant is responsible to ensure that all road bans issued for municipal road surfaces, pertaining to the relocation of the dwelling, are adhered to.
  - j. the applicant may be required to enter into a development agreement or road use agreement to reimburse the County for costs incurred with respect to any damage or repair required to the municipal road as a result of the relocation of the dwelling.

- 10.10.21 All required structural and exterior renovations to a Dwelling, Moved On are to be completed within one year of the issuance of the Development Permit.
- 10.10.22 Should the dwelling not be completed in accordance with the terms of the Development Permit within the required timeline, the County may use the security funds to complete the building in accordance with the conditions of the Development Permit. Any surplus funds left over upon completion, will be returned.

**Dwelling, Temporary**

- 10.10.23 A Development Permit shall be obtained for all Dwelling, Temporary in the County.
- 10.10.24 A Development Permit may only be issued for a Dwelling, Temporary where it is listed as a permitted or discretionary use in the applicable land use district.
- 10.10.25 Where a Dwelling, Temporary is a permitted use under the applicable land use district but does not meet all other provision under this bylaw, it shall be considered a discretionary use.
- 10.10.26 A Dwelling, Temporary shall meet all applicable Building and Safety Code requirements and be in accordance with all provisions under Section 10.10.
- 10.10.27 A Development Permit for a Dwelling, Temporary, not placed on a permanent foundation may be approved in accordance with Section 10.10 for a temporary period not exceeding:
  - a. 36 months where it is to be used for farm help purposes whereby the temporary dwelling, is to be occupied by a person who is engaged on a full time basis for at least six months each year in an agricultural pursuit that include the parcel that is subject of the application.
  - b. 36 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, to ensure the removal of the Dwelling, Temporary.
  - c. 36 months when it is used for the housing of a housekeeper/nanny, parents or children, aunts, uncles, siblings, and grandparents of the landowners.
- 10.10.28 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”.
- 10.10.29 Maximum term for renewals on Development Permits for Dwelling, Temporary shall not exceed six (6) years. Applications for Dwelling, Temporary exceeding this time shall be considered as a new application.
- 10.10.30 In considering a Development Permit application for any Dwelling Unit requiring a Development Permit, the Development Authority may consider factors such as:
  - a. Any significant adverse impacts on the adjacent properties (for example: drainage, fire protection, access, etc.).
  - b. Adequate water and wastewater services for the additional use on the site.
    - i. Where the permit constitutes more than 3 Dwelling Units per parcel, this may include confirmation of a licensed water source or a letter from Alberta Environment waiving such requirement.

- c. site design features, including:
  - i. lot drainage.
  - ii. the need for landscaping or screening to provide privacy to adjacent properties and dwellings.
  - iii. the need for adequate space to accommodate parking for use by residents of the dwelling.
- d. the use of water conservation measures such as low-flow toilets, shower heads and other water conserving devices.
- e. such other considerations as the Development Authority may deem to be relevant.

**Dwelling, Secondary Suite**

10.10.31 A Development Permit shall be obtained for all Dwelling, Secondary Suites.

10.10.32 A Dwelling, Manufactured Home, or Dwelling Mobile Home, may be approved for use as Secondary Suite, Detached if approved by Development Permit, in accordance with Section 10.26.

**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

*The purpose of a home based business is to accommodate small, non-intrusive, low risk, low intensity developments to support business activities that can be integrated into, and are compatible with, adjacent non-commercial or non-industrial properties. Uses that exceed the business standards of a home based business should be located within an alternative and compatible land use district.*

### Home Office:

- 10.12.1 No Development Permit is required for a *Home Office* where it is listed as a permitted use under the applicable land use district in accordance with Section 4.2.1 of this bylaw.
- 10.12.2 Notwithstanding Section 10.12.1, an annual Foothills County business license shall be obtained for any *Home Office* operating in the County.
- 10.12.3 There is no limit to the number of employees for a *Home Office* where a portion of the dwelling and/or accessory building is the office for a business that operates off site (construction, landscaping, etc.), provided all interaction with the employees is off the property and employee vehicles are not on the premises and all other provisions of the *Home Office* are met.
- 10.12.4 When a Home office is situated on a property in support of another business use approved for the site (for example uses such as event venue or dog kennel), the home office should be incorporated as part of the Development Permit approval and appropriate provisions included under the Development Permit for office in conjunction with the approved business use.

### Home Based Businesses:

- 10.12.5 A Development Permit is required for all Home Based Businesses that are not exempt from obtaining a Development Permit under Section 4.2.1 of this Bylaw.
- 10.12.6 Upon issuance of a Development Permit for any home based business, the applicant shall obtain a Foothills County Business Licence from the County. 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 reinstated.
- 10.12.7 All *Home Based Business* shall provide parking in accordance with Section 9.19 of this bylaw.
- 10.12.8 Large commercial vehicles to be used in conjunction with a Type II and Type III Home Based Business, may be permitted at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, site screening, etc.
- 10.12.9 Home Based Businesses must comply with the criteria in the corresponding Home Based Business Tables as follows:
  - a. Home Based Business Type I - Table 10.12A.
  - b. Home Based Business Type II – Table 10.12B
  - c. Home Based Business Type III – Table 10.12CIf more than one Home Based Business is operating on a parcel, the cumulative numbers of employees, business visits and vehicles stored on site shall be utilized to determine the level of Home-Based Business that is applicable.
- 10.12.10 A Home Based Business Type I, II, or III shall not be operated from a *Dwelling temporary* on a parcel.

- 10.12.11 A Home Based Business Type I, II, or III, listed as a permitted use in a land use district shall be considered a Discretionary Use, and require a Development Permit where situated in a Secondary Suite on a parcel.
- 10.12.12 Home based businesses do not include Cannabis Production or Cannabis Sales.
- 10.12.13 The cumulative impact of things such as business visits to the site, number of employees, vehicles or equipment stored on site, for all businesses or uses outside of the principal use on the site (for example Kennels, Event venue) shall be taken into consideration when Development Permits are being considered.

**Table 10.12 A Home Based Business Type I**

<b>Home Based Business – Type I</b>	
Development Permit	No Development Permit required where listed as a permitted use. Where listed as a discretionary use, a Development Permit is required.
Employees	Maximum one (1) non-resident employee working on the site.
Business visits	Maximum three (3) business visits on site per day.
Business Vehicles on Site	Maximum one (1) business vehicle per day. Large Commercial vehicles, used in conjunction with the business are <u>NOT</u> permitted on the parcel as part of a Home Based Business Type I.
Storage of Business Material	No outside storage of business-related material or goods. All storage within the principal dwelling or accessory building.
Nuisances	The business shall not create any impacts outside the dwelling or its accessory building.
Privacy	At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties.
Parking	Minimum 1 parking stall per non-resident employee on the property, plus a minimum of 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking or as determined by the Development Authority as a condition of Development Permit.
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.
Business license	Yes, annual Foothills County Business license required.

**Table 10.12 B: Home Based Business Type II**

<b>Home Based Business – Type II</b>	
Development Permit	Yes, Development Permit is required.
Employees	Maximum three (3) non-resident employees working on the site.
Business visits	Maximum six (6) business visits to the site per day.
Business Vehicles on Site	<p>Maximum three (3) business vehicles or related equipment stored outdoors on site per day on parcels under 10 acres.</p> <p>Maximum six (6) business vehicles or related equipment stored outdoors on site per day on parcels 10 acres in size and larger.</p> <p>Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening;</p>
Storage of Business Material	<p>No outside storage of business-related material or goods.</p> <p>All storage within the principal dwelling or accessory building.</p>
Nuisances	Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority.
Privacy	At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with livability or enjoyment of the neighboring properties.
Parking	Minimum 1 parking stall per non-resident employee on the property, plus a minimum of 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking or as determined by the Development Authority as a condition of Development Permit.
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;
Business license	Yes, annual Foothills County Business license required.

**Table 10.12 C: Home Based Business Type III**

<b>Home Based Business – Type III</b>	
Development Permit required	Yes, Development Permit is required
Employees	Maximum six (6) non-resident employees working on the site; <u>OR</u> as determined by the Approving Authority in Direct Control Districts.
Business visits	Maximum twelve (12) business visits to the site per day; <u>OR</u> as determined by the Approving Authority in Direct Control Districts.
Business Vehicles on Site	Maximum twelve (12) business vehicles on the site per day; <u>OR</u> as determined by the Approving Authority in Direct Control Districts.
Storage of Business Material	<p>Outdoor storage of business related goods and materials, large commercial vehicles, trailers, and equipment may be allowed if, in the opinion of the Approving Authority, the outdoor storage is adequately screened from adjacent lands.</p> <p>Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening;</p>
Nuisances	Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority.
Privacy	At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Approving Authority, unduly offend or otherwise interfere with livability or enjoyment of the neighboring properties.
Parking	Minimum 1 parking stall per non-resident employee on the property, plus a minimum of 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking or as determined by the Development Authority as a condition of Development Permit.
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.
Business license	Yes, annual Foothills County Business license required.

## 10.13 **KENNELS**

*Provisions pertaining to the boarding of other domestic animals, including cats and horses, are outlined in Section 10.5 Animal 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 All dogs, including puppies, shall be kept indoors between the hours of 9:00 PM to 7:00 AM daily.
- 10.13.6 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.
- 10.13.7 All dog facilities shall be visually screened from the existing dwellings on adjoining lots in accordance with the County's Screening Standards.

### **Private Kennel:**

- 10.13.8 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.
- 10.13.9 A Development Permit is required for a Private Kennel.
- 10.13.10 Care should be given to situate buildings or exterior exercise areas, used to accommodate dogs as part of a private kennel on the property as to not unduly interfere with the use and enjoyment of adjacent parcels.

### **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 is a Discretionary Use under General Industry District and Direct Control District #26. A redesignation to Direct Control District #26 is required for all Commercial Kennels in the County outside of these land use districts in advance of a Development Permit Application. A Development Permit approval is required for all Kennels. *More information on the keeping of dogs can be found in Section 9.12.*
- 10.13.13 Any building or exterior exercise area(s), to be used to accommodate the dogs as part of a Commercial Kennel shall be located:
  - a. A minimum of 300m to any dwelling located on adjacent parcels; or
  - b. As determined by Council.

## 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 or mobile 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 County, specifying the required standards and respective obligations to be assumed by the applicant and the County 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 site should be provided for seasonal recreational equipment and other equipment not suitable for storage on individual 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 CANNABIS

### Cannabis Production

- 10.15.1 Cannabis Production Nursery, Cannabis Production, Micro, and Cannabis Production, Standard are defined in Section 2.5 of this bylaw.
- 10.15.2 This use is specifically defined and is a discretionary use under the General Industry 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 General Industry District.
- 10.15.4 A Cannabis Production shall occur only under applicable federal licensing. Proof of valid Federal licensing and the activities as approved thereunder shall be provided to the County.
- 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 Cannabis production.
- 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 Cannabis production operations 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 applicable 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 Cannabis production, the applicant shall obtain a Business License from the County. 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 Cannabis Production:
- 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.

*Approvals for a Cannabis Retail Store for the retail sales of Cannabis are only contemplated under the Direct Control District #11 (DC11). All Cannabis Retail Stores must adhere to all applicable requirements of the Alberta Gaming, Liquor and Cannabis (AGLC) and other applicable federal and provincial legislation and regulations. This use is not contemplated elsewhere in the County.*

#### **Cannabis Retail**

- 10.15.17 Cannabis, Cannabis Sales, Cannabis Retail Store, and Cannabis Accessory are defined in Section 2.5 of this bylaw.
- 10.15.18 All Cannabis Sales and Cannabis Retail Stores require an approved Development Permit prior to operation.
- 10.15.19 The landowner is responsible to ensure any required safety code permits are obtained from the County and to ensure compliance with all Provincial or Federal regulatory bodies having jurisdiction with respect to such facilities.
- 10.15.20 Where Cannabis Retail Store is not listed as a use under the current land use district, a bylaw must be enacted to redesignate the lands to the appropriate land use district or amendment of the existing district to allow for the use, prior to the development authority considering the development permit application complete.
- 10.15.21 All Cannabis Retail Stores shall adhere to the requirements as identified within the AGLC's Retail Cannabis Store Handbook, including but not limited to:
- a. A retail cannabis license will not be issued if the premises is located within 100 metres of:
    - i. a provincial health care facility, or boundary of the parcel of land on which the facility is located, or
    - ii. a building containing a school or a boundary of the parcel of land which the facility is located, or
    - iii. a boundary of a parcel of land that is designated as a school reserve or municipal and school reserve in the Municipal Government Act.
  - b. The retail cannabis store may set its hours of operation between the maximum allowable hours of 10:00am and 2:00am, Monday through Sunday, unless otherwise set by the Development Authority.

10.15.22 Development permit applications for Cannabis Retail Stores shall be accompanied by the following information:

- a. Written proof of submission to the AGLC for the Retail Cannabis Store (providing proof of approved AGLC License will be a condition of the Development Permit approval).
- b. A detailed 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 the proposed development.
  - ii. The legal land description.
  - iii. Dimensions of the parcel and building(s).
  - iv. Locations of all existing and proposed buildings and distances from all property lines.
  - v. Distances from any neighbouring Healthcare Facilities, Schools, and/or school reserve/municipal and school reserve properties.
  - vi. All roads and routes used for any construction, and access/egress of the subject property.
- c. Statements to fully describe the proposed development, including but not limited to:
  - i. Full description of proposed business, including how it operates, and the number of individuals to be employed.
  - ii. Products and services proposed.
  - iii. Types and frequency of deliveries to and from the site.
  - iv. Proposed days and hours of operation (noting maximum allowable hours of 10am to 2am, as per the Alberta Gaming, Liquor and Cannabis Regulation 121).
  - v. Proposed maximum number of occupants of any building involved in the development at any given time.
  - vi. Description of provisions for construction/renovations/alterations to any proposed and/or existing building(s) in support of the proposed operation, and in alignment with the Gaming, Liquor and Cannabis Act (GLCA) and Gaming, Liquor and Cannabis Regulation (GLCR).
  - vii. Provisions for parking and loading.
  - viii. Methods of controlling noise, dust, odors, or drainage from the lot, both during construction and regular operations of the business.
  - ix. Description of any proposed signage and/or business identification including illustrations/renderings and dimensions.
- d. Any additional or supplementary details deemed appropriate or necessary by the development authority and/or applicant in order to thoroughly consider the application.
- e. A Fire Safety Plan submitted with the application for review and approval by the Safety Codes Officer prior to project commencement.

- f. An Emergency Response Plan prepared by a qualified professional and approved by the County's Emergency Management Department prior to the submission of the development permit.
- 10.15.23 The Approving Authority may impose as a condition, any reasonable measure to ensure suitability, compatibility and to mitigate potential impacts, consistent with and giving consideration to the terms and conditions of the AGLC approval.
- 10.15.24 In evaluating the appropriateness of a development permit application for Cannabis Retail Sales, the Approving Authority shall consider:
- a. compatibility with adjacent and neighboring land uses.
  - b. impact on existing traffic volumes and patterns of flow.
  - c. appropriate vehicle parking and site access/egress requirements.
  - d. lighting and signage.
  - e. appropriate site security/fencing requirements; and
  - f. any other matters considered appropriate by the development authority.

## 10.16 COMMERCIAL STORAGE FACILITIES

- 10.16.1 A Development Permit is required for all commercial storage facilities in the County.
- 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 temporary storage of unoccupied recreation vehicles not exempted under Section 4.2.1 “No Development Permit Required” of this bylaw.
- 10.18.2 A Development Permit for temporary storage of unoccupied recreation vehicles may be considered for the following where listed as a Discretionary Use:
  - a. Storage of between 6 and 10 unoccupied recreation vehicles on Agricultural District, Agricultural Business District.
  - b. Storage of up to 2 (two) unoccupied recreation vehicles on Country Residential District (within a Hamlet boundary), and Cluster Residential District, Country Estate District, and Residential Community District parcels.
  - 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 unoccupied recreational vehicles is not listed as a permitted or discretionary use in the applicable land use district, an amendment to the land use district or site-specific amendment is required to allow for temporary storage of unoccupied 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 unoccupied 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 4.2.1.33 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 County. 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 SYSTEMS**

### Solar Power Systems, Private

- 10.22.1 Section 4.2.1.18 of this bylaw outlines where no Development Permit is required for the construction of Solar Power Systems, Private on lands in the County. All other instances 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 Systems, Private requiring a permit are 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 County and to ensure compliance with any Provincial or Federal regulatory body having jurisdiction with respect to such installations.
- 10.22.4 A Development Permit is required for all Solar Power Systems, Private within the *Airport Protection Overlay*, unless otherwise waived as per Section 11.2.4.7.

### Solar Power Systems, Commercial

- 10.22.5 All Solar power systems, commercial require a Development Permit approval.
- 10.22.6 Where Solar Power Systems, Commercial is not listed as a use under the current land use district, a bylaw must be enacted to redesignate the lands to the appropriate land use district prior to the development authority considering the development permit complete.
- 10.22.7 The following are required by the Developer for public consultation:
  - a. The Developer shall conduct public consultation within 60 days prior to submitting a Development Permit Application to the satisfaction of the Development Officer, for all solar power systems capable of producing power of 10MW and less, which are exempt from filing any application with AUC or that require only the filing of an AUC checklist application, in accordance with the following:
    - i. Notification of the meeting is sent to occupants and landowners within a 1-mile radius of the project boundary as well as those landowners who are situated along the proposed construction haul route, a minimum 21 days prior.

- ii. The County is notified 21 days prior to the meeting.
      - iii. An in-depth summary is provided to the Development Officer, that includes but is not limited to a list of occupants, residents, landowners, and interested parties that were notified, an outline of the impacts and benefits relayed by interested parties, and how the proponent intends on addressing the matters, and
      - iv. The meeting summary shall be included in the development permit application.
    - b. For applications for Solar Power systems that require full AUC application approval, the Developer shall provide a summary of the *Participant Involvement Program* completed as part of the AUC licensing process, including a list of the occupants, residents, landowners, and interested parties that were notified and/or consulted with, consultation timelines and methods, specifics of concerns noted, steps taken to try to resolve the concerns, and whether the concerns were resolved.
- 10.22.8 Development permit applications for Solar Power Systems, Commercial shall be accompanied by the following information:
- a. The full written approval by the Alberta Utilities Commission for the Solar Power System, Commercial.
  - b. A detailed site plan including:
    - i. the entire parcel with north at the top of the page.
    - ii. all roads used for construction, access and egress, and reclamation of the site.
    - iii. all existing structures (inclusive of temporary structures and structures without foundations).
    - iv. any proposed buildings and the proposed array(s).
    - v. all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and
  - c. Detailed information showing any proposed temporary storage and/or laydown yard locations on the property during the construction phase(s).
  - d. Detailed information about the system type, number of structures, height of structures, and the energy process, storage (grid tied or battery storage), and rated output.
  - e. Descriptions, drawings, with dimensions, showing the footings system, the mounting system, racking and/or tethering that is to occur, the type and size of solar panels, the minimum clearance of solar collectors from grade within the proposed installation.
  - f. A site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a developed or undeveloped road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Municipal Development Plan, Area Structure Plan, and the Land Use Bylaw.

- g. A copy of the public consultation completed, or participant involvement program submitted as part of the application to AUC and/or a copy of the public information that includes but is not limited to, an outline of the impacts and benefits relayed by attendees, and how the proponent intends on addressing the matters.
- h. Detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- i. Identification of any sensitive, environmental, or topographical features which may be present on the parcel.
- j. A post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14)).
- k. A cost estimate prepared by a qualified professional that details the costs of decommissioning the full installation and reclamation of the entire subject lands. This cost estimate must be submitted to the satisfaction of the Municipality and may be subject to third party review completed by a qualified professional, at the cost of the applicant.
- l. A vegetation, weed and pest management plan that addresses how invasive plant, weeds, and pest such as Richardson Ground Squirrel, will be controlled during the construction period and the projected lifespan of the development, to be submitted for review and approval by the Foothills Agricultural Fieldman.
- m. A soils erosion, topsoil, and soil stockpile management plan to address:
  - i. Any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
  - ii. The details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction including maintenance and/or recovery of soil structure and nutrient values of the site.
  - iii. Surface drainage and erosion control, which must also adequately address and account for impacts associated with the impervious nature of the collectors.
- n. A landscaping and screening plan showing how the installation will be visually screened from neighboring parcels and adjacent roadways is to be submitted to the satisfaction of the County and in accordance with any screening standards or guidelines applicable on the subject lands. This plan will include sufficient construction details, plant lists and minimum sizes, and cost estimates.
- o. An Environmental Impact Assessment report (Phase I Environmental Site Assessment) or Environmental Evaluation Report prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation to the satisfaction of the County.
- p. A Fire Safety Plan submitted with the application for review and approval by the Safety Codes Officer prior to project commencement.

- q. A Fire Mitigation Strategy submitted for review and approval by the Foothills Fire Department. Any changes to the fire mitigation plan, the solar installation layout, spacing between solar collectors, the screening plan or any other aspect of the project as requested by the Foothills Fire Department must be undertaken and resubmitted to the satisfaction of the Foothills Fire Department prior to the submission of the development permit for consideration.
  - r. An Emergency Response Plan prepared by a qualified professional and approved by the County's Emergency Management Department prior to the submission of the development permit.
  - s. A Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and emergency response plans for the benefit of landowners and businesses within the vicinity of the solar installation is to be submitted to the satisfaction of the County's Director of Emergency Management prior to the submission of the development permit for consideration.
- 10.22.9 The Approving Authority may impose as a condition, any reasonable measure to ensure suitability, compatibility and to mitigate potential impacts, consistent with and giving consideration to the terms and conditions of the AUC approval.
- 10.22.10 The Approving Authority may, upon review and acceptance of all the approvals, plans, studies, and cost estimates required to be submitted as part of the application, impose any or all of the following as pre-release conditions or conditions of a development permit:
- a. A Municipal Development Agreement shall be executed for the following:
    - i. for interior and/or exterior road construction, or upgrades contemplated or necessary to support the development of the site. Engineered drawings, cost estimates, letters of credit and necessary insurance will be required to be submitted.
    - ii. for the purposes of requiring the developer to undertake the actions as noted in the approved Screening Plan, including letters of credit to be held by the County to ensure proper construction, maintenance, and plant material replacement as necessary.
    - iii. for the purposes of requiring the developer to undertake the actions as noted in the approved Soil Management and Erosion Control Plan and the approved Vegetation, Weed and Pest Management Plan are met. A letter of credit, subject to approved cost estimates as deemed appropriate by the County, will be required to be submitted to the County to ensure compliance with these plans. Portions of the security may be released upon satisfactory completion of all actions and recommendations as noted in these plans, to the satisfaction of the County.
    - iv. for the purposes of requiring the developer to undertake the actions as noted in the approved Decommissioning and Reclamation Plan. This agreement may require the submission of an irrevocable letter of credit, surety bond, or cash deposit to ensure the decommissioning and reclamation of the site.
  - b. Copies of executed Crossing Agreements for all collector lines that are proposed within the Municipal rights of way.
  - c. A stormwater management plan, (including grading and drainage) for the entire site, completed and stamped by an appropriate professional to the satisfaction of the County's Public Works Department.

- d. A Municipal Road Use Agreement is to be executed for the duration of construction of solar power systems, commercial to the satisfaction of the County's Public Works department.
- e. The operator and/or landowner shall be responsible for preventing soil loss, erosion, and deterioration from taking place in accordance with the approved Soil and Erosion Management Plan.
- f. The operator and/or landowner shall be responsible for controlling invasive plant threats and weeds in accordance with the vegetation, weed and pest management plan approved by the Foothills County Agricultural fieldman.
- g. All recommendations and actions noted in the approved Fire Safety Plan, Fire Mitigation Plans, Emergency Response Plans and Neighbour Response Plans will be required to be undertaken to the satisfaction of the County.

10.22.11 If the solar power system is out of service or not producing energy for a period of six months, the operator shall provide evidence to the Development Authority, with respect to the reason for the solar system being out of service or non-operational and provide a detailed plan for bringing the solar system back into service if the intention is to continue operation. If within six months of non-operation, the operator has not provided the Development Authority with a clear intent and timeline to bring the solar power system back on line, the Development Authority shall deem the solar power system non-operational, and decommissioning, removal, and reclamation will need to commence in accordance with decommission and reclamation plan approved with the application, returning the site to the same or better condition as prior to project commencement.

## **10.23 TELECOMMUNICATIONS TOWERS**

- 10.23.1 Canada Innovation, Science and Economic Development (ISED) 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 Canada Innovation, Science and Economic Development (ISED) 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 County 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 Foothills County 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.

Canada Innovation, Science and Economic Development (ISED) has full authority for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers. Any telecommunication towers proposed within the Airport Protection Overlay will be subject to review by Foothills County, ISED, and Transport Canada.

## 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 County. 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 are in accordance with the Highway 2A Corridor Design Guidelines.
- 10.24.3 A Development Permit is required for all Wind Energy Conversion System, Personal within the *Airport Protection Overlay*, unless otherwise waived as per Section 11.2.4.7.
- 10.24.4 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 are no greater than 16m (52.49 ft.) in height.
- 10.24.5 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

*Tourist Homes are defined in the Land Use Bylaw and include two categories - hosted and un-hosted accommodations. Tourist homes, hosted which meet the requirements of Bed and Breakfast in accordance with Section 10.4, may be applied for as a Bed and Breakfast. All tourist homes, un-hosted or tourist homes, hosted that exceed the requirements of a Bed and Breakfast in accordance with Section 10.4, may be applied for by making application for site-specific amendment under the applicable land use district in advance of a Development Permit Approval. A public hearing shall be undertaken as part of a site-specific amendment to a property, giving neighboring properties opportunity to submit feedback as part of the approval process.*

- 10.25.1 The operation of a tourist home un-hosted and/or a tourist home, hosted which exceeds the requirements of a Bed and Breakfast, shall require a site-specific amendment and an approved Development Permit under all 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.

