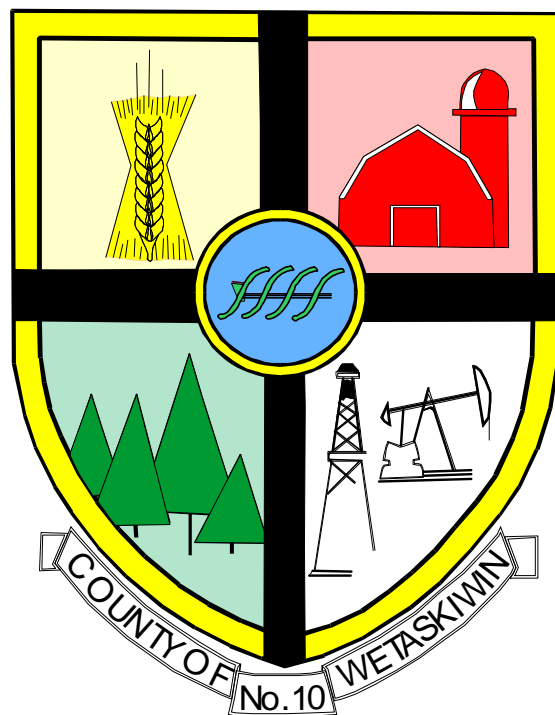


Land Use By-law 95/54



**County of
Wetaskiwin No. 10**

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BY-LAW NO. 95/54

BEING THE LAND USE BY-LAW OF THE COUNTY OF WETASKIWIN NO. 10
IN THE PROVINCE OF ALBERTA

Pursuant to Part 17 of the Municipal Government Amendment Act, R.S.A. 1994, Chapter M.26.1 as amended, Council of the County of Wetaskiwin in the Province of Alberta, duly assembled, hereby enacts as follows:

SECTION ONE: GENERAL

1.1 PURPOSE

The purpose of this By-law is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly, economic and beneficial development of land. To achieve this goal, this By-law, among other things.

- (a) divides the municipality into districts;
- (b) prescribes and regulates for each district, other than Direct Control districts, purposes for which land and buildings may be used;
- (c) prescribes and regulates for each district, other than Direct Control districts, subdivision and development standards;
- (d) establishes a process for making decisions on development permit applications and the issuance of development permits; and
- (e) establishes a process for notification of landowners affected by development permits issued.

1.2 DEFINITIONS

Terms and words in this By-law defined in the Act have the same meaning expressed in the Act. Other terms and words, unless the context otherwise requires, are defined as follows:

Abandoned farmsite means land on which a farmsite is no longer in active use and is lacking some or all of the following improvements: a habitable dwelling, an approach and driveway, outbuildings, a power pole and transformer, a working well or a working private sewer system.

Abut or abutting means immediately contiguous to or physically touching, and when used with respect to a site, means that the site physically touches upon another site and shares a property line with it.

Act means the Municipal Government Amendment Act, C.M -26.1, as amended from time to time.

Accessory mean customarily or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.

Accessory building or use means a building or use, which is subordinate and incidental to the principal building or use located on the same site and shall not precede the principal building or use.

Adjacent means land that is contiguous to a site and includes land that would be contiguous if not for a highway, roadway, railway, river, stream, pipeline, or power-line.

Advertisement means a message carried in a communications medium including but not limited to a newspaper, radio, television, sign or billboard for the purposes of informing the public of a matter of public or private interest.

Airstrip means a parcel of land used or intended for use 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, and may operate under an airport license issued by Alberta Transportation & Utilities.

Animal Unit means the number of animals of a particular type and size that will excrete 73 kg of total nitrogen in a 12 month period, as set out in Appendix 6 to this bylaw. *(amended by By-law 2002/17)*

AOPA means the Agricultural Operations Practices Act. *(amended by By-law 2002/17)*

Apartment means a building containing two or more storeys containing three (3) or more dwelling units which may have shared entrances, other shared facilities, and shared exit facilities. *(amended by By-law 99/47)*

Auto wrecking yard means a site on which vehicle bodies are stored and processed for parts and other materials and may include a crusher.

Bank break means the point at which land begins to slopes sharply downward to a water-body, watercourse or valley floor and is above the elevation of a floodplain.

Bed and breakfast business means a commercial business accessory to the residential use of a dwelling, which provides accommodation in guest-rooms and where one daily meal is provided to registered guests in a common room.

Boat-house means a building in the lakeshore residential district intended solely for the storage of boats.

Borrow site means an area from which sub-soils and/or clay has been or is to be taken for use in constructing or maintaining roads or other earth structures.

Building means anything constructed or placed on, in, over, or under land but does not include a highway or public roadway or a bridge forming part of a highway.

Bulk fuel dealer means a development for the purposes of storing fuel oil and other hydrocarbons for sale and distribution to off-site agricultural, commercial and industrial customers.