## **10.26 SECONDARY SUITES**

- 10.26.1 A Secondary Suite may be considered in accordance with the following:
  - a. Secondary Suite, Principal - located within a principal Dwelling Unit, in an extension or addition to the principal dwelling, or above a garage attached to the principal dwelling on the same parcel, as per the definitions in Section 2.5 in accordance with all provisions under Section 10.26.
  - b. Secondary Suite, Detached - detached from and subordinate to the principal dwelling, and may be a stand-alone suite, or a suite within, or attached to an accessory building or detached garage on the same parcel as the principal dwelling, as per the definitions in Section 2.5 in accordance with all provisions under Section 10.26.
- 10.26.2 Secondary Suites are not permitted within the hamlets of Heritage Pointe and Priddis Greens.
- 10.26.3 A Secondary Suite shall be subordinate to a principal dwelling and shall only be located on a parcel where Secondary Suite, Principal or Secondary Suite, Detached is listed as a permitted or discretionary use under the appropriate land use district.
- 10.26.4 Where a Secondary Suites is a Permitted Use under the applicable land use district but does not meet all other provisions under this bylaw, it shall be considered a Discretionary Use.
- 10.26.5 A Development Permit shall be obtained for all Secondary Suites in the County.
- 10.26.6 All Secondary Suites shall have an approved Building Permit and shall comply with all applicable Building and Safety Code Requirements.
- 10.26.7 All Secondary Suites shall comply with the Land Use and Development Requirements such as height requirements, setback regulations, and lot coverage, for the applicable land use district.

- 10.26.8 A Secondary Suite shall only be permitted on a site in accordance with the maximum dwelling unit density requirements under the applicable land use district or in accordance with Section 10.10.5 where the maximum dwelling unit density is not listed in the land use district.
- 10.26.9 A parcel shall be limited to one Secondary Suite.
- 10.26.10 Occupancy shall be restricted to a maximum of two bedrooms per suite.
- 10.26.11 A Secondary Suite, Principal, shall be smaller than the habitable area of the principal dwelling to a maximum of 1,400 sq. ft. in size.
- 10.26.12 Notwithstanding Section 10.26.11, a Secondary Suite may exceed 1,400 sq. ft. in size where a Secondary Suite, Principal is situated:
  - a. Entirely within the basement of the principal dwelling and the building footprint of the basement is greater than 1,400 sq. ft. in size.
  - b. Within the entire loft area above a garage attached to the principal dwelling, provided the Secondary suite does not exceed the building footprint of the attached garage and the Secondary suite remains smaller in size than the habitable area of the principal dwelling.

*Building Footprint* means the total ground coverage or impermeable surface of the building area, including any covered roof structures, cantilevers, eaves, attached and covered decks, garage space, carports, porticos, etc. The Building Footprint is used for assessing lot coverage and cumulative area for accessory buildings on a parcel.

For the purpose of determining Secondary Suite size, the habitable area of a Secondary Suite is the sum of all floors of all livable space contained within the exterior walls of the structure, including the basement, which is designated for human occupancy. This includes areas for living, sleeping, eating or food preparation, or recreational purposes, but does not include the garage, or areas devoted exclusively to mechanical or electrical equipment servicing the development.

- 10.26.13 A Secondary Suite, Detached shall meet the following maximum size requirements:
  - a. on parcels 1 acre and larger in size, the Secondary Suite shall be smaller than the habitable area of the principal dwelling up to a maximum of 1,400 sq. ft. in size, so long as all other requirements under the appropriate land use district are met (including but not limited to minimum building setbacks, maximum height requirements, maximum dwelling unit density, and maximum lot coverage) and the Secondary Suite meets all requirements of Section 10.26.
  - b. on parcels less than 1 acre in size, the Secondary Suite shall be smaller than the habitable area of the principal dwelling up to a maximum of 1,000 sq. ft. in size, so long as all other requirements under the appropriate land use district are met (including but not limited, to minimum building setbacks, maximum height requirements, maximum dwelling unit density, and maximum lot coverage) and the Secondary Suite meets all requirements of Section 10.26.
- 10.26.14 A Secondary Suite, Detached shall be considered as part of the total allowable number of accessory buildings and total accumulated area of accessory buildings in accordance with parcel size as identified in Table 4.2.1.7A of the Land Use Bylaw.
- 10.26.15 Where a Secondary Suite, Detached exceeds the maximum total number of buildings and/or total cumulative size of buildings allowed, based on parcel size in accordance with Table 4.2.1.7A of this bylaw, the Development Authority reserves the right to refuse a Development Permit for the Secondary Suite should they feel the number of buildings and/or cumulative size of buildings on the parcel is

excessive and may materially interfere with, or affect the use, enjoyment, or value of the neighbouring property.

- 10.26.16 Each Secondary Suite shall provide the following on-site parking spaces for Secondary Suites:
- a. a minimum of one additional on-site parking space for a Secondary Suite up to a maximum 1,000 sq. ft. in size, in accordance with Section 9.19 of this bylaw.
  - b. a minimum of two additional on-site parking spaces for a Secondary Suite larger than 1,000 sq. ft. in size, in accordance with Section 9.19 of this bylaw.
- 10.26.17 All Secondary Suites shall have their own distinct County address to facilitate accurate emergency response.
- 10.26.18 All restrictive covenants existing on title shall be submitted with applications for Secondary Suites. Should a restrictive covenant be contrary to allowing for a Secondary Suite or additional dwelling unit, the application shall be considered a Discretionary Use under the land use district in which the Development Authority may refuse the Development Permit application.
- 10.26.19 A Dwelling, Manufactured Home or Dwelling, Mobile Home may be approved by Development Permit as a Secondary Suite, Detached where:
- a. The unit has been prefabricated, built or factory-constructed within ten (10) years of the date of the application.
  - b. The unit is placed upon an approved permanent foundation pursuant to the provisions of the building code.
  - c. The development is in compliance with all requirements of Section 10.26 for Secondary Suites.
  - d. It would not cause the maximum dwelling density for the parcel to be exceeded.
  - e. The development meets all other development requirements as per the applicable land use district.
  - f. All applicable fire, building and safety codes requirements are met.
  - g. The Secondary Suite is finished in a manner that is visually compatible with the principal dwelling on the same lot and in keeping with the visual character of the area (consideration given to color/finish) to the satisfaction of the Development Authority.
  - h. A current report, completed by a certified engineer, is submitted for consideration with the application, confirming that the construction and condition of the unit meets all building code requirements, if deemed necessary by the Development Authority.
  - i. Site design features are submitted for consideration with the Development Permit application, including landscaping or screening proposed to provide privacy between the Secondary Suite and adjacent properties and dwellings, if deemed necessary by the Development Authority.
- 10.26.20 The Development Authority, in their discretion, may consider a development permit for a change of use from an existing Dwelling, Temporary to a Secondary Suite, Detached, if the Dwelling, temporary has approvals under a previous Development Permit and can provide, to the satisfaction of the Development Authority, the following:
- a. The unit is placed upon an approved permanent foundation pursuant to the provisions of the applicable building code as part of the change of use approval.
  - b. The unit must be prefabricated, built or factory-constructed more recently than September 2, 2007.

- c. Must be in compliance with all requirements of Section 10.26 for Secondary Suites.
  - d. Does not exceed the maximum dwelling density and maximum height requirements and meets all other requirements as per the applicable land use district.
  - e. The unit is finished in a manner that is visually compatible with the principal dwelling on the same lot and in keeping with the visual character of the area (consideration given to color/finish).
  - f. A current Engineer's report is submitted for consideration with the application, confirming that the construction and condition of the unit meets all building code requirements, if deemed necessary by the Development Authority.
  - g. Site design features are submitted for consideration with the Development Permit application, including landscaping or screening proposed to provide privacy between the Secondary Suite and adjacent properties and dwellings, if deemed necessary by the Development Authority.
- 10.26.21 Further to 10.26.20, in all cases a Development Permit for the change of use of a Dwelling, Temporary to a Secondary Suite, Detached will be considered a Discretionary Use.
- 10.26.22 The Development Authority reserves the right to refuse a Development Permit for a prefabricated dwelling (Dwelling, manufactured home or Dwelling, mobile home) that is of poor appearance or condition.
- 10.26.23 Existing unpermitted Secondary Suites that were not allowed under the land use bylaw prior to the passing of Bylaw 68/2023 (January 31, 2024), may be allowed some variances, within two years from the date these provisions were passed, in accordance with Section 5.6 of this bylaw when applying for Development Permit approval to bring them into conformance.

### **Servicing Requirements**

- 10.26.24 It is the landowner's responsibility to provide proof of adequate water servicing and sanitary sewer servicing for a Secondary Suite, to the satisfaction of the Development Authority.
- 10.26.25 Where a proposed Secondary Suite is to be serviced with a communal or municipal piped water supply, the following is required:
- a. a letter shall be submitted to the Development Authority providing confirmation from the owner/operator of the piped water system, indicating that there is adequate water available to service the additional use of the proposed Secondary Suite on the subject parcel.
  - b. Where a separate water connection/or line extension may be required, confirmation from the utility corporation/ owner/operator of the piped water system, that the line has been installed, connected, and where applicable appropriate meters installed to their satisfaction, shall be submitted to the Development Authority.

In some areas, such as the Foothills County Hamlets, the water connection may need to be assessed on a case-by-case basis to ensure there is sufficient line size to accommodate the additional use for the site prior to approval. Separate water meter devices may be required for Secondary Suites at the discretion of the utility provider.

10.26.26 Where a secondary suite is to be serviced utilizing ground water, the Development Authority (Development Officer, Council, or Development Appeal Board) may require an updated pump test and/or hydrogeologist report or other validation data, completed by a professional engineer or hydrogeologist, on the source groundwater well be submitted to the County for review to confirm that the source water well can sustain an adequate water supply for the existing and proposed development with no anticipated interference to any neighboring wells.

10.26.27 Where water is hauled to the site as the primary water source for a Secondary Suite (to a cistern or water storage system) the applicants must provide proof, to the satisfaction of the Development Authority, that the system will provide an adequate quantity of potable water for the proposed use.

Where there is no piped municipal or communal water system available for water supply to a Secondary Suite, installation of a water cistern, in support of the water supply, is encouraged and recommended.

10.26.28 The proposed method of managing the wastewater/sewage system for the Secondary Suite shall be provided to the satisfaction of the Development Authority and shall consist of either:

- a. A private sewage treatment system that can adequately manage the additional waste; or a new system or additions to the existing system, that have been adequately sized to accommodate the additional waste, and the location is suitable, and meets the current Safety Codes.
- b. Where sewage disposal is connected to an approved piped communal collection system, a letter providing conformation from the sewage disposal operator that the system has adequate capacity for the additional sewage and authorization to connect.

#### **Permit Considerations**

10.26.29 In considering a Development Permit application for a Secondary Suite, the Development Authority may consider factors such as:

- a. Any significant adverse impacts on the adjacent properties and dwellings (for example: drainage, fire protection, access, etc.).
- b. Adequate water and wastewater services to sustain the current and proposed additional use on the site.
- c. The architectural character of the Secondary Suite, including:
  - i. In the case of a Secondary Suite, principal, the use of design strategies that minimize structural changes to the exterior of the principal dwelling, so that it maintains the appearance of a single dwelling; and
  - ii. In the case of a Secondary Suite, Detached, the suite, should be constructed and finished in a manner that is visually compatible with the principal dwelling on the same lot and in keeping with the visual character of the area (consideration given to size/scale, location, and/or color/finish).
  - iii. The availability of an indoor storage area located on the property for use of the residents of the Secondary Suite to minimize visual impact to neighboring properties.

- d. Site design features, including:
  - i. The need for landscaping or screening to provide privacy between the Secondary Suite and adjacent properties and dwellings.
  - ii. The need for adequate space to accommodate parking and loading for use by residents of the Secondary Suite.
- e. Such other considerations as the Development Authority may deem to be relevant.

All Secondary Suites, with a valid Development Permit may be recorded on the Secondary Suite Registry for public information.

## 10.27 **BACKYARD HENS**

- 10.27.1 No Development Permit is required for the keeping of backyard hens in accordance with Section 10.27 of this bylaw. Section 4.2.1 outlines where no Development Permit is required under this bylaw.
- 10.27.2 Backyard hens are only permitted as an accessory use to a principal dwelling on site and hen owners must reside on the property upon which the hens will be kept.
- 10.27.3 A maximum of six (6) backyard hens shall be permitted on a parcel under 3 acres in size, outside of Hamlet boundaries in accordance with provisions under this section.
- 10.27.4 Roosters are prohibited on parcels under 3 acres in size and are not included within the backyard hen provisions under Section 10.27.
- 10.27.5 Backyard hens shall not be permitted to run at large and shall be maintained in an appropriate coop and/or enclosure.
- 10.27.6 Coops and enclosures for backyard hens shall be located in the rear yard and shall meet all other provisions under the land use bylaw including but not limited to lot coverage, building allowances based on parcel size, maximum height requirements, and minimum yard setbacks.
- 10.27.7 Location of the hen coop should be in a place that will be mindful and considerate of your neighbors.
- 10.27.8 Manure must be removed, discarded, and/or properly composted to prevent nuisance to neighboring properties.
- 10.27.9 Landowners shall take reasonable measures to ensure that coops are maintained in good repair and sanitary condition, and free from vermin and noxious or offensive smells, carcasses, or excessive manure or waste.
- 10.27.10 Hens shall not be slaughtered or disposed of on site.
- 10.27.11 Backyard hen owners shall comply with Alberta Animal Health Act and any other applicable standards adopted by the Province of Alberta.
- 10.27.12 Owners must obtain Premises Identification (PID) under the Premises Identification Regulation in the Alberta Animal Health Act.
- 10.27.13 Hen owners are encouraged to obtain some level of training on small flock ownership or study the Guide for small flock owners published by the Alberta Government and operate in accordance with the most current guidelines. *Link: 2015-raising-chickens-alberta-06-2015.pdf.*

## 10.28 **ABATTOIRS**

*All Abattoirs, mobile butcher, and other on farm slaughter activities shall be conducted in accordance with provincial and federal regulations.*

*Alberta Agriculture and Forestry (AF) have authority over slaughter and processing operations and have a variety of license options dependent on the distribution and/or sale of meat in accordance with the Provincial and Federal Meat Inspection Acts and Meat Inspection Regulations.*

- 10.28.1 No development permit is required for an *Abattoir, Personal Use* on lands where it is accessory to the principle use on site and livestock and/or backyard hens are permitted (dependent on parcel size and land use district), provided all other provisions of the land use bylaw are adhered to (i.e., number of animal units permitted on site).
- 10.28.2 A Development Permit is required as a discretionary use for both *Abattoir, Minor* and *Abattoir, Major* in Foothills County. Where these uses are not listed as a discretionary use under the appropriate land use district, a redesignation or site-specific amendment will be required prior to application for Development Permit.
- 10.28.3 Applicants/landowners must comply with Section 10.1 of this Bylaw regarding agricultural use and livestock regulation.
- 10.28.4 Animal units brought on site temporarily (not kept on site over-night) shall not be included in the number of animal units used to determine general or intensive agricultural use but must comply with the provisions of an approved Development Permit for animal units permitted on site at any one time.
- 10.28.5 A Foothills County Business License is required for all *Abattoir, Minor* and *Abattoir, Major*, and licensed *Mobile Butcher businesses* operating within Foothills County.
- 10.28.6 Any outdoor storage of materials will require approval through the Development Permit and shall be adequately screened to the satisfaction of the Development Authority.
- 10.28.7 Any storage of waste materials on site shall be to the satisfaction of the Development Authority in accordance with Municipal, Provincial and/or Federal regulations.
- 10.28.8 Consideration will be given to the location, density of the area, and adjacent land uses when the Development Authority is determining the appropriate maximum number of business visits to the site per day for an *Abattoir, minor*.
- 10.28.9 *Abattoirs, minor* shall not generate noise, smoke, odour, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority beyond the boundary of the parcel. At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with liveability or enjoyment of the neighbouring properties.
- 10.28.10 *Abattoirs* shall provide parking and loading facilities in accordance with Section 9.19 of the Bylaw, to the satisfaction of the Development Authority in accordance with the intensity of the development.

- 10.28.11 Applicants/landowners are responsible for obtaining the necessary licenses, permits, and approvals required by Provincial or Federal government.
- 10.28.12 In considering a Development Permit application for an Abattoir, the Development Authority may consider factors such as:
  - a. Parcel size and location.
  - b. Compatibility with adjacent land uses.
  - c. Environmental sensitivity.
  - d. Potential for any significant adverse impacts on the adjacent properties.
  - e. Serviceability of the site including, but not limited to, adequate water and wastewater services for the site and appropriate licensed water sources.
  - f. Physical suitability and site design features, including:
    - i. lot drainage.
    - ii. the need for landscaping or screening to provide privacy to adjacent properties and dwellings.
    - iii. the need for adequate space to accommodate parking.
  - g. such other considerations as the Development Authority may deem to be relevant.

## **10.29 DATA PROCESSING FACILITY**

### **General Regulations**

- 10.29.1 A Development Permit is required for all Data Processing Facilities.
- 10.29.2 A Data Processing Facility (Small Scale) is a Discretionary Use within the General Industry District and Direct Control District #34 only.
- 10.29.3 Where a Data Processing Facility is not listed as a use within the current land use district, a bylaw must be enacted to allow a site-specific amendment or redesignate the lands to an appropriate land use district prior to the Development Authority accepting a development permit application.
- 10.29.4 The development shall comply with all applicable Land Use and Development Requirements, including height, setback, and lot coverage regulations for the applicable land use district.
- 10.29.5 The development shall obtain an approved Building Permit(s) and comply with all applicable Fire Code, Building Code, and Safety Code requirements.
- 10.29.6 The development shall meet all Foothills County Fire Department requirements to ensure site safety to the satisfaction of the Fire Chief, including compliance with the Fire Code, unobstructed emergency access, hydrant locations, hazard identification, and overall safety.

### **Utilities and Provincial Approvals**

- 10.29.7 Prior to issuance of a Development Permit, the applicant shall provide:
  - a. A utility service letter of intent from the service provider;
  - b. Written confirmation from the electrical distribution utility that sufficient capacity exists to service the proposed development without negatively impacting existing customers or the surrounding service area; and
  - c. Confirmation that no system upgrades are required or details on the necessary upgrades that are planned or required.

- 10.29.8 The developer shall obtain all required Provincial approvals (AUC, AER, or AEPA/EPEA) prior to applying for a Development Permit. A copy of approvals or proof of exemption are required prior to deeming an application for Development Permit complete.
- 10.29.9 Any future modifications, expansion, or intensification of the facility shall provide written approval from applicable utility providers and confirmation of compliance with current provincial regulations. A new Development Permit may be required depending on the extent of the change.
- 10.29.10 Where power is drawn from the electricity grid, written verification from the electrical service provider, confirming that the projected electrical consumption can be accommodated, and related infrastructure is sufficiently sized, is required.

**Backup Power Systems**

- 10.29.11 Backup or standby generators shall be used only during power outages, emergency situations, or for routine testing and maintenance, unless otherwise authorized by the Development Authority.
- 10.29.12 Non-emergency testing or maintenance of backup generators shall be limited to between the hours of 9:00 a.m. and 5:00 p.m., Monday to Friday, excluding statutory holidays, unless otherwise approved by the Development Authority.
- 10.29.13 The operator shall maintain a log of generator operation and testing hours and provide it to the County upon request.

**Design and Site Standards**

- 10.29.14 All Data Processing Facilities shall be designed and operated to minimize:
  - a. potential off-site impacts including noise, heat, light, vibration, air quality (emissions) and other means of pollution.
  - b. The demand on municipal water, municipal wastewater, road infrastructure and other utility supply.
- 10.29.15 The design, character, and appearance of all buildings, including sea-cans, shall be compatible with the surrounding area and constructed of durable materials designed to maintain their original quality throughout the life of the development.
- 10.29.16 A high-quality visual appearance shall be achieved through landscaping and screening in accordance with the County's Screening Standards and, where applicable, the Highway 2A Industrial Corridor Design Guidelines.
- 10.29.17 Any outdoor storage shall be arranged in an orderly manner and limited to areas of the site where it is screened from adjacent properties and roadways through fencing, landscaping, or berming.

**Noise & Nuisance Control**

- 10.29.18 The Development Authority may require the installation of noise attenuation measures to minimize impact on adjacent properties, including but not limited to:
  - a. high-performance mufflers or silencers;
  - b. acoustic enclosures or sound barriers;
  - c. orientation of exhaust or discharge stacks away from dwellings or noise-sensitive uses.
- 10.29.19 A Noise Impact Assessment (NIA) shall be prepared by a qualified professional showing compliance with the AUC Rule 012 – Noise Control standards, or any successor legislation. The NIA should identify equipment sound levels, potential off-site impacts, and recommended mitigation measures.

10.29.20 Where required by the Development Authority, a Noise Mitigation Plan shall identify specific measures to minimize off-site noise impacts, monitoring provisions, complaint response procedures, and corrective actions if post-operation noise exceeds modelled levels.

10.29.21 The Development Authority may require submission of an Air Quality or Emissions Assessment and/or Nuisance Mitigation Plan, prepared by a qualified professional, where:

- a. the development includes on-site power generation or backup generators of significant capacity; or
- b. generators are proposed for non-emergency operation or extended operation.

The assessment shall identify potential emissions and mitigation measures to minimize impacts and demonstrate compliance with applicable provincial standards and Alberta Environment and Protected Areas (AEPA) regulations.

**Development Authority Discretion**

10.29.22 The Development Authority may impose additional conditions, or refuse a discretionary use application in accordance with Section 5.5 of this Bylaw, if:

- a. the development is inadequately serviced by water, sewage, drainage, or other utilities including electrical supply; or
- b. the development is expected to generate nuisance factors such as noise, odour, dust, smoke, heat, light, vibration, pollution, or an unsightly appearance—that may adversely affect adjacent or surrounding lands and cannot be reasonably mitigated.

**Application Requirements**

10.29.23 A Development Permit application for a Data Processing Facility shall include the following information, to the satisfaction of the Development Authority:

Sight Information

- a. A detailed Site Plan showing:
  - i. the entire parcel layout, with north oriented at the top of the page;
  - ii. all roads used for construction, access, and egress;
  - iii. all existing structures, proposed, and temporary or non-permanent, including sea-cans, ventilation stacks, racking or framing structures, screening, fencing, exterior lighting, and any equipment for energy production or utilities;
  - iv. locations of landscaping features, outdoor storage, and parking areas
  - v. all setbacks from property lines and the proximity of structures or uses on the site, adjacent properties, and any residential uses on neighbouring parcels.
  - vi. identification of any sensitive, environmental, or topographical features present on the parcel.
- b. Elevation Drawings and Floor Plans of all proposed buildings.

Servicing and Power

- c. A detailed operational summary including:
  - i. Anticipated total power demand (MW) at full build out.
  - ii. Source(s) of power.

- iii. Description of back-up power generation systems (capacity, fuel type, emission control equipment, stack height, maintenance schedule).
- iv. Amount of power being exported to the grid (if any).
- v. The number servers and equipment on site.
- vi. Detailed description and operation of cooling system.
- vii. Number of employees.
- viii. Hours of Operation.
- ix. Traffic and parking data
- x. Outside storage requirements
- d. Copies of any provincial approvals OR proof of exemption of provincial approval..
- e. A letter of intent to supply and capacity confirmation from the power utility provider.
- f. A Noise Impact Assessment (NIA) prepared by a qualified professional in accordance the AUC Rule 012 – Noise Control.
- g. Water, wastewater and stormwater servicing details, including total water use and purpose. Approval from the water utility provider may be required.
- h. Documentation confirming electrical supply arrangements, including either a grid interconnection agreement or AESO study, AUC approvals, or proof of own-use exemption.
- i. Written verification from the electrical service provider confirming that projected electrical consumption can be accommodated and that supply infrastructure is adequately sized.

Environmental and Safety Plans

- j. A Lighting Plan in compliance with the Foothills County Dark Sky Policy.
- k. A Landscaping and Screening Plan, in accordance with applicable County standards, including the County’s Screening Standards and, where applicable, the Highway 2A Industrial Corridor Design Guidelines.
- l. An Emergency Response Plan prepared by a qualified professional and approved by the County’s Emergency Management Department.
- m. A Decommissioning Plan and site reclamation in the event the use ceases.

<b>PART 5 OVERLAY DISTRICTS .....</b>	<b>160</b>
<b>SECTION 11 OVERLAY DISTRICTS.....</b>	<b>160</b>
11.1    2013 FLOOD Hazard Protection OVERLAY.....	160
<b>MAP A – LANDS IMPACTED BY 2013 FLOOD EVENT.....</b>	<b>163</b>
11.2    Airport Protection Overlay.....	164
<b>PART 6 LAND USE DISTRICTS.....</b>	<b>170</b>
<b>SECTION 12 AGRICULTURAL DISTRICTS.....</b>	<b>170</b>
12.1    Agricultural District .....	170
12.2    Agricultural Business District .....	174
<b>SECTION 13 RESIDENTIAL DISTRICTS.....</b>	<b>178</b>
13.1    Country Residential District.....	178
13.2    Cluster Residential District.....	182
13.3    Country Estate Residential District.....	185
13.4    Residential Community District .....	189
13.5    Residential Multi-Family District .....	195
13.6    Residential Manufactured Home District.....	198
<b>SECTION 14 COMMERCIAL DISTRICTS.....</b>	<b>203</b>
14.1    Business Park District .....	203
14.2    Community Commercial District .....	208
14.3    Highway Commercial District .....	212
14.4    Rural Business District .....	216
<b>SECTION 15 INDUSTRIAL DISTRICTS.....</b>	<b>220</b>
15.1    Hamlet Industry District.....	220
15.2    General Industry District.....	224
15.3    Industrial Edge District .....	229
15.4    Natural Resource Extraction District .....	233
15.5    Low Intensity Industry District.....	236
<b>SECTION 16 PARKS AND RECREATION DISTRICTS .....</b>	<b>241</b>
16.1    Recreation District .....	241
16.2    Open Space District.....	245
16.3    Environmental Protection District.....	248
<b>SECTION 17 SERVICE AND UTILITY DISTRICTS.....</b>	<b>251</b>
17.1    Service District.....	251
17.2    Public Utility District.....	254
17.3    Federal/Provincial Jurisdiction District.....	256
17.4    Municipal Land/Reserve District .....	257

<b>SECTION 18 DIRECT CONTROL DISTRICT .....</b>	<b>260</b>
18.1 Direct Control District #1 (DC1) .....	260
18.2 Direct Control District #2 (DC2) .....	265
18.3 Direct Control District #3 (DC3) .....	266
18.4 Direct Control District #4 (DC4) .....	270
18.5 Direct Control District #5 (DC5) .....	271
18.6 Direct Control District #6 (DC6) .....	279
18.7 Direct Control District #7 (DC7) .....	281
18.8 Direct Control District #8 (DC8) .....	282
18.9 Direct Control District #9 (DC9) .....	285
18.10 Direct Control District #10 (DC10) .....	287
18.11 Direct Control District #11 (DC11) .....	293
18.12 Direct Control District #12 (DC12) .....	295
18.13 Direct Control District #13 (DC13) .....	296
18.14 Direct Control District #14 (DC14) .....	298
18.15 Direct Control District #15 .....	301
18.16 Direct Control District #16 (DC16) .....	302
18.17 Direct Control District #17 (DC17) .....	303
18.18 Direct Control District #18 (DC18) .....	306
18.19 Direct Control District #19 (DC 19) .....	308
18.20 Direct Control District #20 (DC 20) .....	310
18.21 Direct Control District #21 (DC 21) .....	312
18.22 Direct Control District #22 (DC 22) .....	313
18.23 Direct Control District #23 (DC 23) .....	315
18.24 Direct Control District #24 (DC 24) .....	317
18.25 Direct Control District #25 (DC 25) .....	319
18.26 Direct Control District #26 (DC 26) .....	320
18.27 Direct Control District #27 (DC 27) .....	324
18.28 Direct Control District #28 (DC 28) .....	329
18.29 Direct Control District #29 (DC 29) .....	334
18.30 Direct Control District #30 (DC 30) .....	340
18.31 Direct Control District #31 (DC 31) .....	345
18.32 Direct Control District #32 (DC 32) .....	349
18.33 Direct Control District #33 (DC 33) .....	356
18.34 Direct Control District #34 (DC34) .....	362
18.35 Direct Control District #35 (DC 35) .....	368
18.36 Direct Control District #36 (DC#36) .....	373

**PART 7 - LAND USE MAPS ..... 378**  
**PART 8 - BYLAW AMENDMENTS ..... 379**

## **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 Foothills County.

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 APPLICATIONS**

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

- 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.*

The areas within *floodway* and *flood fringe* can be viewed at Alberta Environment web site: (<https://floods.alberta.ca/>)

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

11.1.2.3 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.

11.1.2.4 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 The Approving Authority may issue a signed waiver to allow for development on a site without the requirements of a Development Permit in accordance with Section 4.2.1 of the Land Use Bylaw, where the landowner/applicant can provide proof that the development is located outside of the designated Flood Hazard Protection Overlay area on the property.

- 11.1.3.4 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.
- 11.1.3.5 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.
- 11.1.3.6 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 the applicable 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.
- 11.1.3.7 The Approving Authority may refer to Alberta Environment, for comment on any development permit application for development within the *flood hazard area*.
- 11.1.3.8 The Approving Authority shall not issue a development permit until it is satisfied through the submission of engineering reports that adequate *flood proofing* exists.
- 11.1.3.9 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.
- 11.1.3.10 All mechanical and electrical equipment within a building shall be located at or above the *designed flood level*.
- 11.1.3.11 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.
- 11.1.3.12 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 Foothills County 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 Foothills County 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.alberta.ca/final-flood-maps.aspx>).

**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.alberta.ca/final-flood-maps.aspx>).

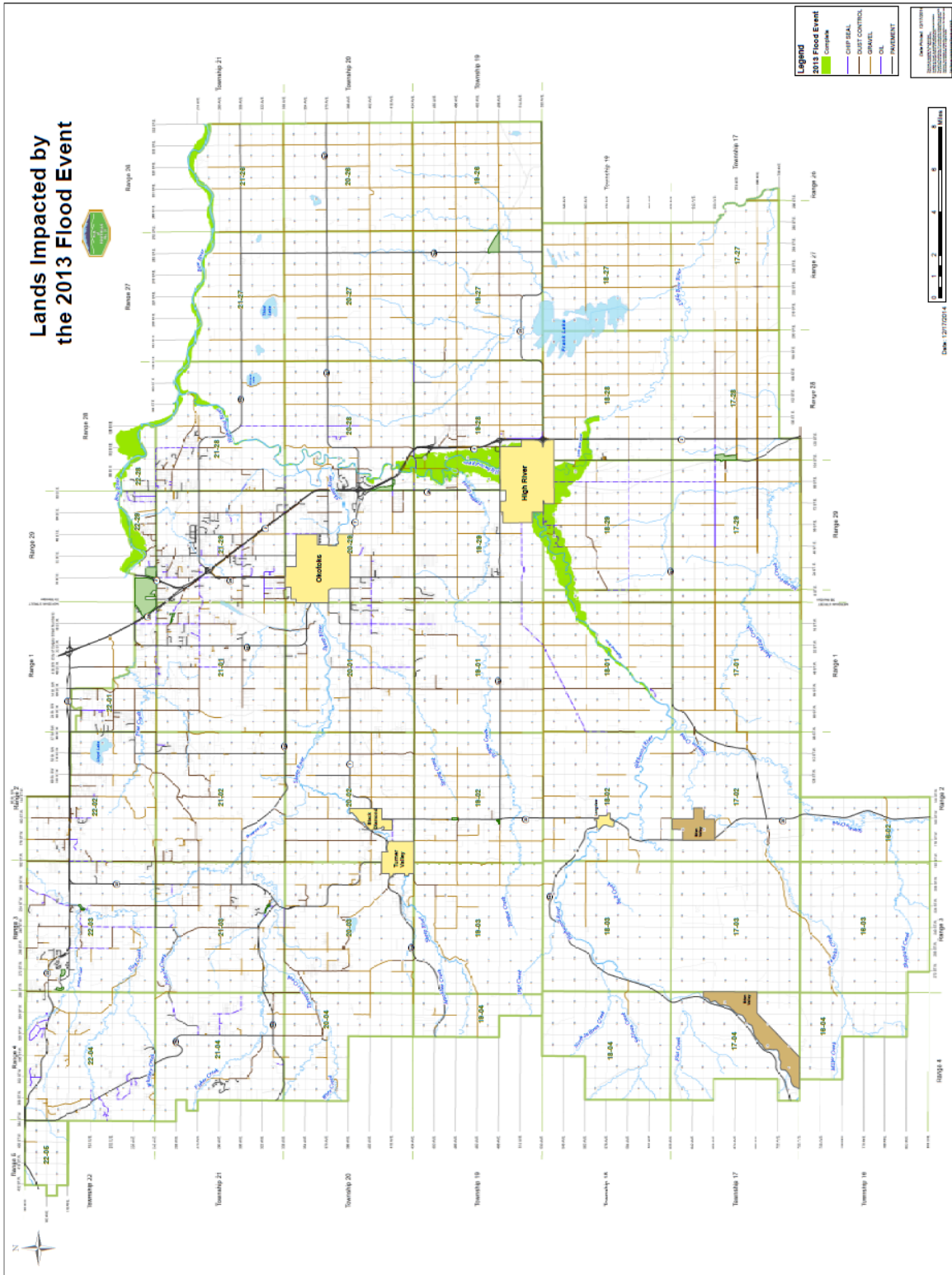
**Flood Proofing:** With respect to a building or building extension, a design, manner of construction or siting thereof for the purpose of preventing damage by floods of a specified magnitude.

**Lands impacted by 2013 Flood Event:** are those lands which the County 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



## 11.2 AIRPORT PROTECTION OVERLAY

APP

### 11.2.1 PURPOSE AND INTENT

The purpose and intent of the Airport Protection Overlay is to protect the Foothills Regional Airport from uses that may impact its continued safe operation. This will be accomplished by regulating development that pierces one of the Obstacle Limitation Surfaces and by limiting uses that may unduly create dust, smoke, steam, glare, electronic interference, or attract birds, within the Airport Protection Overlay area as defined in Section 11.2.2.1.

### 11.2.2 APPLICATIONS

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

- a. Lands within the Outer Surface Area as illustrated in Appendix A and described as:
  - i. lands within 4000 meters from the designated aerodrome reference point(s) of the Foothills Regional Airport;
- b. Lands within the Take-off / Approach Areas and Surfaces as illustrated in Appendix A and described as lands under the Take-off / Approach Surfaces described as follows:
  - i. Commencing at and abutting the end of the Basic Strip;
  - ii. Rising at a slope ratio of 1:30 (3.33%) measured from the end of the Basic Strip;
  - iii. Diverging outward on each side as it rises, at a slope ratio of 1:10 measured from respective projected lateral limits of the Basic Strip; and
  - iv. Ending at its intersection with the Outer Surface.
- c. Lands within the Transitional Area and Surfaces as illustrated in Appendix A and described as the lands under the Transitional Surfaces described as follows:
  - i. Commencing at and abutting the lateral limit of the Basic Strip;
  - ii. Rising at a slope ratio of 1:7 (14.3%) measured from the lateral limit of the Basic Strip, and
  - iii. Ending at its intersection with the Outer Surface or a Take-Off/ Approach Surface.

Together the Outer Surface, Take-off / Approach Surfaces, and Transitional Surfaces, excluding those lands that are within 4000 metres of the designated aerodrome reference point(s) but are outside of the jurisdiction of Foothills County, is established as the Airport Protection Overlay.

11.2.2.2 The airport reference point elevation for the Foothills Regional Airport is deemed to be at 1050.65 metres (3447 ft.) above sea level;

11.2.2.3 The Basic Strip portion of the main (east-west) runway at the Foothills Regional Airport shall be assumed to be an area 90 metres (295 ft.) in width and 1265 metres (4150 ft.) in length.

11.2.2.4 The Basic Strip portion of the north-south runway at the Foothills Regional Airport shall be assumed to be an area 90 metres (295 ft.) in width and 1036.3 metres (3400 ft.) in length.

11.2.2.5 The lands within the Airport Protection Overlay area are approximately shown in Appendix A – Airport Protection Overlay. Any discrepancy between Appendix A and as described under policy 11.2.2.1 shall see those provisions as established within policy 11.2.2.1 deemed as precedence.

- 11.2.2.6 In the Airport Protection Overlay, the permitted and discretionary uses and all other requirements listed in the land use district in which the site is located shall continue to apply so far as they are not in conflict with the provisions of the Airport Protection Overlay.
- 11.2.2.7 Where provisions of the Airport Protection Overlay appear to be in conflict with the regulations of the land use district, the provisions of the Airport Protection Overlay shall take precedence and be applied in addition to the regulations of the land use district.
- 11.2.2.8 For lands that fall within the Outer Surface but do not fall within the jurisdiction of Foothills County and are therefore not regulated by this Land Use Bylaw, the County shall communicate with the other jurisdiction regarding potential impacts to the Airport operation utilizing the referral processes laid out in the current Intermunicipal Development Plan.

### **11.2.3 GENERAL REQUIREMENTS**

- 11.2.3.1 In determining whether a proposed development meets all the provisions of this district, the Development Authority may consult Transport Canada, NavCanada, Alberta Infrastructure, and other competent authorities, and shall be guided by any comments provided.

Transport Canada regulates the use and control of lands in proximity to airports where there is an Airport Zoning Regulation made pursuant to the Act through TP1247 – Aviation – Land Use in the Vicinity of Aerodromes, which defines an outer surface obstruction zone. This zone protects aircraft conducting a circling procedure or maneuvering in the vicinity of an aerodrome, by restricting obstructive development (such as the erection of new structures). The zone is defined in TP 1247 as a 4000m radius around the centre of the runway and 45m above the assigned runway elevation. In cases where no Airport Zoning Regulation exists (as with the Foothills Regional Airport) cooperation of provincial / municipal governments is sought to protect this area.

### **11.2.4 DEVELOPMENT REQUIREMENTS**

- 11.2.4.1 Development within the Airport Protection Overlay shall not create excessive smoke, dust, fumes, fog, glare or any other condition that would in the opinion of the Development Authority reduce visibility for air traffic.
- 11.2.4.2 Notwithstanding Section 4.2, a Development Permit is required for all permitted and discretionary uses where the height restriction of the Obstacle Limitation Surfaces is within 12 metres (39.37 ft.) from the ground elevation at the location of the proposed development, as illustrated on Appendix B of this schedule.
- 11.2.4.3 Notwithstanding Section 4.2.1.15, a Development Permit is required for all amateur radio antennas or internet towers in the Airport Protection Overlay.
- 11.2.4.4 Notwithstanding Section 4.2.1.16, a Development Permit is required for all wind energy conversion systems for domestic and/or agricultural uses in the Airport Protection Overlay.
- 11.2.4.5 Notwithstanding Section 4.2.1.18, a Development Permit is required for any solar power equipment installations for personal household and/or agricultural use which may result in the installation height piercing the Obstacle Limitation Surfaces when positioned at its highest proposed angle.
- 11.2.4.6 Notwithstanding Section 4.2.1.34, a Development permit is required for lot grading which may result in elevated areas of ground that exceed 1095.65 metres above sea level or may create excessive dust.

This is the height above which alterations to the Outer Surface would need to be made to maintain the minimum 9m height above grade.

- 11.2.4.7 The Approving Authority may issue a signed waiver to allow for development on a site without the requirements of a Development Permit in accordance with Section 4.2.1 of the Land Use Bylaw, where the landowner/applicant can provide proof that the maximum height of the proposed development will not intersect any Obstacle Limitation Surfaces, or create excessive smoke, dust, fumes, fog, glare, or any other condition that would in the opinion of the Approving Authority reduce visibility for air traffic.
- 11.2.4.8 For development permit applications within the Airport Protection Overlay, the heights and locations of all proposed buildings and structures must be provided to the Development Authority including temporary structures and/or details regarding construction equipment which may be required during construction, including but not limited to cranes, booms, lighting mast/tower, temporary telecommunication tower, pile driver, and well drilling equipment.

### 11.2.5 RESTRICTIONS

- 11.2.5.1 No person shall place, erect or construct, or permit the placement, erection or construction of any building, development, structure, or object that exceeds the height limitations of the Obstacle Limitation Surfaces, as illustrated on Appendix A of this schedule, unless appropriate municipal and/or provincial and/or federal approval(s) are first obtained.
- 11.2.5.2 No development shall be approved in the Outer Surface Area if it intersects the Outer Surface, unless it has been determined by Foothills County, Transport Canada, and/or Nav Canada that it will not create a negative impact on the safe and efficient operation of the airport.
- 11.2.5.3 No person shall permit an Object of Natural Growth within the Airport Protection Area to exceed the height limitation of the Obstacle Limitation Surfaces, as shown on Appendix A of this schedule.

In accordance with Section 901.47 and 901.73 of the Canadian Aviation Regulations respecting remotely piloted aircraft, no person shall operate a model aircraft, including an unmanned aircraft commonly known as a drone within the Airport Protection Overlay unless the operation is conducted in accordance with the established procedure with respect to the use of remotely piloted aircraft systems applicable to the airport.

Canada Innovation, Science and Economic Development (ISED) has full authority for regulating radio communication in Canada and for authorizing the location radio communication facilities, including communication towers.

Any applications for Wind Energy Conversion System for use other than personal domestic/agricultural purposes, and application for Solar Power Systems, Commercial, require approval from Alberta Utility Commission (AUC) and from Foothills County through land use amendment or redesignation.

### 11.2.6 DEFINITIONS

*(Additional Definitions can be found under Section 18.5 – Direct Control District #5)*

**AIRPORT REFERENCE POINT ELEVATION** means the lowest threshold elevation point of the runway.

**OBJECT OF NATURAL GROWTH** means natural vegetation including trees and shrubs.

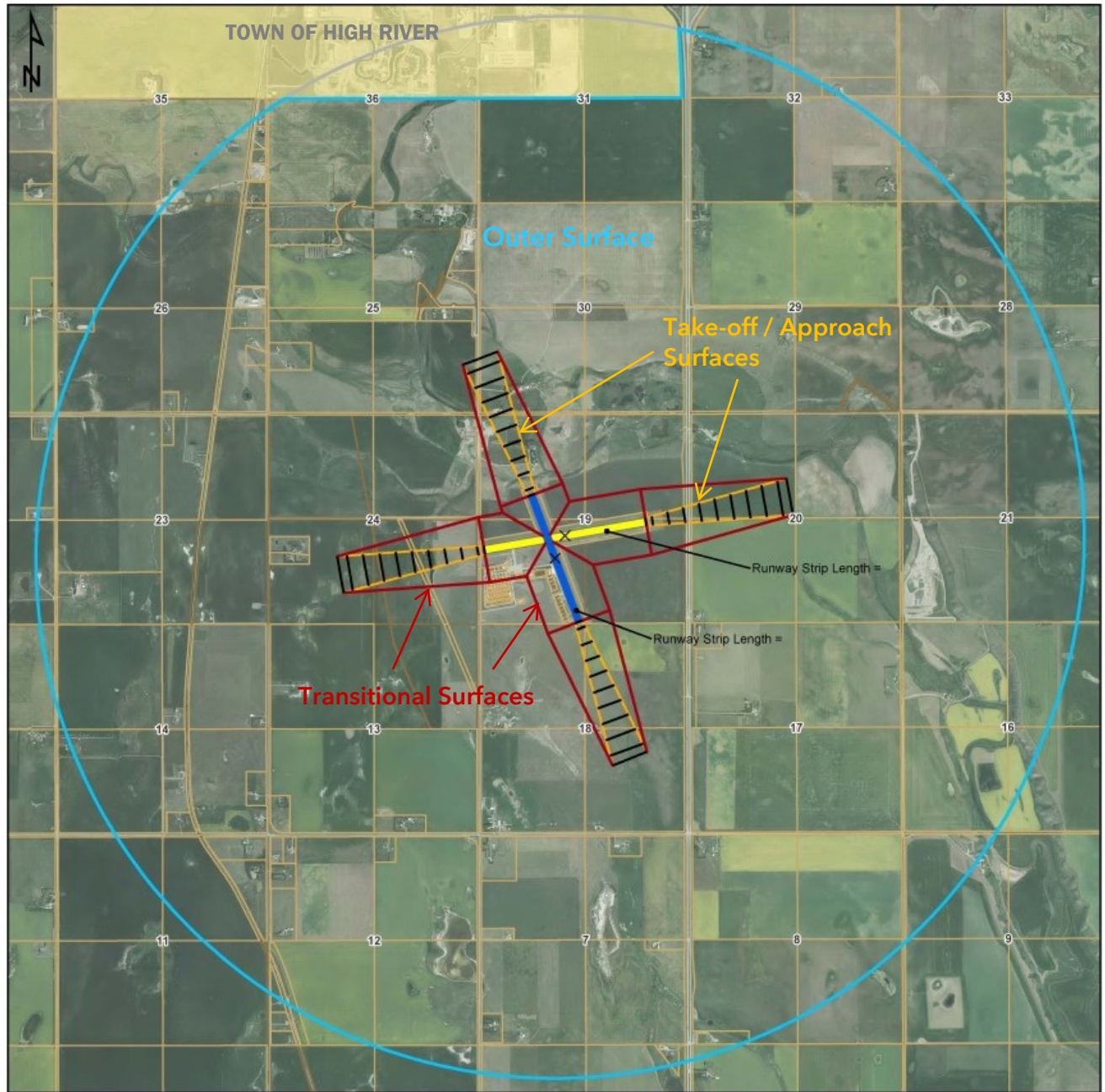
**OBSTACLE LIMITATION SURFACES** means a series of surfaces that set the height limits for structures or objects around an aerodrome. In Canada these surfaces include the Outer Surface, the Take-off / Approach Surfaces, and the Transitional Surfaces.

**OUTER SURFACE** means an imaginary circular-shaped surface, with a radius of 4000m (4km) measured from the designated aerodrome reference point(s), which is located 45m above the assigned reference point elevation of the airport.

**TAKE-OFF / APPROACH SURFACES** means the inclined plane abutting the end of each runway which is the width of the runway at its beginning and angles out at 10 degrees from the lateral extension of the basic strip. It ends at its intersection with the Outer Surface.

**TRANSITIONAL SURFACES** means the complex surface along the sides of the runway strip that runs parallel to the approach surface that slopes up to the outer surface.

APPENDIX A - AIRPORT PROTECTION OVERLAY



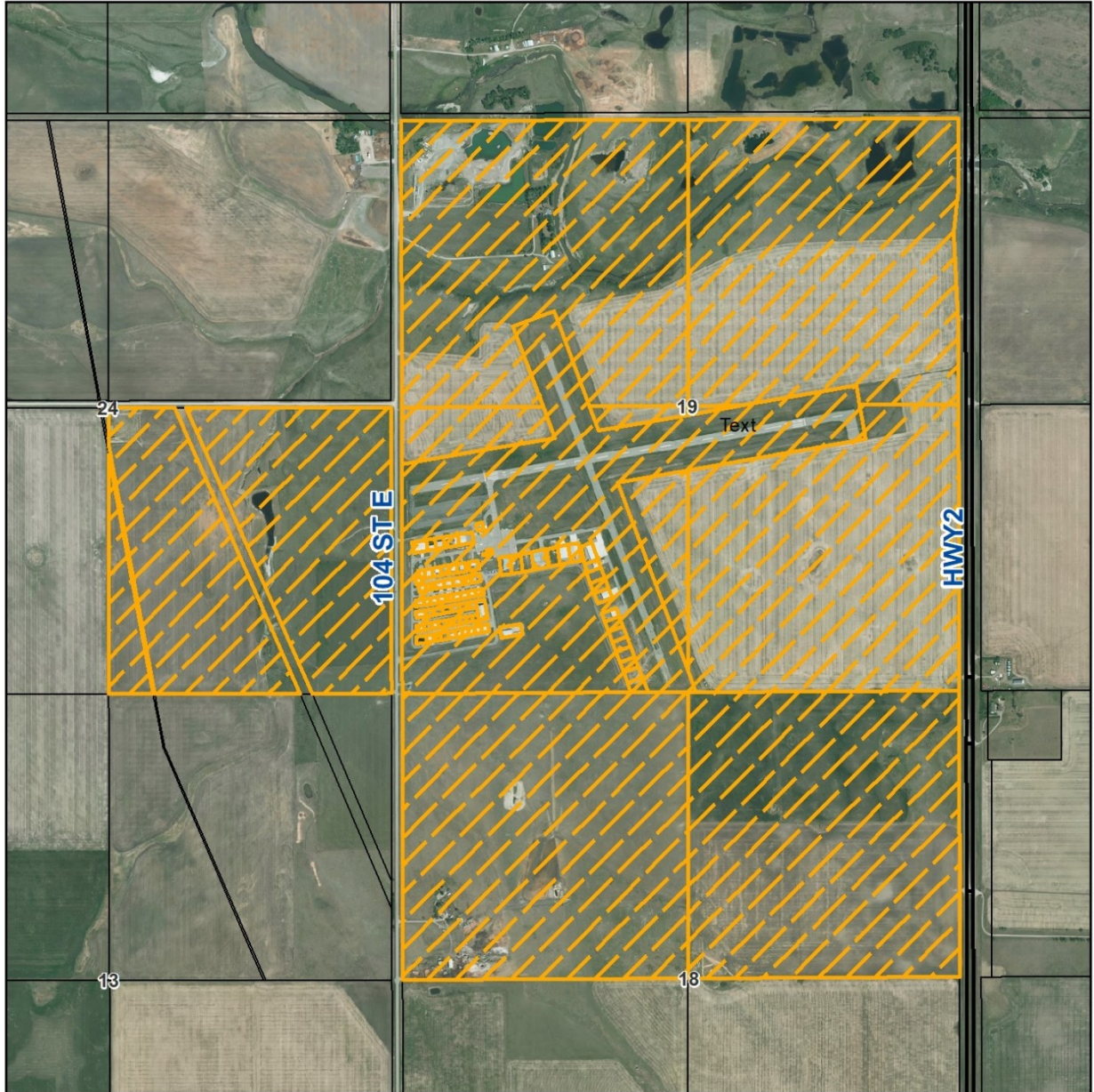
1 centimeter = 326 meters

Date Printed: 4/30/2018

APPENDIX B - OBSTACLE LIMITATION SURFACES: HEIGHT RESTRICTION MAP



# Obstacle Limitation Surfaces: Height Restriction Map



## Legend

1:15,670

### Height Restricted Properties

A review by Foothills County is required prior to proceeding with construction of any structure on these identified properties. Portions of these identified properties are limited by the Foothills Regional Airport Obstacle Limitation Surfaces which may limit the permitted height of a building beyond the standard permitted 12m height for dwellings and 10.67m height for accessory buildings. This map is intended as a temporary placeholder until Obstacle Limitation Surfaces can be accurately illustrated.

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Date Printed: 2024-03-27

## **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.

12.1.4 PERMITTED USES	12.1.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Agricultural, general Agricultural specialty Dugout Dwelling, 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. Dwelling, Mobile Home *permitted use only on lots 32.4 ha (80 acres) or greater in size. Home Based Business Type I Home Based Business Type II Home Office Public Works Secondary Suite, detached Secondary suite, principal Signs not requiring a Development Permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of up to 5 unoccupied recreation vehicles	Abattoir, Minor 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. Animal boarding services Antenna structures, private Arena, private Bed and Breakfast Family Day Home Dwelling, Mobile Home *discretionary use on lots less than 80 acres in size. Dwelling, moved on Dwelling, temporary Home based business Type III Intensive vegetation operation Kennel, private Lot Grading Man-made water bodies, private (requiring a permit). Signs (requiring a development permit) Solar Power System, Private (requiring a Development Permit) Special Event Temporary storage of between 6 and 10 unoccupied recreation vehicles Utility service, minor

**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 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.

12.1.7.3 Minimum Yard Setback 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 Municipal Road, Major.
- iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.

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.