Business service means the use of a building or a portion of one to provide services to businesses which includes but is not limited to printing, duplicating, photocopying, blueprinting, manual and computerized drafting, off-set printing, electronic printing, laminating, binding, photographic processing; the provision of office maintenance or custodial services; the provision of office security; the sale, rental, repair or servicing of business equipment, furniture, supplies and machines; and the sale, rental, repair or servicing of computers, cellular telephones, and fax machines.

Campground means a development on an area of land which has been planned and improved for the seasonal short term use of tents and/or recreational vehicles and is not used for year-round storage or as accommodation for residential use.

Casino means a building which has the primary purpose of providing gambling facilities to the public but within which may also contain other facilities including, but not limited to, eating and drinking establishments, lounges, conference facilities, meeting rooms and personal service businesses. (Amended by By-law 97/30)

Cemetery means a site used for the entombment of the deceased and may include crematories and mausoleums and includes but is not limited to memorial parks, burial grounds, and gardens of remembrance.

Certificate of Compliance means a document that certifies that an intensive animal use complies with *Code of Practise for the Safe and Economic Handling of Animal Manures* as issued by Alberta Agriculture, Food and Rural Development.

Church means a building, which is available to the public for the purpose of assembly and worship of, relating to, and devoted to religious beliefs or observances.

Community hall means a building, which is available to the public for the purposes of assembly for community, cultural, political or social events.

Confined Feeding Operation (CFO) has the meaning given in AOPA (the County has no jurisdiction over CFOs) (*amended by By-law 2002/17*)

Convenience store means a development selling low order goods and food products required by area residents on a day-to-day basis and may include fuel pumps.

Corner lot or site means a lot or site located at the intersection of two public roads, other than lanes.

Council means the Council of the County of Wetaskiwin No. 10.

Deemed complete means an application for a development permit is in order such that it may be processed.

Deemed incomplete means a decision to refuse a development permit or subdivision application because the applicant has provided insufficient information to process the application, or where the applicant indicates in writing that they no longer wish to continue with the application.

Detached dwelling means a building suitable for permanent occupancy and for which the primary use is human habitation, and is built on a foundation or base extending below grade. The building is constructed on-site using conventional construction methods and materials and, except for accessory buildings, is separate from other buildings on all sides. Detached dwelling excludes mobile and modular dwellings.

Development means:

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

Discretionary use means a use of land or of a building provided for in this By-law for which a development permit may be issued with or without conditions as provided for in this By-law.

Disposal area means those areas of a parcel of land that have been used and will not be used again for the placing of waste material or where waste processing or a burning activity is conducted in conjunction with a sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site.

Duplex, side by side means a building containing two (2) dwelling units with individual and separate entrances where the units are situated beside each other and may be subdivided onto separate lots.

Duplex, vertical means a building containing two (2) dwelling units situated one on top of the other in whole or in part with an individual and separate entrance to each dwelling unit.

Dwelling means a detached dwelling, mobile dwelling, modular dwelling or moved-in dwelling.

Dwelling unit means a part of a building in which the primary use is human habitation and which is self-contained for that use with facilities including but not limited to bedrooms, bathrooms and kitchens.

Dugout means a site excavated to capture and hold water for agricultural, commercial, industrial or fire prevention uses.

Engineer's report means a document that bears the professional stamp of an engineer who is a member of APEGGA (Association of Professional Engineers, Geologists and Geophysicists of Alberta).

Existing dwelling and related improvements means a dwelling in active use with an approach and driveway, shelterbelt, outbuildings, and water, power and sewer services associated with the dwelling to form an integrated development in a rural area.

Extensive agriculture means agricultural uses including but not limited to cultivation of grains, oilseeds, forage and pasture and/or grazing of cattle or other animals.

Extensive recreational use means a recreational land use located in a rural area to take advantage of a natural setting for dispersed, low-impact activities including but not limited to walking, hiking, cross-country skiing and bird-watching and which may include small cabins or chalets for short-term use on a commercial basis that may be subordinate to a principal dwelling

Farm building means a structure other than a dwelling used to store agricultural products, house farm equipment or is otherwise associated with an agricultural use but does not include dwellings or buildings for the confinement of animals in an intensive animal use.

Farm vehicle and implement dealer means a development where farm vehicles and implements are stored, offered or kept for sale at retail prices and includes storage within the premises of vehicles and implements necessary only to service the business.

Farm supply and services dealer means a development where farm supplies and services are stored, offered or kept for sale at retail prices and includes storage within the premises of supplies necessary only to service the business.

Fire hall means a building used to store fire fighting vehicles and equipment and other emergency vehicles and equipment.

Floodplain means land lying within the 1% flood risk area of a water feature as calculated using methods acceptable to Alberta Environmental Protection.

Forestry means woodlot management, selective cutting, silviculture but excludes clearing of land for agricultural purposes.

Freestanding portable sign means any thing or object which advertises and/or promotes a good, service, business, product, event or idea and is not permanently or securely attached to the ground or to a building and which is intended to be moved from place to place.