12.1.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

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 Dugout Dwelling, 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, Mobile Home *permitted use only on lots 32.4 ha (80 acres) or greater in size. Home Based Business Type I Home Based Business Type II Home Office Secondary Suite, detached Secondary suite, principal Public works	Abattoir, minor Accessory buildings (requiring a development permit) Aerodrome/airstrip(private use) Agricultural intensive use Agricultural processing and distribution Agricultural support services Animal boarding services Animal care services Antenna structures, private Arena, limited public Arena, private Auctioneering services Bed and Breakfast Campground, minor (accessory to principal use) Card lock fuel dispensing facility Commercial school or college Community services Contractor, limited Day camp services Family Day Home Dwelling, single family

12.2.4 PERMITTED USES	12.2.5 DISCRETIONARY USES
Solar Power System, Private (Not requiring a Development Permit) Temporary storage of up to 5 unoccupied recreation vehicles Utility services, minor	*if in addition to the number of dwellings listed as permitted on a single lot. Dwelling, Mobile Home *discretionary use on lots less than 80 acres in size. Dwelling, moved on Dwelling, temporary (accessory to principal use) Educational services Farm equipment sales and service Guest ranch Home based business Type III Intensive vegetation operation Kennel, private Lot grading Man-made water bodies, private 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 Solar Power System, Private (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 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.

12.2.7.3 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 Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- 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.

12.2.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

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, single family Home Based Business Type I Home office Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of no more than 1 unoccupied recreation vehicles (within Hamlet boundary) Temporary storage of up to 5 unoccupied recreation vehicles (outside a Hamlet boundary) Public works Secondary Suite, Principal Utility services, minor	Accessory buildings requiring a development permit Agricultural intensive – on lots 3 acres or more in size Agricultural specialty Antenna structures, private Arena, private Bed and Breakfast Family Day Home Dugout (for general ag use) Dwelling, moved on Dwelling, temporary Home based business Type II Home based business Type III Intensive vegetation operation Kennels, private Lot grading Man-made water bodies, private Secondary Suites, Detached Signs requiring a Development Permit

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
	Solar Power System, Private requiring a Development Permit Temporary storage of no more than 2 unoccupied recreation vehicles (within Hamlet boundary)

**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 Maximum Dwelling Unit Density
  - a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite in accordance with Section 10.26, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10.
  - b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

**13.1.7.3 Minimum Yard Setbacks Requirements**

- a. Front Yard Setbacks:
  - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - 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 13.1.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw.

**13.1.7.4 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

**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;

**Mazzeppa:**

- 13.1.8.7 For the following properties in Mazeppa:

**Plan 7893FT, Block A, S 1/2 and N 1/2 (1.38 acres)**

Front yard setback:

- 4m (13.12 ft) from the right of way of the municipal road on the west side;
- 15m to the right of way of a municipal road on south side;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback:

- 8m (26.25ft.) from the property line for the principal building;
- 1m (3.28 ft.) from the property line for any accessory building.

**Plan 4098EL, Block 1, Lot 2 and Lot 3 & Plan 4098EL Lot 1, (0.35 acres)**

Front yard setback: 4m (13.12 ft) from the property line;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback:

- 8m (26.25ft.) from the property line for the principal building;
- 1m (3.28 ft.) from the property line for any accessory building.

**Plan 9610255, Lot 4 all within NW 30-19-27-W4 (2.57 acres – 34m strip):**

Front yard setback: 15m (49.21 ft) from the property line;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback: 15m (49.21 ft.) from the property line.

**NW 30-19-27-W4 (14.06 acres)**

Front yard setback: 15m (49.21 ft) from the property line;

**13.2 CLUSTER RESIDENTIAL DISTRICT**

**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, single family Home office Home based business Type I Public works Secondary Suite, Principal Sign not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of no more than 1 unoccupied recreation vehicles Utility services, minor	Accessory buildings requiring a development permit Antenna structures, private Bed and Breakfast Family Day Home Dwelling, temporary (during construction only) Home based business Type II Kennels, private Lot grading Manmade water bodies, private Dwelling, moved on Secondary Suite, Detached Signs requiring a development permit Solar Power System, Private requiring a Development Permit Temporary storage of no more than 2 unoccupied recreation 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 Maximum Dwelling Unit Density
  - a. Maximum dwelling unit density for a parcel is one Dwelling, Single Family and either one Dwelling, Secondary Suite in accordance with Section 10.26 or one Dwelling, Temporary (for construction only) in accordance with Section 10.10.
  - b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.
- 13.2.7.3 Minimum Yard Setbacks Requirements
  - a. Front Yard Setbacks:
    - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
    - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
    - 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 13.2.8 “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.*

13.2.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

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**

13.3.2.1 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”.

**13.3.3 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, single family Home based business Type I Home office Sign not requiring a development permit Temporary storage of one (1) recreational vehicle Public works Secondary Suite, Principal Solar Power System, Private (Not requiring a Development Permit) Utility servicing, minor	Accessory buildings requiring a development permit Antenna structures, private Bed and Breakfast Family Day Home Dwelling, semi detached Dwelling, temporary (during construction only) Home based business Type II Kennels, private Lot grading Manmade water bodies, private Secondary Suite, Detached Signs requiring a development permit Solar Power System, Private 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, single family:**
      - ii. 464m<sup>2</sup> (0.11 acres) for lots serviced by communal water and communal wastewater disposal systems accommodating a dwelling, 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, 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 Maximum Dwelling Unit Density
  - a. Maximum dwelling unit density for a parcel is one Dwelling, Single Family, and either one Dwelling Secondary Suite in accordance with Section 10.26 or one Dwelling, Temporary (for construction purposes only) in accordance with Section 10.10.

- b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

13.3.7.3 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
  - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - 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 13.3.8 “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.*

13.3.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

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 RESIDENTIAL COMMUNITY DISTRICT**

**RC**

**13.4.1 PURPOSE AND INTENT**

To provide for municipally or communally serviced residential development located within Hamlet boundaries and/or in comprehensively planned developments outside of Hamlet boundaries, where supported by an adopted area structure plan and/or outline plan, consistent with the policies outlined in the Municipal Development Plan. This District was formerly named Hamlet Residential District and Residential District and includes all lands previously zoned as such in the County.

**13.4.2 SUB-DISTRICT**

13.4.2.1 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”.

**13.4.3 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, Attached (where contemplated in an approved ASP) Dwelling single family Home office Public works Signs not requiring a development permit Solar Power System, Private (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 and Breakfast Family Day Home Dwelling, Attached Dwelling, moved on Home based business Type I Home based business Type II Kennels, private Lot grading Manmade water bodies, private Secondary Suite, Principal Secondary Suite, Detached Signs requiring a development permit Solar Power System, Private 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 Residential Community 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 Maximum Dwelling Unit Density
  - a. Maximum dwelling unit density for a parcel is one Dwelling, Single Family in accordance with Section 10.10, and one Dwelling, Secondary Suite in accordance with Section 10.26.
  - b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.
- 13.4.7.3 Minimum Yard Setbacks Requirements
  - a. Front Yard Setbacks:
    - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
    - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
    - iii. 48m (157.48 ft) from the centreline of a Municipal road;
    - iv. 15m (49.21 ft) from internal subdivision road outside of a hamlet boundary;
    - v. 4m (13.12 ft) from the right of way of a municipal road or internal subdivision road located within a hamlet boundary.

- b. Side Yard Setbacks:
  - i. 1.5m (4.92 ft) from the property line.
  - ii. Notwithstanding sub-section 13.4.7.3 (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
  - 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 13.4.8 “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.*

13.4.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.;

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.)
- c. Radio antennas, internet towers and wind turbines
  - i. 16m (52.49 ft.);

13.4.7.7 Minimum habitable area per dwelling

- i. 84 sq. m. (904.20 sq. ft.)

**13.4.8 EXCEPTIONS:**

- 13.4.8.1 Secondary Suites are not permitted on any lot with the hamlets of Heritage Pointe or Priddis Greens.

**Heritage Pointe Development:**

- 13.4.8.2 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;
- 13.4.8.3 Front yard setback of 1.0 metre from the property line for lots fronting the major east-west collector road.
- 13.4.8.4 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;
- 13.4.8.5 Rear yard setbacks: 3m (9.84 ft.) from the property line, only on those lots located on “Ravine Drive” in Heritage Pointe in accordance with Bylaw 805 including the CRR49 District amendments from 1986;
- 13.4.8.6 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;
- 13.4.8.7 Bareland Condominium Units on “Ravine Drive” in Heritage Pointe shall be no less than 3.048m (10 ft.) between buildings;
- 13.4.8.8 Dwelling, attached is a Discretionary Use only on parcels along “Ravine Drive” in Heritage Pointe;
- 13.4.8.9 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.

See Section 13.4.8.1 - Secondary Suites are not permitted on any lot with the Hamlet of Heritage Pointe.

**Heritage Pointe Stage 3 - Artesia Development:**

- 13.4.8.10 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;
- 13.4.8.11 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;
- 13.4.8.12 Rear yard setbacks: 1.5m encroachment into regular rear yard setbacks requirements for above grade decks; for those properties within Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.13 Maximum Height Requirement: relaxation of the maximum height requirements for all buildings to 12m within Heritage Pointe Stage 3 Area Structure Plan area - Artesia;
- 13.4.8.14 Dwelling, attached is a discretionary use on parcels along “Artesia Gate” “Spring Water Bay, and “Spring Water Close” in Heritage Pointe Stage 3 – Artesia
- 13.4.8.15 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.

See Section 13.4.8.1 - Secondary Suites are not permitted on any lot with the Hamlet of Heritage Pointe which includes Artesia Development.

**Greenhaven Development:**

- 13.4.8.16 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;
- 13.4.8.17 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;
- 13.4.8.18 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;
- 13.4.8.19 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;
- 13.4.8.20 Lots within Green Haven Estates may range in size from 0.81 acres (0.33 ha) to 2.54 acres (1.03 ha.), in accordance with the Green Haven Estates Area Structure Plan;

**Priddis Greens Development:**

- 13.4.8.21 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.

- 13.4.8.22 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.

See Section 13.4.8.1 - Secondary Suites are not permitted on any lot with the Hamlet of Priddis Greens.

**Hawks Landing:**

- 13.4.8.23 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.

- 13.4.8.24 Setback: 8m (26.25 ft.) from the undeveloped road allowance right of way on the west side<sup>3</sup> of the development located on Plan 0713569, Block 4, Lots 59-62 & Plan 0410490, Block 4, Lot 1

See Section 13.4.8.1 - Secondary Suites are not permitted on any lot with the Hamlet of Priddis Greens which includes the Hawks Landing development.

**Cottonwood Development:**

- 13.4.8.25 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 Naphtha**

13.4.8.26 Front yard setbacks on lots within the boundaries of the Hamlet of Naphtha are reduced to 15m from the right of way of Highway #22.

**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 Solar Power System, Private (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 and Breakfast Family Day Home Dwelling, Four-plex Dwelling, moved on Dwelling, townhouse Home based business Type I Home based business Type II Lot grading Manmade water bodies, private Signs requiring a development permit Solar Power System, Private 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 Maximum Dwelling Unit Density
- a. Maximum dwelling unit density for a parcel is as approved by the Approving Authority in an approved Area Structure Plan and/or Outline plan.
- 13.5.7.3 Minimum Yard Setbacks Requirements
- a. Front Yard Setbacks:
    - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
    - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
    - 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 outside of a hamlet boundary;
    - v. 4m (13.12 ft) from the right of way of a municipal road or internal subdivision road located within a hamlet boundary;
  - 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 13.5.8 “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.*

**13.5.7.4 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

**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 County.

**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, mobile home Home Office Park Public works Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) Utility services, minor	Accessory buildings requiring a development permit Accessory uses Antenna structures, private Home based business Type I Home based business Type II Family Day Home Dwelling, manufactured home Laundromat Lot grading Public and quasi-public installations and facilities Recreation, outdoor Signs requiring a development permit Solar Power System, Private 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 mobile homes: 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. (49.21 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 Maximum Dwelling Unit Density
  - a. Maximum dwelling unit density for a parcel is one Dwelling Unit or as determine by the Approving Authority in an approved Area Structure Plan and/or Outline plan (where there is not separate titles).
- 13.6.7.3 Minimum Yard Setbacks Requirements:
  - a. Front Yard Setbacks:
    - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
    - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
    - 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.

13.6.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.;

13.6.7.5 Other Minimum Setback Requirements:

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

13.6.7.6 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).

13.6.7.7 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 applicable 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 County.
  - iii. All roads within the manufactured home park shall be constructed and surfaced to the County's specifications if public and to the satisfaction of the County 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 County 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 Solar Power System, Private (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 Drinking Establishment Dwelling, temporary (accessory to principal use) Farm equipment sales and service Financial services Food service, drive in

14.1.3 PERMITTED USES	14.1.4 DISCRETIONARY USES
	Government Services Health care services Industry, General Industry, Light Industrial, Manufacturing/Processing Industrial, Storage and Warehousing Intensive vegetation operation Manufacturing, light Lot grading 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 Retail garden centre Retail store Service station Signs requiring a development permit Solar Power System, Private (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. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
- 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 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.

14.1.6.5 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 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.

**14.1.8 EXCEPTIONS:**

14.1.8.1 For the lands described as Ptn. NE 09-19-28-W4 containing 129.51 +/- acres and Ptn. SE 09-19-28-W4 containing 149.99 +/- acres the following exceptions apply:

- a. Data Center Campus is a Discretionary use on these lands;
- b. The maximum site coverage, including all buildings and impermeable surfaces, is 60% of the total lot area or as supported by a stormwater management plan prepared by an accredited professional.
- c. The maximum height of structures shall be 18 metres.
- d. Parking must be provided at a rate of 1.5 parking stalls or units per permanent employee. This excludes Handicap Parking which shall be determined by the Development Authority.
- e. A complete development permit application for a Data Centre Campus must include a noise mitigation and monitoring plan for those areas not subject to the AUC Rule

12, a fire prevention program and dynamic emergency response plan to the satisfaction of Foothills County.

**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 County.

**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 Solar Power System, Private (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 Auto body Auto repair Auto sales Campground Car / truck wash Commercial business Commercial school or college Conference centre Child Care Facility Drinking establishment Dwelling unit (accessory to commercial use) Government Services Health care services Hotel Intensive vegetation operation Liquor sales Lot grading Mixed use building (residential and business) Motel Outdoor café Patio (accessory to principal business use) Personal service establishment Public market Public quasi-public

14.2.3 PERMITTED USES	14.2.4 DISCRETIONARY USES
	Recreation, indoor Recycling collection point Residential care facility Retail garden centre Retail store Service station Signs requiring a Development Permit Solar Power System, Private (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 or internal subdivision 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 Municipal Road, Major.
- iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.

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 Other Minimum Setback Requirements:

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

14.2.6.5 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 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.

**14.2.8 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 Solar Power System, Private (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 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 Recreation, indoor Recreational vehicle sales Restaurant Retail garden centre Retail Store Service station Signs requiring a development permit Solar Power System, Private (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 Municipal Road, Major.
    - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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 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 the Approving Authority, may interfere with the amenity of adjacent uses.

**14.3.6.5 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.
- 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 Dwelling, single family Home based business, Type I Home based business Type II Home office Public works Signs not requiring a development permit Solar Power System, Private (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 Dugout Dwelling, moved on Dwelling, temporary Family Day Home Farm equipment sales and service Guest ranch Home based business Type III Industry, light Intensive agricultural operation Lot grading Manufacturing, light Personal care establishment Public market Restaurant (accessory to principal use) Retail garden centre Secondary suite, detached Secondary suite, principal Signs requiring a development permit Solar Power System, Private (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 Municipal Road, Major.
    - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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 Other Minimum Setback Requirements:**

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

**14.4.6.5 Maximum Height of Structures:**

- a. 12m (39.37 ft).

**14.4.6.6 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 Solar Power System, Private (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 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 Drinking Establishment Dwelling unit (accessory to principal use) Industrial, general Intensive vegetation operation Lot grading Outdoor café 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

15.1.3 PERMITTED USES	15.1.4 DISCRETIONARY USES
	Solar Power System, Private (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 sq. ft.);
    - 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. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - 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 be 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 Other Minimum Setback Requirements:**

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

**15.1.6.5 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)

**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 mentioned uses listed for this district and each use shall be considered as a separate use.

**15.1.8 EXCEPTIONS:**

**15.2 GENERAL INDUSTRY DISTRICT**

**15.2.1 PURPOSE AND INTENT**

To provide for continued general industrial development within the Highway 2A corridor in accordance with the Highway 2A Industrial Area Structure Plan. Development should be primarily industrial in nature with some forms of accessory commercial uses where deemed appropriate. Interim uses such as storage facilities may be considered prior to utility servicing being established. Development Permit applications within the General Industry District shall be in alignment with approved Outline Plans completed in accordance with Section 15.2.7.6 of this district.

**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.

15.2.3 PERMITTED USES	15.2.4 DISCRETIONARY USES
Abattoir, minor Accessory building Agricultural, general Agricultural processing & distribution Agricultural support services Animal care services Auto body Auto repair Auto sales Business office Commercial school or college Commercial storage Contractor, general Contractor, limited Farm equipment sales and service Government services Green material reuse storage site Industrial, storage and warehousing Industry, general Industry, light Lot grading Manufacturing, light Outdoor storage Protective and emergency services Public works Recreational vehicle sales Recreation vehicle storage Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit)	Abattoir, major Accessory Use (excluding permanent dwelling units) Auctioneering services Auctioneering services, livestock Auto Wreckers Bulk fuel depot Cannabis production, micro Cannabis production, nursery Cannabis production, standard Card lock fuel dispensing facility Compost, class I or II Data Processing Facility (Small Scale) Dog park Food service, drive-in Industry, heavy Industrial manufacturing/processing Intensive vegetation operation Kennel, commercial Park Recreation, Passive Recreation, Outdoor Recycling collection point Recycling depot Recyclable material area Restaurant Retail store, Service station Signs requiring a development permit

<b>15.2.3 PERMITTED USES</b>	<b>15.2.4 DISCRETIONARY USES</b>
Storage compound Utility services, minor Warehousing and storage Warehouse sales Wholesale landscape supply	Solar Power System, Private (Requiring a Development Permit) Solar Power System, Commercial Truck stop Utility services, major Waste incineration energy recovery Waste management facility, minor

**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. 1,858 m<sup>2</sup> (0.5 acre) for lots serviced by a municipal or communal piped water and sewer system.
  - ii. 4,046.86 m<sup>2</sup> (1 acre) for lots serviced by a piped water system, and an advanced package sewage treatment system; or
  - iii. The area on title at the time of passage of this Bylaw, whichever is greater; or
  - iv. 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. The maximum site coverage, including all buildings and impermeable surfaces, is 60% of the total lot area or as supported by a stormwater management plan prepared by an accredited professional.

**15.2.6.2 Minimum Yard Setbacks Requirements**

- a. Front Yard Setbacks:
  - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iii. 48m (157.48 ft) from the centreline of the Municipal Road.
  - iv. 6m (19.69 ft) from the property line from an Internal Road.
  - v. Front yard setback may be 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; OR in accordance with spatial separations of buildings as per the applicable Building Code enforced at the time of approval, whichever is greater.
  - ii. Where the side yard abuts a residential district:
    - a. In an area identified for General Design Standards in accordance with the Highway 2A Design Guidelines, the setback shall be increased by 50%.
    - b. In an area identified for Enhanced Design Standards in accordance with the Highway 2A Design Guidelines, the setback shall be a minimum of 6.0 m (19.7 ft) abutting the residential lands.
- 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.

**15.2.6.3 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

**15.2.6.4 Other Minimum Setback Requirements:**

- a. All development shall comply with the applicable Provincial legislation and approvals with respect to setbacks to uses such as waste management sites and municipal utilities unless the setback is varied by the Approving Authority with the written consent of the Deputy Minister of Environment.
- b. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.
- c. 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.

- 15.2.6.5 Maximum Height of Structure:
- a. Buildings and Accessory Equipment - 16m (52.49 ft).

**15.2.7 SPECIAL REQUIREMENTS**

15.2.7.1 Lands within Flood Hazard Protection Overlay

See Section 11.1 for provisions and regulations relating to lands located within the Flood Hazard Protection Overlay.

- a. A Development Permit is required for development located within the Flood Hazard Protection Overlay, except as exempt under Section 4.2.1.7 and in accordance with Section 11.1.3.3 of the Flood Hazard Protection Overlay.
- b. For the purpose of applying for Development Permit approval, where any portion of a parcel zoned General Industry District is situated within the Flood Hazard Protection Overlay District, all uses on the parcel shall be considered discretionary uses.

15.2.7.2 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.

15.2.7.3 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 (2021), as may be amended or replaced by Council from time to time.

15.2.7.4 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

15.2.7.5 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.

15.2.7.6 Outline Plans

- a. An approved Outline Plan, in accordance with the Highway 2A ASP outline plan guidelines, may be required in advance of considering a Development Permit application as complete. As part of the Outline Plan, the following information may be required to the satisfaction of Council:
  - i. A utility strategy.
  - ii. An access management strategy.
- b. All future development permit applications must be in accordance with any approved outline plan for those lands.

15.2.7.7 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 through approval of a Multiple Potential Use Development Permit and each use shall be considered as a separate use.
- b. Cannabis Production shall be in accordance with 10.15 of this Bylaw.

**15.2.8 EXCEPTIONS:**

15.2.8.1 Existing development approvals granted under the previous DC#2 land use which remain in good standing (meaning all conditions met and in compliance with all approvals), may continue to operate as per the existing approval. However, any additions, expansions, or amendments to the existing approved development shall require an approved development permit in accordance with the updated General Industry District provisions.

Development permits for additional development will not require the existing permitted development that is in compliance with prior approval to be brought into compliance with the updated General Industry District.

15.2.8.2 Existing dwelling units, constructed in good standing in accordance with the Land Use Bylaw, Building and Safety codes, situated on lands zoned General Industry District within the Highway 2A Industrial Area Structure Plan Area, are considered existing non-conforming uses. These dwelling units may remain on the lands only in accordance with the provisions of non-conforming uses under Section 1.8 of the Land Use Bylaw and Section 653 of the MGA. This exception applies to the existing dwellings identified on following three parcels.

- Plan 941280, Lot 3, Ptn. SE 25-19-29-W4 – 15.84 Acres
- Ptn. SW 30-19-28-W4 – 23.76 acres
- Plan 1312052, Block 1, Lot 1, Pt. NW 20-19-28-W4 – 5.95 acres

15.2.8.3 Front yard setbacks: 6m from the property line on the south side (adjacent to 466 Ave) for Plan 9812255, Lot 1 and Lot 26.

15.2.8.4 The Development Authority may grant a variance of up to 90% from the Highway 2A setback requirement for both proposed and existing developments on Lots 1 through 13, Plan 9812255, Ptn. SW 30-19-28-W4 (Abild's Subdivision). This variance is intended to ensure alignment with the former Direct Control District #2 development regulations and approvals that governed these lots at the time of their initial development.

**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. Development Permit applications within the Industrial Edge District shall be in alignment with approved Outline Plans completed in accordance with Section 15.3.7.5 of this district.

**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.

15.3.3 PERMITTED USES	15.3.4 DISCRETIONARY USES
Accessory building not requiring a development permit Agricultural, general Agricultural support services Animal care services Business office Contractor, limited Commercial Storage Green Material Reuse Storage Site Government services Industry, light 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 Solar Power System, Private (Not requiring a Development Permit) Warehousing and Storage Utility services, minor	Abattoir, Minor Accessory buildings requiring a development permit Accessory uses (excluding permanent dwelling units) Agricultural Processing & Distribution Auctioneering services Auto body Auto sales Commercial school or college Dog park Food service, drive-in Industrial, General Industrial, Manufacturing/Processing Industrial, Storage and Warehousing Intensive vegetation operation Recreation, outdoor Recreational vehicle sales Recreational vehicle storage Service Station Special event Solar Power System, Commercial Solar Power System, Private (Requiring a Development Permit) 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. 4,046.86 sq. m (1 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. The maximum site coverage, including all buildings and impermeable surfaces, is 60% of the total lot area or as supported by a stormwater management plan prepared by an accredited professional.
- 15.3.6.2 Minimum Yard Setbacks Requirements
  - a. Front Yard Setbacks:
    - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
    - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
    - iii. 48m (157.48 ft) from the centreline of the Municipal Road.
    - iv. 6m (19.69 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; OR in accordance with spatial separations of buildings as per the applicable Building Code enforced at the time of approval, whichever is greater.
  - ii. Where the side yard abuts a residential district:
    - a. In an area identified for General Design Standards in accordance with the Highway 2A Design Guidelines, the setback shall be increased by 50%.
    - b. In an area identified for Enhanced Design Standards in accordance with the Highway 2A Design Guidelines, the setback shall be a minimum of 6.0 m (19.7 ft) abutting the residential lands.
- 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.

**15.3.6.3 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

**15.3.6.4 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.

**15.3.6.5 Maximum Height of Structure:**

- a. Buildings and Accessory Equipment - 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 (2021), as may be amended or replaced by Council from time to time.

Lighting:

- b. All lighting must be in accordance with Section 9.15 of the Land use bylaw and with the Municipal Dark Sky Bylaw.

15.3.7.3 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.

15.3.7.4 Outline Plans

- a. An approved Outline Plan, in accordance with the Highway 2A ASP guidelines, may be required in advance of considering a Development Permit application as complete. As part of the Outline Plan, the following information may be required to the satisfaction of Council:
  - i. A utility strategy.
  - ii. An access management strategy.
- b. All future development permit applications must be in accordance with any approved outline plan for those lands.

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-mentioned uses listed for this district through approval of a Multiple Potential Use Development Permit and each use shall be considered as a separate use.

**15.3.8 EXCEPTIONS:**

- 15.3.8.1 Existing development approvals granted under the previous DC#2 land use which remain in good standing (meaning all conditions met and in compliance with all approvals), may continue to operate as per the existing approval. However, any additions, expansions, or amendments to the existing approved development shall require an approved development permit in accordance with the updated Industrial Edge District provisions.

Development permits for additional development will not require the existing permitted development that is in compliance with prior approval to be brought into compliance with the updated Industrial Edge District.

- 15.3.8.2 Existing dwelling units, constructed in good standing in accordance with the Land Use Bylaw, Building and Safety codes, situated on lands zoned Industry Edge District within the Highway 2A Industrial Area Structure Plan Area, are considered existing non-conforming uses. These dwelling units may remain on the lands in accordance with the provisions of non-conforming uses under Section 1.8 of the Land Use Bylaw and Section 653 of the MGA or be approved by Development Permit application as an accessory use where applicable.

This exception applies to the existing dwellings identified on following parcel:

- Ptn. NW 06-20-28-W4 – 89.9 acres

**15.4 NATURAL RESOURCE EXTRACTION DISTRICT**

**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 County.

**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 Solar Power System, Private (Not requiring a Development Permit) Utility services, minor	Accessory buildings requiring a development permit Accessory uses Dwelling, single family Dwelling, moved on Dwelling unit, temporary (accessory to principal use) Home Based Business I Home Office Lot grading Signs requiring a development permit Solar Power System, Private (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. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - 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.

15.4.6.3 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

15.4.6.4 Other Minimum Setback Requirements:

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

15.4.6.5 Maximum Height of Structure:

- a. Buildings - 12m (39.37 ft).
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft).

15.4.6.6 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.

Lighting:

- c. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

15.4.7.2 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.

15.4.7.3 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,

**15.4.8 EXCEPTIONS:**

**15.5 LOW INTENSITY INDUSTRY DISTRICT**



**15.5.1 PURPOSE AND INTENT**

The general purpose of this district is to provide for the potential development of lands impacted by flooding in an environmentally friendly, safe, and appropriate manner. The intent is to recognize development constraints and maintain or decrease the overall intensity of development on lands that have been significantly impacted by flooding, without limiting the potential for development of lands that have experienced less or no impacts.

Some of the uses provided for in this district may not be suitable for all lands. Where lands may be subject to flooding, favorable uses for the lands are those developments that require limited buildings and structures and uses that would generate minimal impact in the event of future flooding. Lands subject to flooding are required to meet all provisions under Section 9.13 “Lands Subject to Flooding” and may be subject to Section 11.1 “Flood Hazard Protection Overlay District” within the Land Use Bylaw.

**15.5.2 GENERAL REQUIREMENTS:**

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

Notwithstanding Section 4.2.1 of the Land Use Bylaw any proposed development for a discretionary use or any proposed development that requires construction of any buildings or structures will require a development permit, one of the requirements of which will be to demonstrate compliance with all requirements of Section 9.13 - Land Subject to Flooding and Section 11.1 Flood Hazard Protection Overlay District of this Bylaw.

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

15.5.2.3 Refer to Section 11.1 Flood Hazard Protection Overlay District for specific regulation and provision on lands included within the Flood Hazard Protection Overlay District.

15.5.3 PERMITTED USES	15.5.4 DISCRETIONARY USES
Accessory Uses (accessory to the principal use) Agriculture, General Public Works Signs not requiring a Development Permit Solar Power System, Private (Not requiring a Development Permit)	Accessory Buildings Aerodrome/Airstrip (Private Use) Agriculture Intensive Use Agricultural Specialty Amusement and Entertainment Services Animal Care Services Business Offices Contractor, General Contractor, Limited Dog Park Dwelling Unit (accessory to principal use) Educational and Interpretative Use Farmers Market Green Material Reuse Storage Site

<b>15.5.3 PERMITTED USES</b>	<b>15.5.4 DISCRETIONARY USES</b>
	Industry, Light Intensive Vegetation Operation Interpretive Pathways Manufacturing, Light Mobile Sales Vehicle Outdoor Storage Park Public Market Recreation, Passive Recreation Services, Outdoor Retail Store (accessory to principal use only) Sea-Can Signs requiring a Development Permit Solar Power System, Private (Requiring a Development Permit) Special Event Storage Compound Utility Services, Minor Warehouse Sales Wholesale Landscape Supply Wind Energy Conversion System, Personal or accessory to an approved use

**15.5.5 LAND USE REQUIREMENTS**

- 15.5.5.1 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.
- 15.5.5.2 In order to facilitate the purpose and intent of this district and ensure the sustainability of low intensity industry 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. The area in title at the time of passage of this Bylaw, whichever is greater; or
    - ii. 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. None.
  - d. Required Developable Area
    - i. In accordance with Section 9.8 of this Bylaw.

15.5.5.3 Utility Servicing Criteria

- a. Utility servicing shall be as determined by the Approving Authority, and if applicable, in accordance with an approved area structure plan or outline plan.
- b. Water wells being utilized other than for private residential or agricultural use may be required to be licensed for the intended use, in accordance with Alberta Environment requirements.

**15.5.6 DEVELOPMENT REQUIREMENTS**

15.5.6.1 Maximum Lot Coverage:

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

15.5.6.2 Maximum Dwelling Unit Density:

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family in accordance with Section 10.10 Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family in accordance with Section 10.10 Dwellings.

15.5.6.3 Minimum Yard Setback Requirements for Principal Buildings and Accessory Buildings and Structures

- a. Front Yard Setback:
  - 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 Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way of 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.
- e. See Section 15.5.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw.

15.5.6.4 Corner Parcel Restrictions:

- a. In accordance with Sections 9.27.9 - 9.27.12.

15.5.6.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this Bylaw for additional setback requirements that may apply.
- b. See Section 9.13 “Land Subject to Flooding” of this Bylaw for additional setback requirements that may apply.

- c. The Approving Authority may require a greater minimum setback for any use, which in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses having regard for the location of the development, potential environmental impacts, adjacent land uses, and any determined natural, scenic or ecologically significant feature of the landscape.

**15.5.6.6 Maximum Height of Structures:**

- a. Principal Buildings:
  - i. 12m (29.37 ft.); ii
- b. Accessory Buildings or Structures
  - i. 10.67m (35 ft.).
- c. Satellite dishes, radio antennas, internet towers and wind turbines:
  - i. 16m (52.49 ft.).

**15.5.6.7 Minimum habitable area per Dwelling:**

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

**15.5.7 SPECIAL REQUIREMENTS**

**15.5.7.1 Lands Subject to Flooding:**

- a. Provisions for lands subject to flooding are provided for under Section 9.13 “Land Subject to Flooding” and under Section 11.1 “Flood Hazard Protection Overlay District” of this Bylaw.

**15.5.7.2 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.

**15.5.7.3 Nuisance:**

- a. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.

**15.5.7.4 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. Size and number of structures permitted on site.
- d. Hours of operation.
- e. Number of employees.
- f. Number of vehicle visits per day.
- g. Number, duration and size of events permitted.
- h. Noise.

- i. Buffering.
- j. Lighting.
- k. Outdoor storage.
- l. Parking Requirements.
- m. Potential impact to neighbouring properties.
- n. Requirements for evacuation and emergency response plans.
- o. Proof of compliance with fire and safety codes.
- p. Upgrades on municipal roads.
- q. Submission of Federal/Provincial Approvals and Licenses.
- r. Screening of facilities.

**15.5.7.5 Lighting:**

- a. All lighting must be in accordance with Section 9.15 of this Bylaw and with the Municipal Dark Sky Bylaw.

**15.5.7.6 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 this Bylaw.
- c. Lot drainage shall be managed in accordance with all Federal and/or Provincial permits and approvals, regulations, and standards.

**15.5.7.7 Other:**

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above listed uses for this district and each use shall be considered as a separate use and each use shall obtain a separate development permit.

**15.5.8 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 Country recreational center/lodge Government services Home Office Natural science exhibits Ornamental pond Park Private amenity space Man-made water bodies, private Public works Recreation, passive Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) Tourist information services and facilities	Accessory building requiring a development permit Accessory uses Agricultural, general Amusement and entertainment services Bed and breakfast Campground, Major Campground, minor Community buildings and facilities Community services Convenience store (accessory to principal use) Drinking establishment (accessory to principal use) Dugout Dwelling, single family dwelling Dwelling, moved on Dwelling, temporary Golf course Home based business Type I Home based business Type II Lot grading Public market Recreational resort Recreation, indoor Recreation, outdoor Retail store (accessory to principal use) Restaurant (accessory to principal use) Signs requiring a development permit Solar Power System, Private (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. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
    - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
    - 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; 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 Other Minimum Setback Requirements:**

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

**16.1.6.5 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).

**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 (49.21 ft.).

- 16.1.8.2** For Plan 9910270, units 32 through 41 and Plan 9710379, units 1 through 26, allow for the following setbacks:

**a. Front Yard Setbacks:**

- i. 48m (157.48 ft.) from the centreline of a Municipal Road.
- ii. 5m (16.40 ft) from the property line for internal subdivision roads and internal laneways.

**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.
  - iii. Decks and associated staircases (steps) may project into the rear yard setback to a maximum of 1.5m (4.92 ft.).

**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 County, 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 Solar Power System, Private (Not requiring a Development Permit)	Accessory buildings requiring a development permit Community services Dwelling, single family dwelling Dwelling, temporary Lot grading Man-made water bodies, private Signs requiring a development Solar Power System, Private (Requiring a Development Permit) 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:
  - 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.

**16.2.5.3 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. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - 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 Other Minimum Setback Requirements:**

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

16.2.6.6 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 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.

**16.2.8 EXCEPTIONS:**

**16.3 ENVIRONMENTAL PROTECTION DISTRICT**

**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 County, 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 Solar Power System, Private (Not requiring a Development Permit)	Accessory building - temporary Accessory uses Dwelling, temporary Lot grading Pathways Private amenity space Signs requiring a development permit Solar Power System, Private (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. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - 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 Other Minimum Setback Requirements:**

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

16.3.6.6 Maximum Height of Structure:

- a. Buildings - 12m (39.37 ft.)
- b. Satellite dishes, radio antennas, internet towers and wind turbines - 16m (52.49 ft.)

**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 mentioned 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 Solar Power System, Private (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 Child Care Facility Dwelling, single family dwelling Dwelling, temporary Educational services, Private/Charter Funeral home Group home, limited Group home, major Health care services Home Based Business I Home Office Library and exhibit Lot grading Recreation, indoor (accessory to principal use) Recreation, outdoor (accessory to principal use) Religious assembly Residential care facility

<b>17.1.3 PERMITTED USES</b>	<b>17.1.4 DISCRETIONARY USES</b>
	Restaurant (accessory to principal use) Retail store (accessory to principal use) Signs requiring a development permit Solar Power System, Private (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. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
    - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
    - 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; 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 Other Minimum Setback Requirements:

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

17.1.6.5 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 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.

#### **17.1.8 EXCEPTIONS:**

**17.2 PUBLIC UTILITY DISTRICT**

**17.2.1 PURPOSE AND INTENT**

To accommodate public and private utilities and facilities needed to serve the County.

**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 Solar Power System, Private (Not requiring a Development Permit) Utility services, minor Utility building Waste management, minor	Accessory uses Lot grading Recreation, outdoor Signs requiring a development permit Solar Power System, Private (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
  - 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.
- 17.2.6.2 Minimum Yard Setbacks Requirements
  - a. Front Yard Setbacks:
    - i. 6m (19.69 ft) from the property line.
    - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - b. Side Yard Setbacks:
    - i. 6m (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.

17.2.6.3 Other Minimum Setback Requirements:

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

17.2.6.4 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 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.

**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**

**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 Solar Power System, Private (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, Indoor Recreation, Outdoor Signs requiring a development permit Solar Power System, Private (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:
  - a. All buildings:
    - i. 12m (39.37 ft.);
  - b. 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. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iii. 48m (157.48ft.) from the centre line of a Municipal Road.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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 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 enable development in accordance with the Spruce Meadows Area Structure Plan and to allow direct control by the Council over development on the following lands that together comprise the Spruce Meadows Equestrian Centre:

Legal Description	Area (ac)	Lot, Block, Plan	Registered Owner
Ptn. SE 20-22-1 W5M and Ptn. N 20-22-1 W5M	295.50	Lot 1, Block 2, Plan 1011285	Spruce Meadows
Ptn. SE 20-22-1 W5M	15.00	Lot 1, Block C, Plan 9810485	Spruce Meadows
Ptn. SE 20-22-1 W5M	13.98	Lot 7, Block A, Plan 0312600	Spruce Meadows
Ptn. SE 20-22-1 W5M	10.01	Lot 6, Block F, Plan 9011302	Spruce Meadows Executive (Charparo Tree Farm Ltd.)
Ptn. NE 17-22-1 W5M	19.46	North of Roadway Plan 1577JK, East of Block 6 on Plan 205LK, West of the East 660 feet of Quarter Section	Spruce Meadows
Ptn. NE 17-22-1 W5M	19.48	Block 6, Plan 205LK	Spruce Meadows
Ptn. SW 20-22-1 W5M	59.20	Lot 1, Block 2, Plan 1011927	Spruce Meadows Executive (Charparo Tree Farm Ltd.)
Ptn. SE 20-22-1 W5M	19.03	South Half of Block E, Plan 2231JK	Spruce Meadows Executive
Ptn. NW 17-22-1 W5M	32.89	Legal Subdivision 12	Spruce Meadows Executive (Charparo Tree Farm Ltd.)
Ptn. NW 17-22-1 W5M	21.31	Legal Subdivision 11	SM Executive (Charparo Tree Farm Ltd.)
<b>TOTAL ACREAGE</b>	<b>505.86</b>		

**18.1.2 PERMITTED USES**

Accessory Building, Detached  
Accessory Use  
Administration Office  
Agricultural (Intensive Use)  
Agricultural, General  
Animal Boarding Services  
Animal Care Services  
Apiary  
Arena, Private  
Arena, Limited Public  
Business Offices  
Club House  
Commercial Business, accessory to the equestrian and sport facility  
Child Care Facility  
Drinking Establishment, accessory to the equestrian and sport facility  
Dwellings, Detached Single Family  
Education Centre  
Educational and Interpretive Use  
Event  
Event, Private  
Food Truck  
Food Service, Accessory  
Heli-pad  
Home Office  
Interpretive Pathway  
Liquor Sales, accessory to the equestrian and sport facility  
Mobile Sales Vehicle  
Museum/Art Gallery  
Natural Science Exhibits  
Neighbourhood Pub, accessory to the equestrian and sport facility  
Open Air Performance and Art Space, accessory to the equestrian and sport facility  
Outdoor Café  
Outdoor Display Area  
Outdoor Storage, accessory to the equestrian and sport facility  
Public Market  
Public Works  
Recreation, Passive  
Recreational, Indoor  
Recreational, Outdoor  
Restaurant, accessory to the equestrian and sport facility  
Retail Store, accessory to the equestrian and sport facility  
Signs requiring a Development Permit  
Solar Power System, Private (Not requiring a Development Permit)  
Special Event  
Temporary (short-term) Manure Storage  
Utility Services (Minor)

**18.1.3 DISCRETIONARY USES**

- Additional uses at the discretion of Council
- Additional Dwellings
- Amusement and Entertainment Services
- Arena, Commercial
- Campground, Minor, accessory to the equestrian facility
- Commercial Business, Not accessory to the equestrian and sport facility
- Commercial Storage
- Conference Centre
- Cultural Facilities
- Dog Park
- Drinking Establishment, Not accessory to the equestrian and sport facility
- Dwellings, Duplex
- Dwelling, Temporary
- Home Based Business I
- Hotel
- Intensive Vegetation Operation
- Kennels, Private
- Liquor Sales, Not accessory to the equestrian and sport facility
- Man-made water bodies, private
- Neighborhood Pub, Not accessory to the equestrian and sport facility
- Open Air Performance and Art Spaces, Not accessory to the equestrian and sport facility
- Park Model
- Religious Assembly
- Restaurant, Not accessory to the equestrian and sport facility
- Retail Store, Not accessory to the equestrian and sport facility
- Secondary Suite, Detached
- Secondary Suite, Principal
- Solar Power System, Private (Requiring a Development Permit)
- Temporary Farm Help Accommodation

**18.1.4 LAND USEREQUIREMENTS**

- 18.1.4.1 Standards of development shall be at the discretion of Council.

**18.1.5 DEVELOPMENT REQUIREMENTS**

- 18.1.5.1 The maximum height of principal and accessory structures shall be at the discretion of Council.
- 18.1.5.2 The Minimum Yard Setback Requirements shall be as follows:
  - a. 40m from a Primary Highway.
  - b. 10m from any other public roadway.
  - c. Or as determined by Council.

**18.1.6 SPECIAL PROVISIONS**

- 18.1.6.1 Landscaping and Screening:
  - a. Landscaping shall be completed as determined by Council.
  - b. Levels and methods of screening of the site shall be determined by Council.

- 18.1.6.2 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 guest rooms.
  - e. Maximum number of days of stay.
  - f. Number of employees.
  - g. Number of vehicle visits per day.
  - h. Number, duration and size of events permitted.
  - i. Noise.
  - j. Buffering.
  - k. Lighting.
  - l. Outdoor storage.
  - m. Parking requirements.
  - n. Screening of facilities.
  - o. Any other condition that Council deems necessary.
- 18.1.6.3 Noise:
- a. Spruce Meadows is exempted from adherence to the Community Standards Bylaw with regard to noise.
- 18.1.6.4 Lot Drainage:
- a. Lot grading and drainage shall be in accordance with Section 9.17 of the Land Use Bylaw and Section 6.2.3 of the Spruce Meadows Area Structure Plan or modified at the discretion of Council.
- 18.1.6.5 Water and Wastewater Servicing:
- a. Water and wastewater servicing shall be in accordance with Section 6.2.1 and 6.2.2 of the Spruce Meadows Area Structure Plan or modified at the discretion of Council.

**18.1.7 PROCEDURE**

- 18.1.7.1 Notwithstanding the procedure established for Development Permit applications in Section 4, 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.
- 18.1.7.2 There is no appeal to the 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.

**18.1.8 DEFINITIONS**

**EVENT PRIVATE** – an exclusive event that is intended for friends, family and people known to the hosts, and which may be attended by invitation only. This include corporate events, family reunions, and weddings.

**HELIPAD:** a designated area, usually with a prepared surface, used for the takeoff, landing or parking of helicopters. This does not include private or public Aerodromes or Airports.

**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  
Plan 2110509, Block 1 Lot 1, W4 S 19-28-W4 (10.8 acres)

**18.2.2 PERMITTED USES**

Nil

**18.2.3 DISCRETIONARY USES (FOR EXAMPLE, BUT NOT LIMITED TO)**

- Abattoir, Minor
- Abattoir, Major
- Accessory Uses
- Agricultural Distribution and Storage
- Agricultural Processing
- Auto Wreckers
- Dwelling 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
- Cannabis Production
  - Cannabis Production, Micro
  - Cannabis Production, Nursery
  - Cannabis Production, Standard
- Natural Resource Extractive Industry
- Non-Labour Intensive Industry
- Public Works
- Scrap Metal Collection Centers

**REPEALED WITH  
ADOPTION OF  
BYLAW 44/2022**

**18.3 DIRECT CONTROL DISTRICT #3 (DC3)  
RETREAT, MEETING CONFERENCE AND TREATMENT  
FACILITIES DISTRICT**

**DC#3**

**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, Single Family
  - No more than 1 dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size
- Home Office
- Public Works
- Signs not requiring a development permit
- Solar Power System, Private (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, mobile home on lots less than 80 acres in size
- Dwelling, moved on,
- Dwelling Unit
- Country Residential Recreational Centers and Lodges
- Conference Centre / Retreat
- Golf Course
- Home Based Business I
- Interpretive Pathways
- Lot Grading
- Man-made water bodies, privates requiring a permit
- Residential Care Facility
- Temporary Structures for Special Events
- Private Amenity Space
- Personal Service
- Public / Quasi Public Installations and Facilities
- Secondary Suite, Detached
- Secondary Suite, Principal
- Signs requiring a Development Permit
- Solar Power System, Private (Requiring a Development Permit)

Special Events

**18.3.4 LAND USE REQUIREMENTS**

18.3.4.1 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 (i.e. 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. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iii. 48m (157.48ft.) from the centreline of a Municipal Road.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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 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.

18.3.5.6 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**

Solar Power System, Private (Not requiring a Development Permit)

**18.4.3 DISCRETIONARY USES (FOR EXAMPLE, BUT NOT LIMITED TO)**

Accessory Uses

Aerodrome / Airstrip (Private Use)

Solar Power System, Private (Requiring a Development Permit)

**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)  
FOOTHILLS REGIONAL AIRPORT DISTRICT**

**DC#5**

**18.5.1 PURPOSE AND INTENT**

The purpose of this land use district is to allow for appropriate, aviation related development on lands at the Foothills Regional Airport, as have been registered in accordance with the Canadian Aviation Regulations, and to allow for the Direct Control by Council over development on the following lands:

SW ¼ SEC. 19, TWP. 18, RGE. 28, W4M; PLAN 8011027

**18.5.2 GENERAL REQUIREMENTS**

All development on lands in the Airport District shall require a development permit with the following exceptions:

- a. Airport Operations, other than a terminal building

18.5.3 PERMITTED USES	18.5.4 DISCRETIONARY USES
<p><u>Airside or Groundside</u>                      Accessory Buildings, accessory to the Airport                      Administration Office, accessory to the Airport                      or other approved use                      Agricultural, General                      Aircraft Parts Sales                      Meteorological Installations                      Military Operations - including cadets and                      search and rescue                      Navigational Aid Facilities                      Protective and Emergency Services                      Public Works                      Signs, not requiring a development permit                      Utility Services, Minor</p> <p><u>Airside Only</u>                      Aerodrome/ Airstrip                      Aerial Application and Spraying Operations                      Aerial Photography Services                      Air Ambulance                      Air Cargo Facilities                      Aircraft Service and Repair                      Aircraft Charter Operations                      Airport Operations                      Aviation Fuel Dispensing Facility                      Hangars or Aircraft Storage Facilities                      Helicopter Operations                      Terminal Building</p>	<p><u>Airside or Groundside:</u>                      Aircraft Sales, Leasing, and Rentals                      Club House, accessory to the airport                        Flight Training School                      Hangar, Semi-Detached                      Logistics and Distribution                      Personal Storage, accessory to principal                      aviation use                      Restaurant, within Terminal Building                      Sea-Can (on commercial lots only)                      Signs requiring a development permit                      Solar Power Equipment                      Solar Power Facility                      Special Events</p> <p><u>Groundside Only:</u>                      Administration Office, aviation related                      Agricultural, Intensive                      Aviation Museum                      Campground, Minor, accessory to the                      airport                      Commercial School, College or Training                      Facility                      Commercial Storage</p>

	<p>Community Buildings and Facilities</p> <p>Convenience Store</p> <p>Education Centre</p> <p>Food Service, accessory to the airport</p> <p>Food Truck</p> <p>Garage, Private</p> <p>Industrial Manufacturing/ Processing</p> <p>Industry, Light, aviation related</p> <p>Outdoor Display Area, accessory to approved business</p> <p>Outdoor Storage</p> <p>Private Amenity Space</p> <p>Recreation, Indoor</p> <p>Recreation Vehicle Storage</p> <p>Restaurant</p> <p>Retail Store (aviation related or accessory to the airport)</p> <p>Service Station</p>
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**18.5.5 LOT DESIGNATIONS**

- 18.5.5.1 Lots with assigned ‘P’ (Private) designation are intended for the purpose of supporting and conducting personal aviation activities and storage of personal aircrafts.
- 18.5.5.2 Lots with assigned ‘C’ (Commercial) and ‘N’ (North) designations are intended for the purpose of supporting and conducting Airside Development, such as aviation related commercial businesses which require direct access to airside facilities.
- 18.5.5.3 Lots with assigned ‘G’ (Groundside) designation are intended for the purpose of conducting Groundside Development and are encouraged to support businesses related to aviation or uses complementary to the airport. These lots do not have direct access to airside facilities; uses which require airside access should not be located on these lots.

**18.5.6 DEVELOPMENT REQUIREMENTS**

- 18.5.6.1 Development on all lots:
  - a. shall be contained within the boundary of the lot, including all structures, propane tanks, septic tanks, and holding tanks.
  - b. shall comply with fire separation distances in accordance with the applicable Building Code.
  - c. shall not include overnight accommodations and/or any dwelling unit; and
  - d. shall adhere to the Airport’s stormwater technical memo.
- 18.5.6.2 Development on Private (P) and Commercial (C and N) lots:

- a. shall not contain a development which does not require access to airside facilities, unless appropriate approval is first obtained.

**18.5.6.3 Development on Private (P) lots:**

- a. shall not accommodate a commercial business, including the storage of business materials, unless appropriate approval is first obtained.
- b. shall be used for the purpose of conducting and supporting aviation related activities, including but not limited to private hangars, and storage of aircraft(s) and flight related equipment.
- c. shall not be used for personal storage of non-aviation related items, materials, equipment, or vehicles, unless an active and airworthy aircraft or aircraft actively being built, re-built, or maintained is stowed within the hangar, or appropriate approval for personal storage is first obtained. Personal storage includes but is not limited to keeping of RVs, boats, motorcycles, hobby or inoperable vehicles, off-road vehicles, or any other personal items. This does not include incidental temporary uses, such as temporary parking of a personal vehicle while attending the hangar or during active flight. Storage of non-aviation related items shall be accessory to and subordinate to the principal aviation use of the subject lot.

**18.5.6.4 Minimum Yard Setback Requirements applicable to the boundaries of the airport lands. These setbacks do not apply to individual lots on the airport lands:**

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an internal subdivision road.
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iii. 48m (157.48 ft.) from the centre line of a Municipal Road.
  - iv. 40m (131.23 ft.) from the ultimate right-of-way of a Provincial Highway; or
  - v. As determined by Council.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from the boundary of airport lands; or
  - ii. As determined by Council.
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from the boundary of airport lands; or
  - ii. As determined by Council.

**18.5.6.5 Minimum Individual Lot Setback Requirements:**

- a. Minimum lot setback requirements apply to the individual lots on the airport and shall comply with fire separation distances in accordance with the applicable Building Code.
- b. The Approving Authority may consider a semi-detached building on two adjacent lots provided that the entire structure adheres to all applicable Building, Safety, and Fire Codes standards, including appropriate fire separation at the common wall (party wall);

18.5.6.6 Other Minimum Setback Requirements:

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

18.5.6.7 The Approving Authority may require a greater yard setback for any use which, in the opinion of the Approving Authority, may interfere with uses of adjacent lands.

18.5.6.8 Maximum Height of Structures shall be:

- a. 12m (39.37 ft.); or
- b. as determined by the Obstacle Limitation Surfaces (see Section 11.2 – Airport Protection Overlay and 18.5.8 Obstacle Limitation Surfaces), whichever is less.

**18.5.7 SPECIAL PROVISIONS**

18.5.7.1 Uses on the Airport shall not obstruct visibility by the emission of dust, smoke, water vapour, blowing garbage or debris, or glare.

18.5.7.2 Garbage and waste must be stored in weatherproof and animal/bird proof containers properly screened and located so they are easily accessible for containerized garbage pickup.

18.5.7.3 Uses on the Airport shall not create a fire, explosive, or a radioactive hazard.

18.5.7.4 Until such time as piped water and sewer services are available at the airport, no overnight accommodations will be contemplated, and development will be restricted to uses with low water use requirements.

18.5.7.5 In determining whether a proposed development meets all the provisions of this district, the Development Authority may consult Transport Canada, NavCanada, Alberta Infrastructure, and other competent authorities, and shall be guided by any comments provided.

**18.5.8 OBSTACLE LIMITATION SURFACES**

18.5.8.1 No person shall place, erect or construct, or permit the placement, erection or construction of any building, development, structure, or object that exceeds the height limitations of the Obstacle Limitation Surfaces, as defined within Section 11.2: Airport Protection Overlay, unless appropriate municipal, provincial, and/or federal approval(s) are first obtained.

**18.5.9 DEFINITIONS**

**AERIAL APPLICATION AND SPRAYING OPERATIONS** means a business which involves spraying crops from an aircraft.

**AERIAL PHOTOGRAPHY SERVICES** means a business which collects imagery using an aircraft.

**AIR AMBULANCE** means an aircraft equipped to transport sick or injured people to a hospital during an emergency.

**AIR CARGO FACILITIES** means a service designed to load and unload air cargo.

**AIRCRAFT** means a manned vehicle deriving lift from either wings or rotors, including airplanes, helicopters, ultralights (both basic and advanced), gyrocopters, gliders (including those capable of self-launch). For the purpose of this section, “Aircraft” excludes hot air balloons and unmanned units such as drones and model aircrafts.

**AIRCRAFT SERVICE AND REPAIR** means a business which services or repairs aircraft.

**AIRCRAFT CHARTER OPERATIONS** means a business which transports cargo or people who have contracted to have exclusive use of the entire aircraft.

**AIRCRAFT SALES, LEASING AND RENTALS** means a business which sells, leases, or rents aircraft.

**AIRSIDE DEVELOPMENT** means development located with direct access to the taxiways and runways, including hangars, tie-down areas, aprons, and fueling operations.

**AIRPORT OPERATIONS** means the necessary infrastructure for the operation of the airport including runways, taxiways, aprons, navigational aids, weather stations, equipment and salt sheds, terminal buildings and other similar uses.

**AIRPORT REFERENCE POINT ELEVATION** means the lowest threshold elevation point of the runway.

**APRON** means the area where aircraft are parked, unloaded, refueled and boarded.

**AVIATION MUSEUM** means a Museum dedicated to aviation and the aviation industry.

**BASIC STRIP** means the portion of each airport runway designated for landing and take-off under non-emergency conditions.

**FLIGHT TRAINING SCHOOL** means a training facility dedicated to learning to pilot an aircraft.

**GROUND SIDE DEVELOPMENT** means development on the Airport that does not have direct access to the runways and taxiways.

**HANGAR** means a building which is used for storage of aircraft.

**HANGAR, PRIVATE** means a building which is used for storage of personal aircraft and related materials. Private hangars are not to house a commercial business and are not to be used for commercial storage.

**HELICOPTER OPERATIONS** means an area designated for the operation of a helicopter.

**LOGISTICS AND DISTRIBUTION** means a service provided for incoming and outgoing cargo.

**METEOROLOGICAL AIR INSTALLATIONS** means weather forecasting systems.

**MILITARY OPERATIONS** means use by the Canadian Armed Forces.

**MODEL AIRCRAFT** means an aircraft, including an unmanned aircraft commonly known as a drone, the total weight of which does not exceed 35 kg (77.2 pounds), that is mechanically driven or launched into flight for recreational purposes and that is not designed to carry persons or other living creatures.

**OBJECT OF NATURAL GROWTH** means natural vegetation including trees and shrubs.

**OBSTACLE LIMITATION SURFACES** means a series of surfaces that set the height limits for structures or objects around an aerodrome. In Canada these surfaces include the Outer Surface, the Take-off / Approach Surfaces, and the Transitional Surfaces.

**OUTER SURFACE** means an imaginary circular-shaped surface, with a radius of 4000m (4km) measured from the designated aerodrome reference point(s), which is located 45m above the assigned reference point elevation of the airport.

**RUNWAY** means the strip which aircraft take-off and land.

**TAKE-OFF / APPROACH SURFACES** means the inclined plane abutting the end of each runway which is the width of the runway at its beginning and angles out at 10 degrees from the lateral extension of the basic strip. It ends at its intersection with the Outer Surface.

**TAXIWAY** means the surface which aircraft use to get to the runway from the apron.

**TERMINAL BUILDING** means a building located at an airport where passengers can transfer between ground transportation and air transportation.

**TRANSITIONAL SURFACES** means the complex surface along the sides of the runway strip that runs parallel to the approach surface that slopes up to the outer surface.

18.5.10 APPENDIX A – FOOTHILLS REGIONAL AIRPORT LOT DESIGNATION MAP



**Legend**

- P - Private
- C - Commercial
- N - North (Commercial)
- Airport Property Line

1:7,788

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Data Sources Include Municipal Records and AltaLIS.  
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Date Printed: 2024-03-22

APPENDIX B – AIRPORT PROTECTION OVERLAY AREA & OBSTACLE LIMITATION SURFACES

(Map Disclaimer: This Map illustrates the approximate Obstacle Limitation Surfaces and is not an exact representation of the Surfaces or the Airport Protection Overlay area)



**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 Southwest Quarter 16.
- In Township 21, Range 28, West 4 Meridian: Portion East Half Section 16.

**18.6.2 PERMITTED USES**

- Agricultural General
- Solar Power System, Private (Not requiring a Development Permit)

**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
- Solar Power System, Private (Requiring a Development Permit)

*All applications for permitted and discretionary uses shall be decided on by Council*

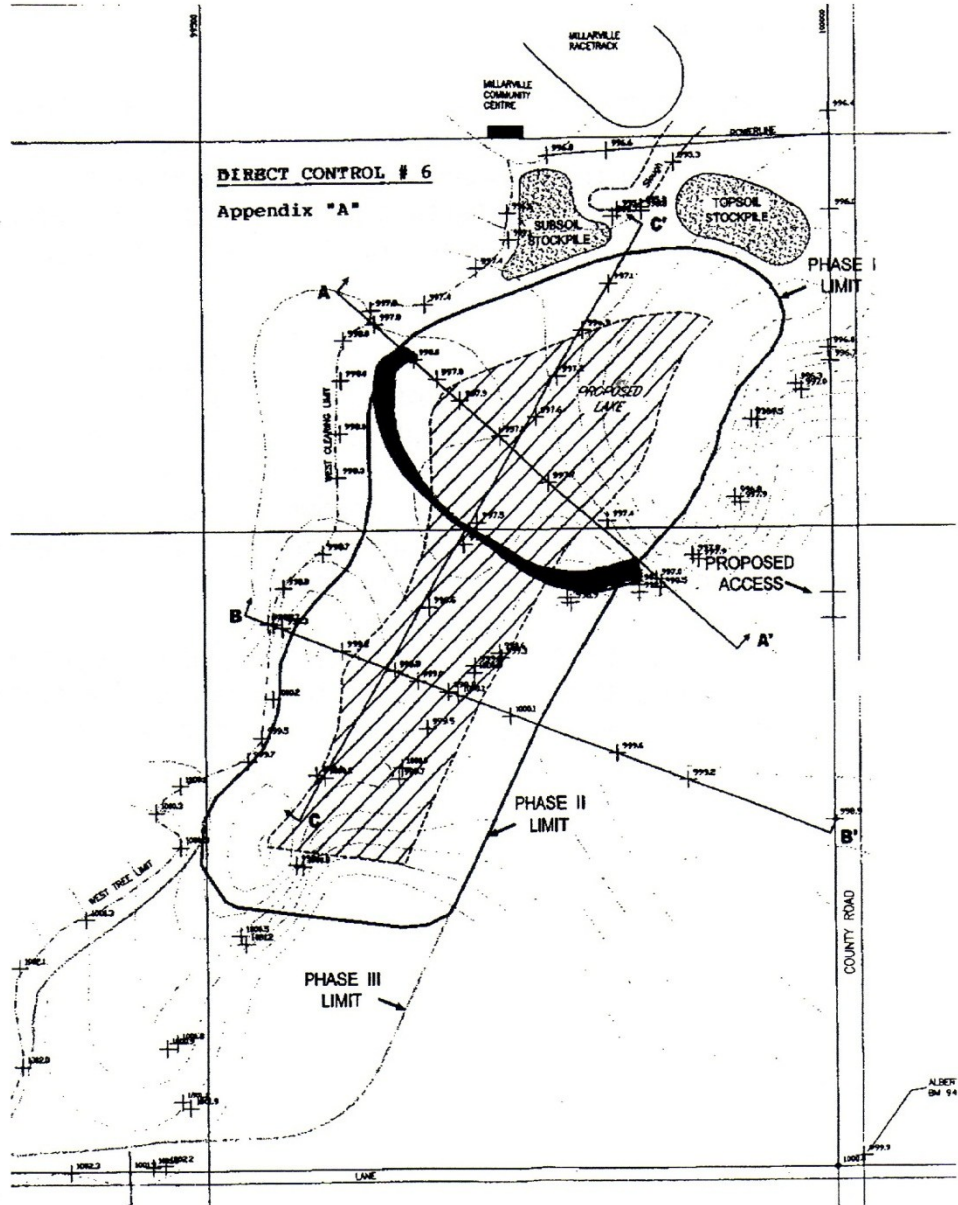
**18.6.4 REQUIREMENTS**

- 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

Solar Power System, Private (Not requiring a Development Permit)

**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

Solar Power System, Private (Requiring a Development Permit)

**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.

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)  
TELECOMMUNICATION AND RELATED FACILITIES**

**DC#8**

**18.8.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow for the operation of Telecommunication and Related Facilities and to allow the Direct Control by Council over development on the following lands:

- PTN. SE 17-21-29-W4, (0.06 acre portion as shown on the attached Appendix “A”);
- PLAN 9911552, LOT 2, NW 09-19-29-W4 (22.96 ACRES)

**18.8.2 PERMITTED USES**

Accessory Buildings not requiring a Development Permit  
General Agriculture  
Solar Power System, Private (Not requiring a Development Permit)

**18.8.3 DISCRETIONARY USES**

Accessory Buildings requiring a Development Permit  
Accessory Use (only to the primary use approved for the site)  
Administration Office (accessory to primary use approved for the site)  
Commercial Communication Equipment  
Radomes  
Signs requiring a Development Permit  
Solar Power System, Private (Requiring a Development Permit)  
Telecommunication Tower  
Utility Building

**18.8.4 LAND USE REQUIREMENTS**

18.8.4.1 Standards of the land use shall be at the discretion of Council.

**18.8.5 DEVELOPMENT REQUIREMENTS**

18.8.5.1 Minimum Area of Lot:

- a. Where only a portion of a site is zoned DC #8, the area shown on the attached Appendix “A”.
- b. Area shown on certificate of title where entire parcel is zoned DC #8.

18.8.5.2 Maximum Height of Structures:

- a. All Buildings: 12m (39.37 ft.).
- b. Other structures as determined by Council.

18.8.5.3 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.

18.8.5.4 Minimum Yard Setback Requirements for buildings:

- a. Front Yard Setback:
  - i. 5m (16.40 ft.) from the right of way of an Internal Subdivision Road,;

- ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
- iii. 48m (157.48ft.) from the centre line of a Municipal Road.
- iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- 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.

#### 18.8.6 SPECIAL PROVISIONS

##### 18.8.6.1 Federal / Provincial Approvals:

- a. A copy of all Federal and/or Provincial approvals, permits, and licenses for the said development on site shall be submitted to the County.
- b. The landowner/applicant shall take all necessary measures to control nuisances within the property boundary or approved site area.
- c. Nuisance management must be conducted in accordance with all Federal and/or Provincial approvals and permits and applicable policies and standards.

#### 18.8.7 PROCEDURE

- 18.8.7.1 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 18.8.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.8.7.2 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.
- 18.8.7.3 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 18.8.1.

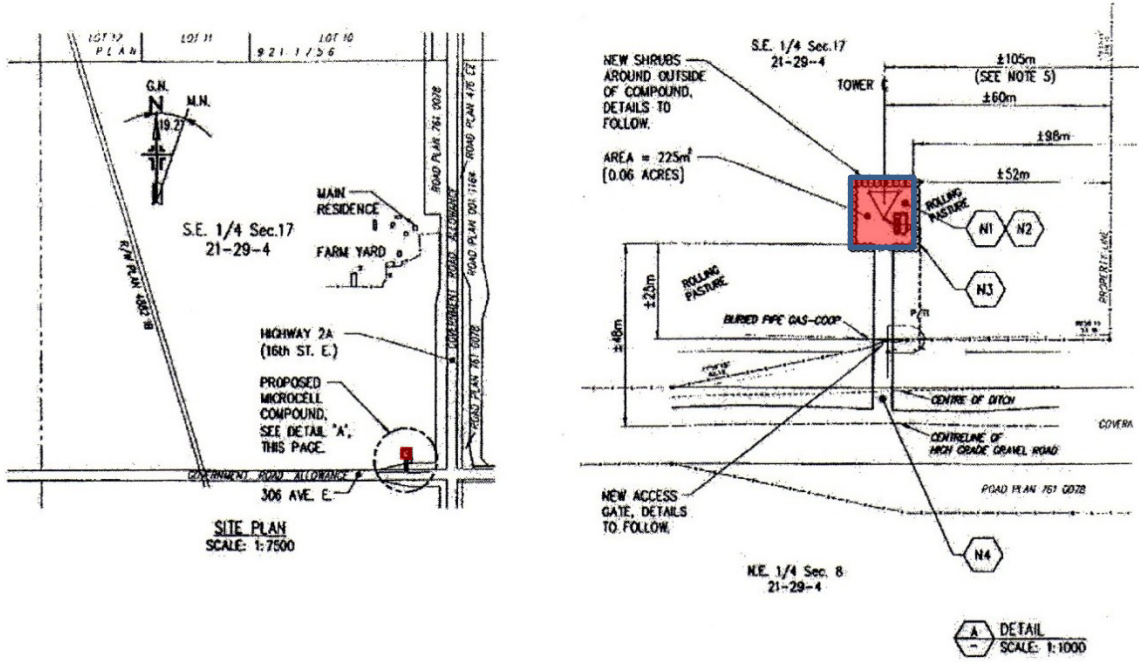
#### 18.8.8 DEFINITIONS:

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

**RADOMES** means a protective dome shaped structure meant for housing one or more satellite dishes, made of material with no attenuating properties that would affect electromagnetic signals to and from the satellite dish(es).

**SATELLITE ANTENNA** means a three axis, parabolic, tracking antenna and attendant processing equipment for reception and transmission of electromagnetic radio signals from and to orbiting satellites.

Appendix A:



RED AREA = 0.06 ACRE TELECOMMUNICATION TOWER SITE

**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:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section.

18.9.4.3 Minimum Yard Setback Requirements:

- a. Front Yard Setback
  - i. 5m (16.40 ft.) from an Internal Subdivision Road – Property Line
  - ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iii. 48m (157.48 ft.) from the centre line of a Municipal Road
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.

- 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 guide the development and operation of the Recreation Vehicle Park and to allow for the Direct Control by Council over development on the following lands:

- Plan 0311515, E ½ 24-20-29 W4M
- Plan 9410556, Block 3; S.E. 24-20-29 W4
- Plan 1310433, Block 7, Lot 1; 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**

- Recreation Vehicle (excluding Park Models)
- Signs not requiring a Development Permit
- Home Office
- Solar Power System, Private (Not requiring a Development Permit)

**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 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
- Park Model
- Pathways – Equestrian/People
- Retail Kiosk
- Recreation Vehicle Park Business
- Screening
- Signs requiring a development permit
- Short Term Campground
- Solar Power System, Private (Requiring a Development Permit)
- 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 MINIMUM REQUIREMENTS - GENERAL**

18.10.5.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section.

18.10.5.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:
  - i. 5m (16.40 ft.) from an internal subdivision road – property line.
  - ii. 64m (209.97ft.) from the centre line of a Municipal Road, Major.
  - iii. 48m (157.48 ft.) from the centre line of a Municipal Road.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centre line of a Provincial highway, whichever is greater.
  - 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.

Please refer to the Special Provisions section below for setbacks for units under Plan 0311515, E ½ 24-20-29 W4M.

18.10.5.3 Other Minimum Setback Requirements:

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

**18.10.6 SPECIAL PROVISIONS REGARDING THE RECREATION VEHICLE PARK LOCATED ON PLAN 0311515, E ½ 24-20-29 W4M**

18.10.6.1 Minimum Yard Setback Requirements for each of the 289 Units:

- a. Front Yard Setback:
  - i. 5m (16.40 ft.) from a private road - property line.
  - ii. 1m (3.28ft) from an internal subdivision road – property line.
  - iii. Or as determined by Council.
- b. Side Yard Setback:
  - i. 0.3m (1.0 ft.) from property line.
  - ii. Or as determined by Council.

- c. Rear Yard:
    - i. 0.3m (1.0 ft.) from property line.
    - ii. Or as determined by Council.
- 18.10.6.2 Minimum Yard Setback Requirements for the Common Property:
- a. Front Yard Setback:
    - i. 5m (16.40 ft.) from the property line adjacent to a private road.
    - ii. 5m (16.40 ft.) from the property line adjacent to a Municipal Road.
    - iii. 40m (131.23 ft.) from the ultimate right of way or 70m from the centreline of a Provincial highway, whichever is greater
    - iv. Or as determined by Council.
  - b. Side Yard Setback:
    - i. 1.5m (4.9 ft.) from property line.
    - ii. Or as determined by Council.
  - c. Rear Yard Setback
    - i. 1.5m (4.9 ft.) from property line.
    - ii. Or as determined by Council.
- 18.10.6.3 Each Unit Owner shall ensure that all development complies with the Land Use Bylaw and approved development permit(s).
- 18.10.6.4 Any proposed development that does not align with the Land Use Bylaw and approved development permit(s) shall first obtain a separate development permit approval from Foothills County, in accordance with 18.10.6.3.
- 18.10.6.5 Any new Condominium Corporation bylaws or rules, or amendments to the existing Condominium Corporation bylaws, or rules shall be filed with Foothills County within fifteen (15) days of their passage or adoption.
- 18.10.6.6 The condominium bylaws or rules shall include the following provisions:
- a. Unit Owners shall consent in writing to the removal of any Recreation Vehicle and Park Model located on a Unit in case of a flood which threatens to cause damage to the Recreation Vehicle or Park Model; and
  - b. Unit Owners shall comply with the emergency response plan to be prepared and updated annually by the Board and completed to the satisfaction of the County.
- 18.10.6.7 The emergency response plan shall be updated annually by the Condominium Corporation Board and provided to the County by October 15 of each year. The emergency response plan shall include the following provisions:
- a. A list of the Units that will be occupied during park closure;
  - b. The contact information for a primary contact who will be on site during park closure; and
  - c. The emergency response plan shall include a 24-hour and 48-hour flood emergency response plan.

- 18.10.6.8 A restrictive covenant in a form satisfactory to the County shall be registered against the title to all Units 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 Board and the County, 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.
- 18.10.6.9 A stormwater management plan may be required for any development proposed within the Recreation Vehicle Park.
- 18.10.6.10 The Recreation Vehicle Park is open from April 1st to October 31st each year. There shall be no occupancy of the Units when the park is closed for the season from the date of November 1st to March 31st each year, notwithstanding section 18.10.6.11 and 18.10.6.12, and 18.10.6.13.
- 18.10.6.11 There shall be no permanent occupancy of Recreation Vehicles located on Units within the Recreation Vehicle Park.
- 18.10.6.12 Unit Owners may occupy their Recreation Vehicle or Park Model as early as March 14 and as late as November 14 provided they have written approval from the Condominium Corporation Board.
- 18.10.6.13 A maximum of eight (8) Units may be occupied during park closure (November 1st to March 31st each year) provided the following provisions are met:
- a. A master development permit is obtained to allow occupancy during park closure;
  - b. Recreation Vehicles and Park Models shall be certified as Habitable for winter occupancy to the satisfaction of the Condominium Corporation Board; and
  - c. The Unit Owners shall meet the criteria for long-term occupancy established and enforced by the Condominium Corporation Board, as established in the Condominium Corporation Bylaws of Corporation No. 0311515 and the Minimum Housing and Health Standards for Winter Occupancy at the Recreation Vehicle Park.
- 18.10.6.14 The term for the master development permit shall be for a minimum of five (5) years, and Council may grant a longer term at their discretion.
- 18.10.6.15 Maximum Lot Coverage:
- a. No building/structure or group of buildings/structures including accessory buildings/structures, and impervious surfaces shall cover more than sixty (60) percent of any Unit; or
  - b. As determined by Council.
- 18.10.6.16 Unit Owners may operate a Recreation Vehicle Park Business out of their Unit if the following provisions are met:
- a. Unit Owners shall request in writing and be granted permission from the Condominium Corporation Board to operate a Recreation Vehicle Park Business out of their Unit;
  - b. The Unit Owner shall provide services only to other Unit Owners within the Recreation Vehicle Park within Plan 0311515;

- c. All employees of the business must be residents of the Recreation Vehicle or Park Model that the business operates out of;
- d. No outdoor storage of business materials are situated on the property; and
- e. No traffic is generated by the business.

#### **18.10.7 PROCEDURE**

- 18.10.7.1 Notwithstanding the procedure established for Development Permit applications in the Land Use Bylaw, 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 Council for its decision.
- 18.10.7.2 Notwithstanding the procedure established for the issuance of Development Permits in the Land Use Bylaw, Council shall decide on all applications for Development Permits for lands referred to in Section 18.10.1. Council may approve a Development Permit application with or without conditions or may refuse an application for Development Permit.
- 18.10.7.3 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 in Section 18.10.1.

#### **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;

**Condominium Corporation** – means the condominium corporation constituted under the Condominium Property Act, R.S.A, 2000, c. C-22, by the registration of the Condominium Plan 0311515.

**Condominium Corporation Board** - means the Board of Directors of the Condominium Corporation;

**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 in 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.

**Habitable** – means a recreation vehicle that is determined to be suitable for a person to live in all year, in accordance with the Minimum Housing and Health Standards for Winter Occupancy and the minimum safety codes for recreation vehicles, to the satisfaction of the Condominium Corporation Board.

**Park Model** – means a Recreation Vehicle that conforms to the Canadian Standards Association CAN/CSA Z241 Series and is designed for seasonal camping with a gross floor area 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 Park Model must ensure that the axels, wheels and hitch remain on each unit, no exceptions. Each Park Model must be moveable or secured to the satisfaction of the approved emergency response plan (ERP).

**Recreation Vehicle** – see Section 2.5 “Definitions” in this Land Use Bylaw for definitions of Recreation Vehicle. More information on recreation vehicle storage can be found in Section 10.18 of this Bylaw.

**Recreation Vehicle Park** – means the development designed and intended to be used for long term location of Recreation Vehicles and Park Models located within E ½ 24-20-29 W4M Plan 0311515, between April 1st and October 31st of the year.

**Recreation Vehicle Park Business** - means an office situated within a Park Model or Recreation Vehicle that is located within the Recreation Vehicle Park located within Plan 0311515 and where the business or service offered is provided to other Unit Owners within the Recreation Vehicle Park only.

**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 (i.e.: warming and arranging) of food which has been cooked off-site and transported to the kitchen).

**Unit** – means a lot created by way of legal survey and registered at Alberta Land Titles that is located within Condominium Plan 0311515 intended for the accommodation of a Recreation Vehicle or Park Model for temporary residence or seasonal use.

**Unit Owner** – means a person or corporation who is registered as the owner of a Unit in the Condominium Plan within Plan 0311515.

**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  
Solar Power System, Private (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)  
Cannabis Retail Store  
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  
Solar Power System, Private (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 centre line of a Municipal Road.
  - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- 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
- Solar Power System, Private (Not requiring a Development Permit)
- Sweet Gas Plant

**18.12.3 DISCRETIONARY USES**

- Solar Power System, Private (Requiring a Development Permit)

**18.12.4 REQUIREMENTS**

18.12.4.1 Standards of the development shall be at the discretion of Council.

**18.12.5 MINIMUM REQUIREMENTS**

18.12.5.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by bylaw amending this section.

18.12.5.2 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- 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
- Solar Power System, Private (Not requiring a Development Permit)

**18.13.3 DISCRETIONARY USES**

- Accessory Buildings and Uses
- Extensive Agricultural Uses
- Solar Power System, Private (Requiring a Development Permit)
- 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 Foothills County Council

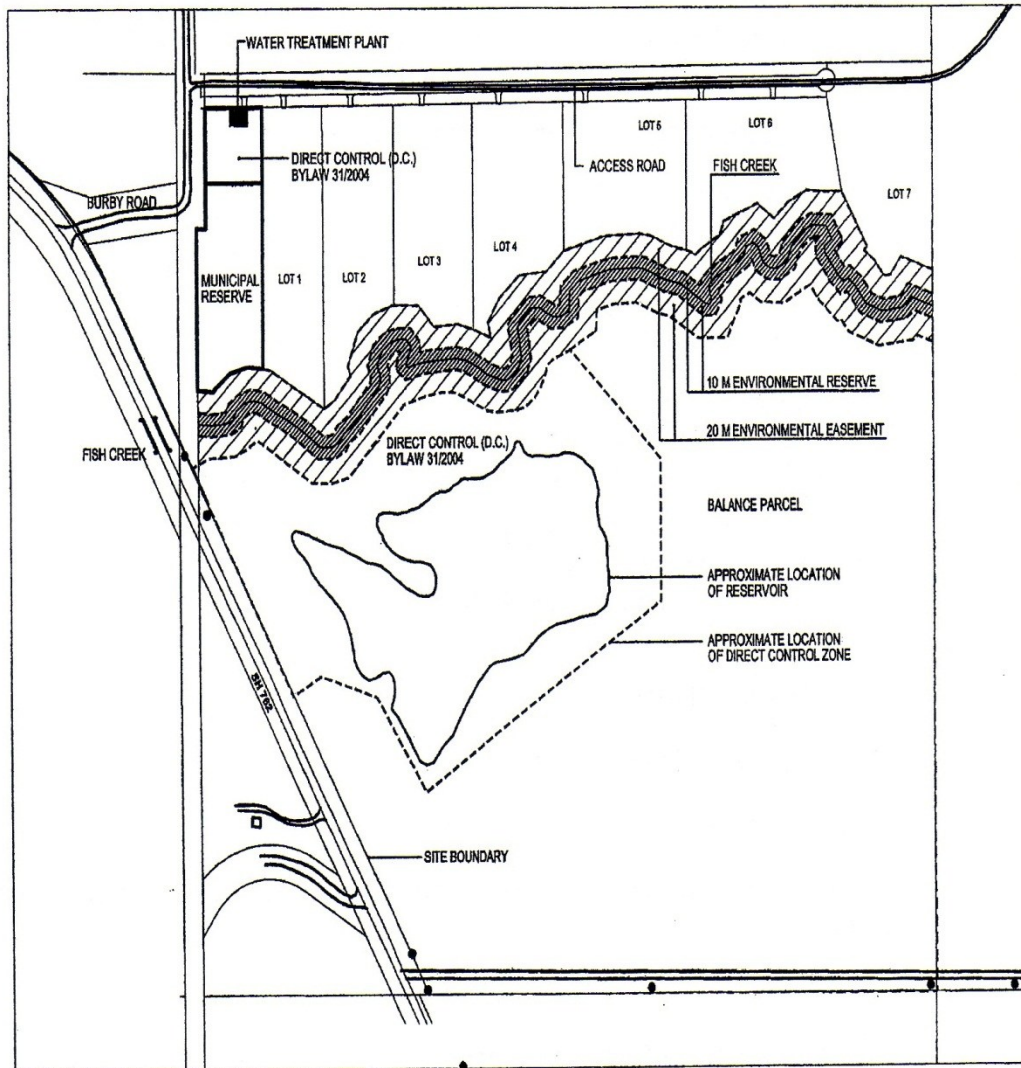
**18.13.4 REQUIREMENTS**

- 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:

- Ptn. E ½ NE 08-21-29w4 (83.91 acres)
- Plan 0511416, Block 3, Lot 1, NE 08-21-29-W4 (3.16 acres)
- Plan 0511416, Block 3, Lot 2, NE 08-21-29-W4 (3.14 acres)

**18.14.2 PERMITTED USES**

- Agricultural General
- Accessory Buildings
- Dwellings Single Family
- Dugout, Private
- Solar Power System, Private (Not requiring a Development Permit)

**18.14.3 DISCRETIONARY USES**

- Administration Office
- Commercial – Agricultural Use
- Equestrian Uses
- Outdoor Assembly Area
- Meeting / Banquet Area
- Pathways – Equestrian / People
- Retail Kiosk
- Secondary Suite, Detached
- Secondary Suite, Principal
- Signage
- Solar Power System, Private (Requiring a Development Permit)
- 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 MINIMUM REQUIREMENTS**

18.14.5.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by bylaw amending this section.

18.14.5.2 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 centreline of a Municipal Road, Major.

- iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line.
- c. Rear Yard Setback
  - i. 15m (49.21 ft.) from property line.

#### **18.14.6 MAXIMUM LIMITS**

##### **18.14.6.1 Height of Buildings:**

- a. Western Equine Centre 18.29m (60 ft.).
- b. Commercial Structures 10.67m (35 ft.).

#### **18.14.7 PROCEDURE**

- 18.14.7.1 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.
- 18.14.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5 the Council shall decide on all applications for Development Permits with 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.
- 18.14.7.3 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.

**18.14.8 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, 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 campfire 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  
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 Use

**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.

**REPEALED WITH  
ADOPTION OF  
BYLAW 04/2022**

**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 Tracks
- 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

**REPEALED WITH  
ADOPTION OF  
BYLAW 07/2020**

**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 County 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
- Solar Power System, Private (Not requiring a Development Permit)

**18.17.3 DISCRETIONARY USES**

- Restaurant
- Solar Power System, Private (Requiring a Development Permit)

**18.17.4 REQUIREMENTS**

18.17.4.1 Standards of development shall be at the discretion of the Council.

**18.17.5 MINIMUM REQUIREMENTS - GENERAL**

18.17.5.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section.

18.17.5.2 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.
  - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
- b. Side Yard Setback:
  - i. 1.5 m
- c. Rear Yard Setback
  - i. Principal Building - 8m

**18.17.6 MAXIMUM LIMITS**

- 18.17.6.1 Number of Lots:
  - a. At the discretion of Council
- 18.17.6.2 Height of Buildings:
  - a. 10 m; or
  - b. Greater than 10 m, at the discretion of Council.
- 18.17.6.3 Coverage of Lots
  - a. 50%
- 18.17.6.4 Main Floor Area
  - a. Not to exceed 3000 ft<sup>2</sup>

**18.17.7 PROCEDURE**

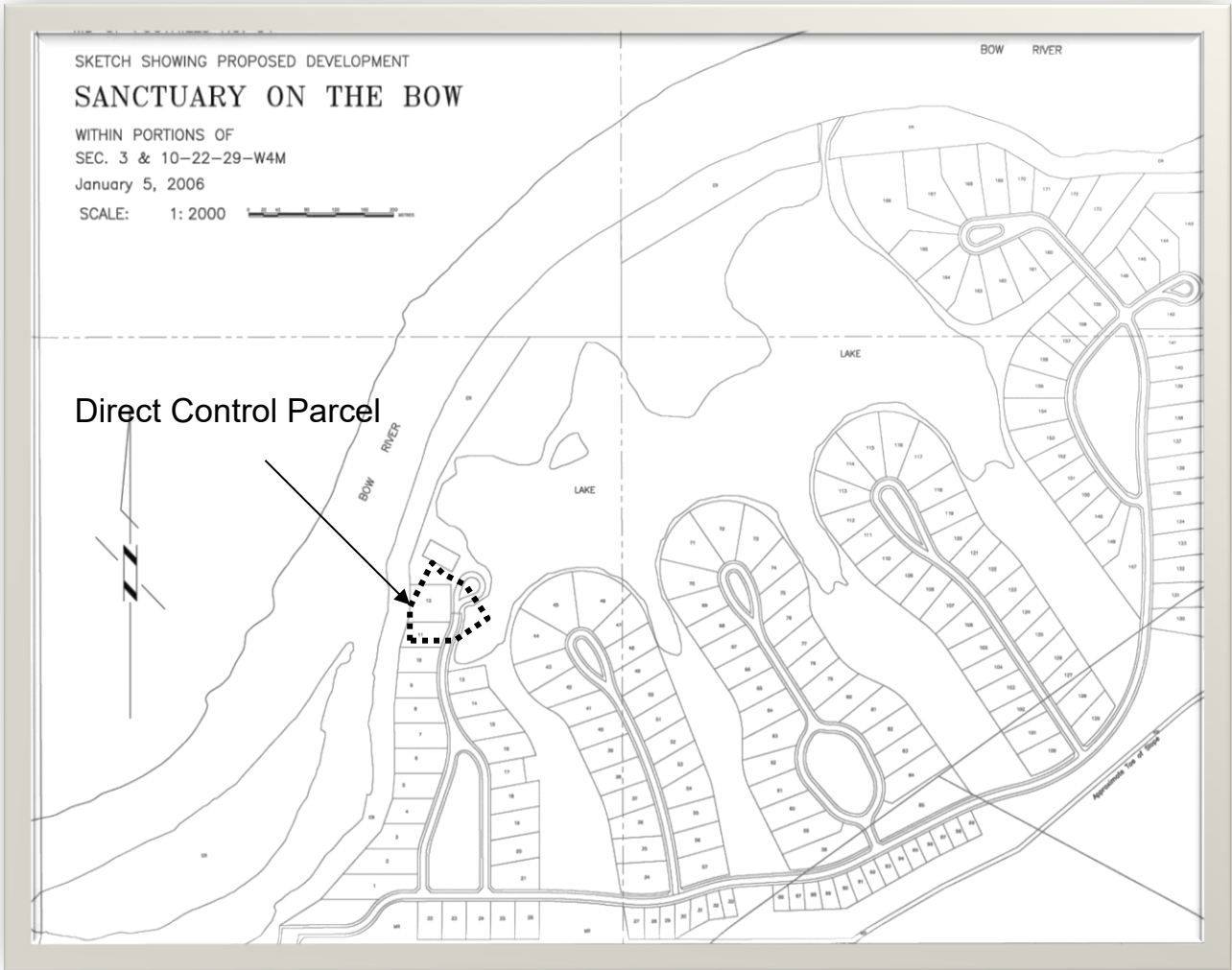
- 18.17.7.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5 (of the Land Use Bylaw), an application for a development permit in respect of the lands referred to above shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.17.7.2 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.
- 18.17.7.3 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.

**18.17.8 DEFINITIONS:**

**Community buildings and facilities** - means buildings and facilities which are available for the use and enjoyment of the inhabitants of the County 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**

Solar Power System, Private (Not requiring a Development Permit)

**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

Solar Power System, Private (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 MINIMUM REQUIREMENTS – GENERAL**

18.18.5.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section.

18.18.5.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback:

- i. 4m (13.12 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 centreline of a Municipal Road, Major.
- iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- v. All other front yard setbacks - at the discretion of Council.
- b. Side Yard Setback:
  - i. 1.5m (4.92 ft.)
- c. Rear Yard Setback
  - i. 6.0m (19.69 ft.)

#### **18.18.6 MAXIMUM LIMITS**

##### **18.18.6.1 Height of Buildings:**

- a. 10m (32.81 ft.); or
- b. if higher than 10m, at the discretion of Council

##### **18.18.6.2 Coverage of Lot:**

- a. 60%

#### **18.18.7 PROCEDURE**

- 18.18.7.1 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 18.18.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.18.7.2 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 18.18.1. The Council may approve a development permit application without conditions or may refuse an application for development permit.
- 18.18.7.3 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 18.18.1.

**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
- Solar Power System, Private (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
- Solar Power System, Private (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 centre line of a Municipal Road.
  - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.

- 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
- SW 09-19-28-W4 (17.5 ACRES)

**18.20.2 PERMITTED USES**

Solar Power System, Private (Not requiring a Development Permit)

**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
- Solar Power System, Private (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 MINIMUM REQUIREMENTS - GENERAL**

18.20.5.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by Bylaw amending this section.

18.20.5.2 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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.)

#### **18.20.6 MAXIMUM LIMITS**

##### 18.20.6.1 Height of Buildings:

- a. 10m (32.81 ft.)
- b. Or, if higher than 10m, at the discretion of Council

##### 18.20.6.2 Coverage of Lot:

- a. 60%

#### **18.20.7 PROCEDURE**

18.20.7.1 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 18.20.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.20.7.2 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 18.20.1. The Council may approve a development permit application without conditions or may refuse an application for development permit.

18.20.7.3 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 18.20.1.

**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 Queue, Public Installation and Facilities
- Public Works
- Recreation Vehicle and Service
- Restaurants (Plan \_\_\_\_\_, Lot \_\_\_\_\_)
- Retail Stores
- Signs

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ADOPTION OF  
BYLAW 05/2022**

**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 MINIMUM REQUIREMENTS**

18.21.5.1 Area of Lot:

- a. Area shown on Certificate of Title; or
- b. Area allowed for by bylaw amending this section

18.21.5.2 Minimum Yard Setback Requirements:

**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**

- Accessory Buildings
- Home Office
- Single Family Dwellings
- Signs not requiring a Development Permit
- Solar Power System, Private (Not requiring a Development Permit)

**18.22.3 DISCRETIONARY USES**

- Accessory Buildings and Uses
- Home Based Business Type I
- Home Based Business Type II
- Home Based Business Type III
- 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
- Secondary Suite, Detached
- Secondary Suite, Principal
- Signs requiring a Development Permit
- Solar Power System, Private (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 (49.21 ft.) from Priddis Valley Road – Property line
  - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater; or
  - v. 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**

Solar Power System, Private (Not requiring a Development Permit)

**18.23.3 DISCRETIONARY USES**

Accessory uses  
Church  
Community services  
Day care  
Dwelling single family  
Park & playground  
Soccer academy & playing field  
Solar Power System, Private (Requiring a Development Permit)  
Special events

**18.23.4 REQUIREMENTS**

18.23.4.1 Standards of development shall be at the discretion of the Council.

**18.23.5 MINIMUM REQUIREMENTS**

18.23.5.1 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 centreline of the Municipal Road.
  - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
- b. Side yard Setback:
  - i. 15m (49.21 ft.) from Property Line
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from Property Line

**18.23.6 MAXIMUM LIMITS**

18.23.6.1 Height of Buildings

- a. No higher than 18.25m (59.86 ft.)

**18.23.7 PROCEDURE**

- 18.23.7.1 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 18.23.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.23.7.2 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 18.23.1. The Council may approve a development permit application without conditions or may refuse an application for development permit.
- 18.23.7.3 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 18.23.1.

**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 O113513  
SE 05-21-29-W4M

**18.24.2 PERMITTED USES**

Signs not requiring a Development Permit  
Solar Power System, Private (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  
Solar Power System, Private (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 centreline of the Municipal Road.
  - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.

- 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**

Solar Power System, Private (Not requiring a Development Permit)

**18.25.3 DISCRETIONARY USES**

- Accessory uses
- Country recreational centers and lodges
- Dwelling Units
- Indoor and outdoor show jumping tournaments
- Man-made water bodies, private
- Secondary Suite, Detached
- Secondary Suite, Principal
- Special events (i.e. – weddings, clinics, annual events)
- Extensive agricultural uses
- Intensive agricultural uses
- Solar Power System, Private (Requiring a Development Permit)

**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 31-20-26-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  
SW 34-21-29-W4, PLAN 0112318, BLOCK 1, LOT 9  
SE 33-19-28-W4, PLAN 9910436, LOT 1  
PTN. PLAN 9310765, BLOCK 4, LOT 1, SW. 06-22-28-W4  
NE 32-21-29-W4, PLAN 7610226, BLOCK 3

**18.26.2 PERMITTED USES**

Accessory Buildings not requiring a development permit (accessory to the Dwelling)

Agricultural, General

Accessory Uses to the Dwelling

Dwelling, 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, Mobile Home

- Permitted use only on lots 32.4 (80 acres) or greater in size

Home Office

Signs not requiring a development permit

Solar Power System, Private (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 Park

Dog Training Facility

Dog Grooming

Dwelling, manufactured home - one only

- discretionary use only on lots less than 80 acres in size

Dwelling, moved on,

Home Based Business I

Kennel Private

Kennel Commercial

Lot Grading

- Man-made water bodies, privates requiring a permit
- Public Quasi Public Installations and Facilities
- Secondary Suite, Detached
- Secondary Suite, Principal
- Signs requiring a Development Permit
- Solar Power System, Private (Requiring a Development 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 between 6-10 unoccupied recreation vehicles

#### **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
  - 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.);
- 18.26.5.2 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.
- 18.26.5.3 Maximum Dwelling Unit Density
  - a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
  - b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.
- 18.26.5.4 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 centreline of a Municipal Road.
    - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
    - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.

- 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.

**18.26.5.5 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

**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:

- a. Location and maximum size of facilities to be constructed.
- b. Hours of “operation” – that is hours during which clients may visit the facility.
- c. Number of non-resident employees.
- d. Number of vehicle visits per day.
- e. Hours during which animals must remain indoors.
- f. Noise.
- g. Buffering.
- h. Lighting.
- i. Manure management.
- j. 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 Any building or exterior exercise area(s), to be used to accommodate the dogs as part of a Commercial Kennel shall be located:
  - a. A minimum of 300m to any dwelling located on adjacent parcels; or
  - b. As determined by Council
- 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:
  - 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 (2021), as may be amended, or replaced by Council from time to time.
- 18.26.6.10 Lighting:
  - a. 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. 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.

#### **18.26.7 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)  
HOME BASED BUSINESS TYPE III DISTRICT**

**DC#27**

**18.27.1 PURPOSE AND INTENT**

To allow for the development of Type III 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  
SW 20-20-01-W5, PLAN 9412786, LOT 1  
NW 21-20-28-W4, PLAN 9211875, BLOCK C  
SW 21-20-03-W5, PLAN 9112603, BLOCK 3  
NE 05-21-29-W4, PLAN 0312952, BLOCK 1, LOT 1  
SE 14-20-01-W5, PLAN 1912019, BLOCK 2, LOT 2  
SW 25-21.01-W5, PLAN 0010571, BLOCK 1, LOT 3  
SW 01-21-29-W4, PLAN 0813661, BLOCK 4, LOT 7 (7.42 ACRE PTN. OF SITE)  
NW 33-18-02-W5 (2.5 ACRE PTN OF SITE)  
NE 01-20-29-W4 PLAN 9010611, BLOCK 13, LOT 2, (8.97 ACRES)  
SW 30-20-27-W4, PLAN 1411521, BLOCK 1, LOT 1, (8.30 ACRES PTN.)  
NW 01-19-28-W4 (13.95 ACRE PTN)  
SW 12-22-29-W4, PLAN 1210863, BLOCK 1, LOT 2 (3.68 ACRES PTN.)

**18.27.2 PERMITTED USES**

Accessory Buildings not requiring a development permit (accessory to the Dwelling)

Agricultural, General

Accessory Uses to the dwelling

Dwellings, 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, Mobile Home

- Permitted use only on lots 32.4 (80 acres) or greater in size

Home based business Type I

Home based business Type II

Home Office

Public Works

Signs not requiring a development permit

Solar Power System, Private (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, Mobile Home - one only
  - Discretionary use on lots less than 80 acres in size
- Dwelling, moved on,
- Home based business Type III
- Kennel (Private)
- Lot Grading
- Man-made water bodies, privates requiring a permit
- Signs requiring a Development Permit
- Solar Power System, Private (Requiring a Development Permit)
- Secondary Suite, Detached
- Secondary Suite, Principal
- Special Event (accessory to the business use)
  - Discretionary use only on parcels over 21 acres in size
- Temporary storage of between 6-10 unoccupied recreation vehicles
- Public Quasi Public Installations and Facilities

**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 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.

- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.

**18.27.5.4 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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.

**18.27.5.5 Corner Parcel Restrictions:**

- a. In accordance with Section 9.27.9 - 9.27.12.

**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 businesses do not include Cannabis Production or Cannabis Sales.
- 18.27.6.2 No more than six (6) non-resident employees working on the property; OR as determined by the Approving Authority in Direct Control Districts;
- 18.27.6.3 Maximum of twelve (12) Business Visits per day; OR as determined by Approving Authority in Direct Control Districts;

- 18.27.6.4 A maximum of Twelve (12 business vehicles on the property per day; OR as determine by the Approving Authority in Direct Control Districts.
- 18.27.6.5 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.
- 18.27.6.6 Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening.
- 18.27.6.7 Material Storage:
  - a. Outdoor storage of business-related goods and materials, large commercial vehicles, trailers, and equipment may be allowed if, in the opinion of the Approving Authority, the outdoor storage is adequately screened from adjacent lands.
- 18.27.6.8 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.
- 18.27.6.9 Nuisance:
  - a. Home business shall not generate noise, smoke, odour, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Approving Authority.
  - b. At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with liveability or enjoyment of the neighbouring properties.
- 18.27.6.10 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.

18.27.6.11 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 (2021), as may be amended, or replaced by Council from time to time.

18.27.6.12 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

18.27.6.13 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)  
WASTE MANAGEMENT FACILITIES**

**DC #28**

**18.28.1 PURPOSE AND INTENT**

To allow the operation of the Waste Management Facilities within the Municipal District of Foothills and to allow for the Direct Control by Council over development on the following lands:

SE 32-19-29-W4 FOOTHILLS REGIONAL LANDFILL (158.5 ACRES)  
PLAN 1629LK, BLOCK A, NE 12-19-02-W5 (22.3 ACRES)

**18.28.2 PERMITTED USES**

Accessory Buildings not requiring a development permit  
Administration Office (accessory to principal use)  
Municipally Operated Waste Management Facility  
Public and Quasi Public Installations and Facilities  
Public Works  
Scale House  
Signs not requiring a development permit  
Solar Power System, Private (Not requiring a Development Permit)

**18.28.3 DISCRETIONARY USES**

Accessory Buildings requiring a development permit  
Accessory Uses (only to the primary use approved for the site)  
Class I/Class II Composting Facility  
Hydro vac Waste Management  
Lot Grading  
Outdoor Storage  
Salvage-Facility  
Signs requiring a Development Permit  
Solar Power System, Private (Requiring a Development Permit)  
Upcycling  
Waste Management, Major  
Waste Management, Minor

**18.28.4 LAND USE REQUIREMENTS**

18.28.4.1 Standards of the development shall be at the discretion of Council.

**18.28.5 DEVELOPMENT REQUIREMENTS**

18.28.5.1 Maximum Height of Structures:  
a. All Buildings: 12m (39.37 ft.).  
b. Or as determined by Council.

**18.28.5.2 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.

**18.28.5.3 Minimum Yard Setback Requirements for buildings:**

- 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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.

**18.28.5.4 Corner Parcel Restrictions:**

- a. In accordance with Sections 9.27.9 - 9.27.12.

**18.28.5.5 Other Minimum Setback Requirements:**

- a. All Minimum setback requirements under the Subdivision and Development Regulation shall apply (most specifically Section 13 pertaining to setbacks for landfill, waste sites)
- b. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply.
- c. 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.

**18.28.6 SPECIAL PROVISIONS**

**18.28.6.1 Federal / Provincial Approvals:**

- a. A copy of all Federal and/or Provincial approvals, permits, and licenses for the said development on site shall be submitted to the County;

18.28.6.2 Landscaping and Screening:

- a. Landscaping and screening shall be completed in accordance with any Federal and/or Provincial permits, approvals, or licenses.
- b. Levels and methods of screening of the site shall be completed to the satisfaction of Council.

18.28.6.3 Lighting:

- a. All lighting must be in accordance Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

18.28.6.4 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.
- c. Lot drainage shall be managed in accordance with all Federal and/or Provincial permits and approvals, regulations, and standards.

18.28.6.5 Nuisance:

- a. The landowner/applicant shall take all necessary measures to control nuisances within the property boundary or approved site area.
- b. Nuisance management must be conducted in accordance with all Federal and/or Provincial approvals and permits and applicable policies and standards.

18.28.6.6 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 employees.
- e. Number of vehicle visits per day.
- f. Noise.
- g. Buffering.
- h. Lighting.
- i. Outdoor storage.
- j. Parking requirements.
- k. Screening of facilities.
- l. Submission of Federal/Provincial Approvals and Licenses.
- j. Reclamation details.

18.28.6.7 Monitoring:

- a. All required monitoring shall be completed in accordance with Federal and/or Provincial permits, approvals, and licenses.

18.28.6.8 Site Reclamation:

- a. Site reclamation shall be conducted in accordance with Federal and/or Provincial permits and approvals, regulations, and standards.
- b. The County shall be notified upon completion of the reclamation and a copy of the reclamation certificate provided to the County.
- c. Subsequent use of the land will be at the discretion of Council and will be based on the level of reclamation attained.

**18.28.7 PROCEDURE**

18.28.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.28.1 shall be decided on by Council.

18.28.7.2 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 18.28.1. The council may approve a development permit application with or without conditions or may refuse an application for development permit.

18.28.7.3 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 18.28.1.

**18.28.8 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.

**CLASS I COMPOST** means an operation where waste, not including hazardous waste, is decomposed through a controlled bio-oxidation process, including a thermophilic phase that results in a stable humus-like material but does not include on-site household composting or composting as part of agricultural general in accordance with Section 10.8, a compost facility that receives only sludge, a class ii compost facility, or a manure storage facility.

**CLASS II COMPOST** means an operation where only vegetative matter or manure is decomposed through a controlled bio-oxidation process, including a thermophilic phase, which results in a stable humus-like material but does not include on-site household composting or composting as part of agricultural general in accordance with Section 10.8 or a manure storage facility.

**HOUSEHOLD HAZARDOUS WASTE DROP OFF AREA** means a facility for the collection and temporary storage of household hazardous waste. No permanent storage or processing of such items is allowed.

**HYDRO VAC WASTE MANAGEMENT** means the storage and/or treatment of slurry waste created in the sub-surface soil excavation process.

**LANDFILL** means a waste management facility for the collection, storage, treatment, or disposal of any solid or liquid material or product or combination of them that is intended to be stored, treated or disposed of, in accordance with Alberta Environment Approvals, permits and licenses.

**MUNICIPALLY OPERATED WASTE MANAGEMENT FACILITIES** means facilities for Waste Management, Major or Waste Management, Minor that are operated by the County or group of municipalities, and/or an organization formed involving more than one Municipality, for the purpose of waste management minor, and /or waste management major.

**OILFIELD WASTE MANAGEMENT** means an operation that is approved under the Oil and Gas Conservation Act and the regulations under that Act to process, treat, dispose of, store, or recycle oilfield waste.

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

**RECYCLEABLE MATERIAL AREA** means an area for receipt and recycling of things such as used tires, white goods, scrap metals, wood, concrete and asphalt, drywall and shingles, agricultural plastics, yard waste, used oil, batteries, subsoil, clean fill, and hydrocarbon contaminated soils.

**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.

**SALVAGE FACILITY** a place where second-hand goods, including furniture, books, toys, clothing, building material, and other salvageable items are collected to be sorted and stored for sale or resale.

**SCALE HOUSE** means an office, located a short distance from the main entrance, where all incoming vehicles must stop to be weighed or measured and receive a disposal ticket.

**UPCYCLING** means to reuse (discarded objects or material) in such a way as to create a product of a higher quality or value than the original.

**WASTE INCINERATION ENERGY RECOVERY** means a waste management process that combusts waste to produce energy.

**WASTE MANAGEMENT MAJOR** means 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 but are not limited to):

- Class II landfills,
- Contaminated soil reclamation sites or oilfield waste management operations.
- Waste transfer and compacting stations,
- Recycling material areas and facilities (not including recycling ~~depots~~ collection points),
- Household hazardous waste drop off areas.
- Incinerators and waste incineration energy recovery operations, and
- Wrecking and scrap metal yards.

**WASTE MANAGEMENT MINOR** means 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.

**WASTE TRANSFER STATION** means a waste management facility where waste is collected and held for removal and to an approved waste management or recycling facility.

**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 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)
- SE 22-20-02-W5, PLAN 1012174, BLOCK 1, LOT 3 (74.06 ACRES)
- SW 07-22-01-W5, PLAN 0212015, BLOCK 2, LOT 16 (92.67 ACRES)
- SW 34-21-29-W4, PLAN 9913092, BLOCK 1, LOT 6
- S ½ NE 35-19-01-W5, PLAN 731046, BLOCK 3 (19.82 ACRE PTN.)
- SE 35-21-02-W5 (119 ACRES)
- SW 24-21-02-W5 (64.43 ACRES)
- PLAN 0716214, BLOCK 1, LOT 2, NE 34-19-01-W5 (81.52 ACRES)
- SW 13-20-01-W5, PLAN 9711715, LOT 6 (29.31 ACRES)
- SE 27-19-29-W4, PLAN 0013143, BLOCK 1, LOT 1
- SE 26-22-03-W5 (150.79 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, Single Family
- Dwelling, Manufactured Home
- Dwelling, Mobile home on lots 80 acres or greater in size
- Home Office
- Public Works
- Signs not requiring a development permit
- Solar Power System, Private (Not requiring a Development Permit)
- Temporary storage of up to 5 unoccupied recreation vehicles

**18.29.3 DISCRETIONARY USES**

- Accessory Use
- Accessory Building
- Animal Boarding Services
- Arena, Commercial
- Arena, Limited Public
- Campground, Minor - Accessory to the Arena on parcels 8.49 ha (21 acres) or greater in size
- Dwelling, Mobile Home on lots less than 80 acres in size
- Dwelling, Moved On
- Dwelling Temporary
- Home Based Business Type I - only on parcels with a residence
- Home Based Business Type II - only on parcels with a residence
- Home Based Business Type III - only on parcels with a residence

Intensive Livestock Operation  
Lot Grading  
Man-made water bodies, privates requiring a permit  
Public Quasi Public Installations and Facilities  
Secondary Suite, Detached  
Secondary Suite, Principal  
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  
Solar Power System, Private (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 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.

**18.29.5.5 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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.

**18.29.5.6 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 Businesses do not include Cannabis Production or Cannabis Sales.

18.29.6.2 No more than five (5) non-resident employees shall be working on site for an Arena, Limited Public.

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 (2021), 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 (i.e. Washrooms, parking, storage and/or  
maintenance facilities)  
Art Centre  
Dwellings, 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  
Solar Power System, Private (Not requiring a Development Permit)  
Utility services, minor

**18.30.3 DISCRETIONARY USES**

Artist Shelters  
Food Service, Accessory to the art centre  
Dwelling, mobile home on lots less than 80 acres in size  
Dwelling, Moved On,  
Dwelling, Temporary  
Lot Grading  
Man-made water bodies, privates 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  
Solar Power System, Private (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 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.

18.30.5.4 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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.

**18.30.5.5 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 Foothills County.

**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 1911157, Block 3, Lots 4 & 5, 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  
Solar Power System, Private (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  
Man-made water bodies, privates 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  
Solar Power System, Private (Requiring a Development Permit)  
Storage Compound  
Utility Services, Minor  
Warehousing and Storage  
Warehouse Sales  
Waste management, 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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 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 (i.e. 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, Single Family
- Dwelling, Manufactured Home
- Dwelling, Mobile home on lots 80 acres or greater in size
- Home Office
- Park
- Private Amenity Space (accessory to the primary Agricultural Society use on site)
- Public Works
- Signs not requiring a development permit
- Solar Power System, Private (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  
Animal Boarding Services  
Auctioneering Services  
Auctioneering Services, Livestock  
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)  
Dwelling, Mobile Home on lots less than 80 acres in size  
Dwelling, Moved On  
Dwelling Temporary  
Food Service, (accessory to the primary Agricultural Society use on site)  
Home based business Type I - only on parcels with a residence  
Home based business Type II - only on parcels with a residence  
Library and Exhibit (accessory to the primary Agricultural Society use on site)  
Lot Grading  
Man-made water bodies, privates requiring a permit  
Outdoor Storage (accessory to the primary Agricultural Society use on site)  
Public Market  
Public or Quasi Public Installations and Facilities  
Recreation, indoor  
Recreation, outdoor  
Retail store (accessory to the primary Agricultural Society use on site)  
Signs requiring a development permit  
Secondary Suite, Detached  
Secondary Suite, Principal  
Solar Power System, Private (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 Maximum Dwelling Unit Density**

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.

**18.32.5.5 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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.

**18.32.5.6 Corner Parcel Restrictions:**

- a. In accordance with Sections 9.27.9 - 9.27.12.

**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 with 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 (Appendix G of this Bylaw).

**18.32.6.12 Nuisance:**

- a. No offensive noise, vibration, smoke, dust, odor, 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 (2021), 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 Foothills County.

**18.33 DIRECT CONTROL DISTRICT #33 (DC 33)  
BAR KAY CEE RANCH**

**DC#33**

**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, 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
- Man-made water bodies, private
- 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 System, Private (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, mobile home on lots less than 80 acres in size
- Dwelling, moved on
- \* As an allowed 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)
- 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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 Other Minimum Setback Requirements:**

- a. See Section 9.27 “Special Setback Requirements” of Land Use Bylaw for additional setback requirements that may apply.

**18.33.5.4 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.

**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:

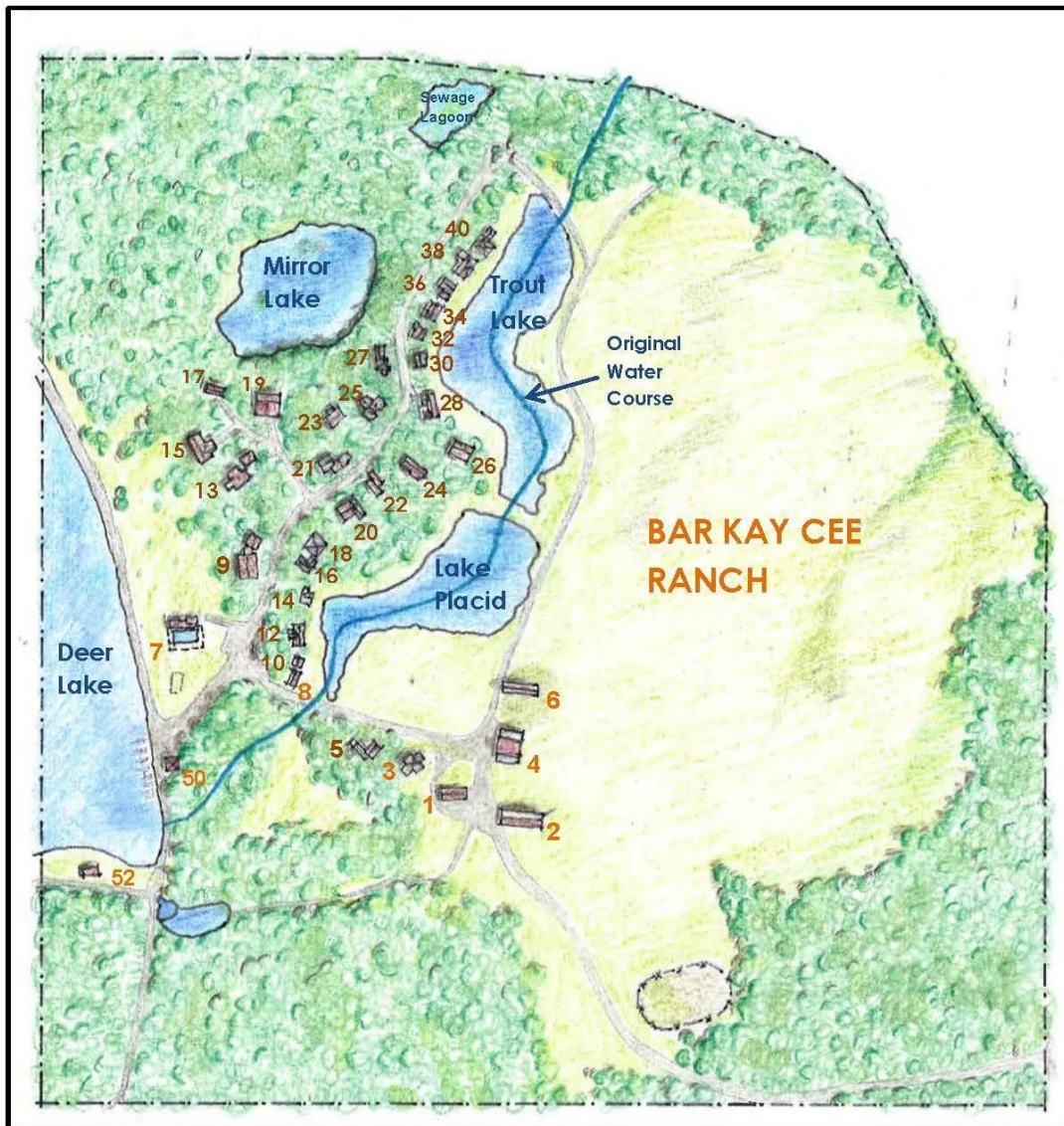
- a) The addition to the structure does not encroach any further into the setback.

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



**LEGEND**

- 1 - Shop
- 2, 4, 6 - Barns
- 3 - Lodge
- 7 - Pool
- 8 - Superintendent Residence
- 50 - Boat House
- 52 - Boat Storage



**18.34 DIRECT CONTROL DISTRICT #34 (DC34)  
COMMERCIAL SOLAR POWER SYSTEMS**

**DC#34**

**18.34.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow for the operation of Commercial Solar Power systems and to allow Direct Control by the Council over development on the following lands:

*All Solar Power Systems shall meet the provisions of Section 10.22.*

**18.34.2 PERMITTED USES**

Accessory Buildings not requiring a development permit  
Administration Office (for principal use)  
Agricultural general  
Public works  
Signs not requiring a Development Permit  
Solar Power System, Private (Not requiring a Development Permit)  
Utility Services, major (service types accessory to principal use)  
    i.e. Electrical Transmission towers, power generating stations  
Utility services, minor

**18.34.3 DISCRETIONARY USES**

Accessory buildings requiring a Development Permit  
Accessory uses (accessory to the principal use)  
Data Processing Facilities (Small Scale)  
Dwelling 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.

Dwelling, mobile home  
Dwelling, moved on  
Educational and Interpretive use  
Lot grading  
Signs requiring a development permit  
Solar Power System, Commercial  
Solar Power System, Private (Requiring a Development Permit)  
Telecommunication Towers (non federally regulated)  
Wind Energy Conservation Systems

**18.34.4 LAND USE REQUIREMENTS**

18.34.4.1 Standards of the land use shall be at the discretion of Council.

**18.34.5 DEVELOPMENT REQUIREMENTS**

18.34.5.1 Maximum Height of Structures:

- a. Dwellings
  - i. 12m (39.37 ft.).



- b. Accessory Buildings
  - i. 10.67m (35 ft.).
- c. Radio antennas, internet towers
  - i. 16m (52.49 ft).
- d. Free-standing solar array or solar array mounted to any structure other than a roof or wall of a building must not exceed 10.67m (35ft.) in height when oriented at a maximum tilt position unless specifically allowed by the Approving Authority.
- e. Or as determined by Council.

**18.34.5.2 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 development area.
- b. Solar array not mounted to the roof or wall of a structure are not considered in the lot coverage area unless they are mounted to the ground in a very impermeable manner (cemented completely and not using piles or some form of elevated racking)
- c. Or as determined by Council.

**18.34.5.3 Minimum Yard Setback Requirements: for Structures and solar array.**

- 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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.

**18.34.5.4 Corner Parcel Restrictions:**

- a. In accordance with Sections 9.27.9 - 9.27.12.C

18.34.5.5 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 setback of 300 metres from the solar installation to all adjacent residences, or a distance that minimizes the visual impact of the solar installation from the adjacent residences to the satisfaction of the Approving Authority.
- c. The Approving Authority may require a greater minimum setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses having regard for the location of the development, potential environmental impacts, adjacent land uses, and any determined natural, scenic, or ecologically significant feature of the landscape.

18.34.5.6 Minimum habitable area per Dwelling:

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

**18.34.6 SPECIAL PROVISIONS**

18.34.6.1 Landscaping and Screening:

- a. landscaping shall be completed in accordance with the Municipal Screening Standards or as determined by Council.
- b. levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards or as determined by Council.

18.34.6.2 Nuisance:

- a. Every attempt shall be made to design the site so that the solar power system will have limited undo interference or effect on the enjoyment or value of neighbouring parcels.
- b. Solar array shall be located such that it does not create undue glare on neighbouring property or public roadways.

18.34.6.3 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:

- a. Location and maximum size of facilities to be constructed.
- b. Development setbacks.
- c. Hours of operation.
- d. Number of employees.
- e. Number of vehicle visits per day.
- f. Noise.
- g. Buffering.
- h. Lighting.
- i. Site drainage.
- j. Potential impact to neighbouring properties.
- k. Outdoor storage.

- l. Parking requirements.
- m. Screening of facilities.
- n. Decommissioning and reclamation.

**18.34.6.4 Lighting:**

- a. all lighting must be in accordance Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

**18.34.6.5 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. the Approving Authority may require, as a condition of Development Permit, redesignation, or land use amendment, that the developer submit a stripping and grading and/or drainage or stormwater management plan, completed by a qualified engineer, to the satisfaction of the County.
- c. lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw unless otherwise approved by the Approving Authority.

**18.34.6.6 Other Approvals:**

- a. Approval from the Alberta Utilities Commission (AUC), Alberta Electric Systems Operator (AESO) and any other provincial or federal agency or utility company is required prior to the operation of the solar power system.

**18.34.6.7 Decommissioning and Reclamation**

- a. A decommissioning and reclamation plan shall be submitted with the application for review and approval identifying how the site will be reclaimed back to the same or better condition than prior to project commencement.
- b. A Development Agreement shall be entered into for any work required as part of the decommissioning and reclamation. This agreement may include requirements for cost estimate for the decommissioning and reclamation prepared by a professional engineer or contractor. The agreement may also require an irrevocable letter of credit, surety bond, or cash deposit to be secured and submitted to the County, prior to commencement of any development on the site, for the decommissioning and reclamation of the site.
- c. If the solar power system is out of service or not producing energy for a period of six months, the operator shall provide evidence to the Development Authority, with respect to the reason for the solar system being out of service or non-operational and provide a detailed plan for bringing the solar system back into service, if the intention is to continue operation. If within six months of non-operation, the operator has not provided the Development Authority with a clear intent and timeline to bring the solar power system back on line, the Development Authority shall deem the solar power system non-operational, and decommissioning, removal, and reclamation will need to commence in accordance with decommission and reclamation plan approved with the application, returning the site to the same or better condition as prior to project commencement.

**18.34.7 PROCEDURE**

- 18.34.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section **18.34.1** may be referred by the Development Officer to the Council for its approval or refusal.
- 18.34.7.2 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 **18.34.1**. The council or their delegate may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.34.7.3 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 **18.34.1**.

**18.35 DIRECT CONTROL DISTRICT #35 (DC 35)  
EVENT VENUE**

**DC#35**

**18.35.1 PURPOSE AND INTENT**

To allow for an indoor facility or outdoor area of land to be used for events, weddings, receptions, gatherings, celebrations, community events, education events, concerts, corporate functions, assembly use, meetings, or similar types of activities. This district may be appropriate for event venues capable of accommodating events that vary significantly in size; it is intended that Council will control this through the development permit process. This district also allows for the Direct Control by Council over development on the following lands:

SE 12-21-02-W5, PLAN 1710460, BLOCK 7, LOT 1  
SE 36-20-01-W5, PLAN 9710440, LOT 2  
SE 02-22-01-W5, PLAN 8911981, BLOCK 1  
NE 25-17-04-W5 (47.88 ACRES)  
NE 24-17-04-W5 (2.4 ACRES) & PLAN 9610215, BLOCK 1, NW 24-17-04-W5  
(6.65 ACRE PTN.)  
NW 11-21-01-W5 (143.11 ACRES)

**18.35.2 PERMITTED USES**

Accessory Buildings not requiring a development permit

Accessory Uses to the Dwelling

Agricultural, General

Administrative Office Accessory to an approved use

Dwelling, 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.

Dwelling, Mobile Home

- permitted use only on lots 32.4 ha (80 acres) or greater in size.

Home Office

Public Works

Signs not requiring a development permit

Solar Power System, Private (Not requiring a Development Permit)

Temporary Storage of up to 5 unoccupied recreational vehicles

Utility services, minor

**18.35.3 DISCRETIONARY USES**

Accessory Buildings, Detached

Accessory Use

Agricultural, Intensive

Antenna structures, private

Arena, private

Assembly Use

Bed and Breakfast

Campground accessory to the Event Venue Use

Community Buildings and Facilities

Conference Centre / Retreat

Corporate Functions  
Dwelling, mobile home on lots less than 80 acres in size  
Dwelling, Moved On  
Dwelling, Temporary  
Education Centre  
Events  
Food Service accessory to the Event Venue use  
Greenhouse, private  
Guest Ranch  
Guest Rooms  
Guest Rooms, Detached  
Home Based Business I  
Intensive Vegetation Operation  
Kennels, private  
Lot Grading  
Man-made water bodies, privates requiring a development permit  
Personal Services accessory to the Event Venue use  
Personal Use Radio Antenna or Internet Tower  
Private Amenity Space  
Public/Quasi Public Installations and Facilities  
Retail Kiosk accessory to an approved use  
Secondary Suite, Detached  
Secondary Suite, Principal  
Special Events  
Temporary Structures, accessory to the Event Venue use or for Special Events  
Signs requiring a Development Permit  
Solar Power System, Private (Requiring a Development Permit)  
Wind Energy Conversion System, personal or accessory to an approved use

**18.35.4 LAND USE REQUIREMENTS**

18.35.4.1 Standards of the development shall be at the discretion of Council.

**18.35.5 DEVELOPMENT REQUIREMENTS**

18.35.5.1 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. Radio antennas, internet towers and wind energy conversion systems
  - i. 16m (52.49 ft.);
- d. Or as determined by Council.

18.35.5.2 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 development area.

**18.35.5.3 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 centreline of a Municipal Road, Major.
  - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater.
  - 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.

**18.35.5.4 Other Minimum Setback Requirements:**

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

**18.35.5.5 Minimum habitable area per Dwelling:**

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

**18.35.6 SPECIAL PROVISIONS**

**18.35.6.1 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.

**18.35.6.2 Nuisance:**

- a. no offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.

- 18.35.6.3 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 guest rooms.
  - e. Maximum number of days of stay.
  - f. Number of employees.
  - g. Number of vehicle visits per day.
  - h. Number, duration, and size of events permitted.
  - i. Noise.
  - j. Buffering.
  - k. Lighting.
  - l. Outdoor storage.
  - m. Parking requirements.
  - n. Screening of facilities.

18.35.6.4 Lighting:

- a. all lighting must be in accordance Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

18.35.6.5 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.

**18.35.7 PROCEDURE**

- 18.35.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.35.1 may be referred by the Development Officer to the Council for its approval or refusal.
- 18.35.7.2 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 18.35.1. The council or their delegate may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.35.7.3 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 18.35.1.

**18.35.8 DEFINITIONS**

**CORPORATE FUNCTION** means a private event, held by corporations or businesses for their staff, clients, or stakeholders, for the purposes of holiday parties, team buildings, etc.

**EVENT** means an event or gathering open to the general public, including but not limited to: Exhibitions, expositions, fairs, festivals, entertainment, cause-related awareness, fundraising, and leisure events. Event does not include family events such as, but not limited to birthday parties or holiday celebrations. Depending on the event type, location and size, and the zoning of the property where it is to be held, an event may or may not be considered a Special Event that must comply with the Special Event Bylaw.

**GUEST ROOM** means a room to rent for no more than 14 days, within a dwelling for the lodging of guests.

**GUEST ROOM, DETACHED** means a separate building on the property that contains one room or more, to be rented for not more than 14 days for the lodging of guests.

**18.36 DIRECT CONTROL DISTRICT #36 (DC#36)  
EQUINE VETERINARY AND REHABILITATION CENTRE**

**DC#36**

**18.36.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow Direct Control by the Council over development on the following lands to allow for an equine veterinary and rehabilitation centre:

PLAN 7711767, BLOCK 1; PTN. SE 05-22-01 W5M (38.96 ACRES)

**18.36.2 PERMITTED USES**

Accessory Buildings not requiring a development permit in accordance with Section 4.2

Accessory Uses

Agricultural, General

Agricultural, Specialty

Dwelling, Single Family

\*no more than 2 such dwellings are permitted on a single lot 32.4 ha (80 acres) or greater in size

\*no more than 1 such dwelling is permitted on a single lot that is less than 32.4 ha (80 acres) in size

Dwelling, Mobile Home

\*permitted use only on lots 32.4 ha (80 acres) or greater in size

Home based business Type I

Home based business Type II

Home Office

Public Works

Secondary Suite, Detached

Secondary Suite, Principal

Solar Power System, Private (Not requiring a Development Permit)

Temporary Storage of up to 5 unoccupied recreational vehicles

Utility Services, Minor

**18.36.3 DISCRETIONARY USES**

Accessory Buildings requiring a development permit

Agricultural, Intensive Use

Agricultural Processing and Distribution

Agricultural Support Services

Animal Boarding Services

Animal Care Services

Antenna Structure, Private

Arena, Limited Public

Arena, Private

Auctioneering Services

Bed and Breakfast

Business Office

Commercial School or College Community Services

Contractor, Limited

Day Camp Services

Family Day Home

Dwelling, Single Family

\*if in addition to the number of dwellings listed as permitted on a single lot

Dwelling, Mobile Home

\*discretionary use on lots less than 80 acres in size

Dwelling, Moved On

Dwelling, Temporary (accessory to principal use)

Educational Services

Farm Equipment Sales and Service

Guest Ranch

Home based business Type III

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 (accessory use, within the main building)

Retail Garden Centre

Retail Store (accessory use, within the main building)

Signs requiring a development permit

Solar Power System, Private (Requiring a Development Permit)

Special Events

Temporary Storage of between 6 and 10 unoccupied Recreational Vehicles

Tourist Information Services and Facilities

#### **18.36.4 LAND USE REQUIREMENTS**

18.36.4.1 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.

18.36.4.2 Standards of development shall be at the discretion of the Council.

#### **18.36.5 DEVELOPMENT REQUIREMENTS**

18.36.5.1 Maximum Height of Structures

- a. Principal Buildings, first vehicle garage, and car ports:
  - i. 12 meters (39.37 ft.).
  - ii. Or as determined by Council.
- b. Accessory Buildings and Arenas:
  - i. 10.67 meters (35 ft.).
  - ii. Or as determined by Council.
- c. Radio Antennas, Internet Towers, and Wind Turbines:
  - i. 16 meters (52.49 ft.)

18.36.5.2 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.

18.36.5.3 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.

18.36.5.4 Minimum Yard Setback Requirements

- a. Front Yard Setbacks:
  - i. 15 meters (49.21 ft.) from the right-of-way of an Internal Subdivision Road.
  - ii. 48 meters (157.48 ft.) from the centreline of a Municipal Road.
  - iii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
  - iv. 40 meters (131.23 ft.) from the ultimate right-of-way or 70 meters from the centreline of a Provincial Highway, whichever is greater.
  - v. Or as determined by Council.
- b. Side Yard Setback:
  - i. 15 meters (49.21 ft.) from property line.
  - ii. Or as determined by Council.
- c. Rear Yard Setback:
  - i. 15 meters (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.

18.36.5.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this Land Use Bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a greater minimum setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

18.36.5.6 Minimum habitable area per Dwelling:

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

**18.36.6 SPECIAL PROVISIONS**

18.36.6.1 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, or to the discretion of the Council.

18.36.6.2 Nuisance:

- a. no offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.

18.36.6.3 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 attending the property at any given time.
- e. Maximum number of employees working on site at any given time.
- f. Number of vehicle visits per day.
- g. Number of animal units permitted on the property.
- h. Number and duration of special events permitted.
- i. Requirements for evacuation and emergency response plans.
- j. Outdoor Storage.
- k. Parking Requirements.
- l. Screening of facilities.
- m. Proof of compliance with fire and safety codes inspections of the facility.
- n. Any other condition that Council deems necessary.

18.36.6.4 Lighting:

- a. all lighting must be in accordance with Section 9.15 of this Land Use Bylaw.

18.36.6.5 Lot Drainage:

- a. lot grading and drainage shall be in accordance with Section 9.17 of this Land Use Bylaw.

**18.36.7 PROCEDURE**

- 18.36.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.36.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.36.7.2 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 18.36.1. The Council may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.36.7.3 There is no appeal do the Development Appeal Board from a decision of the Council on an application for a development permit in respect to the lands referred to in section 18.36.1.

## **PART 7 LAND USE MAPS**

Land Use Maps are provided for each township and range of the County to identify the particular zoning on all parcels.

Land use maps are maintained on an ongoing basis and the most up to date versions can be found on the County's website.

Please note that these land use maps may not be current zonings on all parcels due to continual amendments, redesignation, and subdivisions. Part 8 – Bylaw Amendments also identified bylaw amendments that may affect the land use map and may or may not be updated on the land use maps at this time.

Please contact the Planning Department to confirm zonings on parcels if you require confirmation of current zonings on parcels.

## **PART 8 - BYLAW AMENDMENTS**

The Land Use Bylaw is subject to change (amendment) by Council. Bylaw amendments are provided to identify all amendments made in the Land Use Bylaw since its adoption. They bylaw amendment consist of text amendments, amendments under current land uses, and redesignation of land uses.

Amending bylaw numbers, the date third reading is granted, and a brief description of the amendment made are included in this document to identify that a change has occurred in the Land Use Bylaw. Amending bylaws should be consulted for more detailed information.

The Bylaw amendments are maintained on an ongoing basis and the most up to date version can be obtained from the County office. Please contact the Planning Department to obtain an updated current listing of any and all amendments.