Front yard means a yard extending across the full width of a lot from the front property line of the lot to the front yard setback as established by the By-law. If the lot is irregular the setback is taken from the closest point of the front property line.

General Contractor means the use of land for a business which provides construction services including but not limited to road construction, oilfield maintenance, pipeline construction, sand and gravel hauling, and water and sewer projects.

The use may also include buildings for repairing, servicing and storing machinery and equipment necessary for the construction services provided, as well as areas of land, buildings or other ancillary buildings where materials used from construction purposes, including but not limited to fuel, sand and gravel, are stored or stockpiled. Buildings for sales, office or residential use may also be included as accessory uses to the principal use. (Amended by By-law 97/73)

Golf course means land developed for golfing purposes including a driving range, fairways and greens, and may include a clubhouse with a lounge and restaurant.

Good agricultural land means

- (a) land with a farmland assessment value of 30% or more;
- (b) grey-wooded soil producing hay, forage or other crops: and
- (c) bush-covered soil with agricultural potential (where potential is determined on the basis of the farmland assessment value the land would have if cleared).

Government service means a Crown-owned area of land or facility providing services to the travelling public and includes but is not limited to a rest area, maintenance yard or weigh-scale facility.

Grade means the average ground elevation calculated at the perimeter of a site as determined by the Development Officer.

Grain elevator means a building used to store grains and oilseeds for shipment by rail or truck.

Greenhouse means the growing, acclimating, propagating, harvesting, displaying and selling of bedding, household and ornamental plants and may include accessory uses related to the storing, displaying and selling of gardening, nursery and related products. (Amended by Bylaw 98/02).

Guest house means a building in a lakeshore residential district which has sleeping accommodation but does not contain kitchen facilities or plumbing services and which is not intended for year-round use as a dwelling.

Hamlet means an unincorporated community.

Health facility means a development providing room, board and surgical or other medical treatment for the sick, injured or infirm including out-patient services and accessory staff residences, and includes but is not limited to clinics, hospitals, psychiatric hospitals, nursing homes, convalescent homes, isolation facilities and detoxification facilities.

Heliport means any lot or lots used or intended for the use of helicopters landing or taking off and includes development of service and repair facilities, storage facilities and other necessarily ancillary developments required for the purpose of operating a heliport in accordance with all applicable statutes and regulations. (Amended by By-law 97/62)

Highway means a primary highway or a secondary road numbered between 900 and 999 as defined in the *Public Highways Development Act*.

Historic resource, historic site, Provincial Historic Resource and Registered Historic Resource have the same meanings as defined in the Historical Resources Act, Chapter H-8, R.S.A. 1980. (Amended by By-law 96/47)

Home occupation means any occupation, trade, profession or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the dwelling and which does not change the character thereof, or have any exterior evidence of such secondary use. A home occupation does not include the employment of more than one paid assistant other than the occupant and the occupant's family.

Hotel means a building which provides rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor(s) and may be equipped with individual kitchen facilities and may also include accessory eating and drinking establishments, conference facilities, meeting rooms and personal service businesses.

Intensive agricultural use means commercial scale agricultural uses which are of an intensified or specialized nature including but not limited to horse breeders and/or trainers, cow-calf operators, exotic animal breeders, greenhouses, market gardens, tree farms and horticulture operations. (Amended by By-law 2000/52)

Intensive Livestock Operation or Use means an activity on land that is fenced or enclosed within buildings where livestock are confined at a density of at least one animal unit per 184 square metres (2,000 square feet) for the purpose of breeding, finishing, sustaining, or growing by means other than grazing, but does not include seasonal feeding and bedding sites and does not include a Confined Feeding Operation. (ILOs are smaller than CFOs, and fall under County jurisdiction) *(amended by By-law 2002/17)*

Kennel means any premises on which small domestic animals are maintained, boarded, bred, trained or cared for in return for remuneration or kept for the purposes of sale.

Legal severance means an interest in land, such as a railway, which constitutes an intervening ownership and is either shown as an exception off title or is an exception to indefeasibility pursuant to S. 65 of the *Land Titles Act*.

Lot means

- (a) a quarter section;
- (b) a river lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a Land Titles office;
- (c) a settlement lot shown on an official plan referred to in Section 32 of the Surveys Act that is filed or lodged in a Land Titles office;
- (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
- (e) a part of a parcel 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.

Low density wilderness campsites means a campground and limits density to one campsite per two hectares of titled area. *(amended by By-law 2000/17)*

Lumber yard means a lot or building or both where bulk supplies of lumber and other building materials are stored for retail sale.

Major renovations means work carried out which changes the use, size and/or shape of a development.

Manufacturing and/or processing plant means a business engaged in secondary manufacturing which may involve outdoor storage, storage and/or processing of hazardous goods, the creation of smoke, noise, dust and odours, the movement of heavy vehicles to and from the site, and irregular operating hours.

Minor business means a minor business operated from but subordinate to an agricultural operation or residential use.

Minor renovations means work carried out which does not change the use, size and/or shape of a development.

Mobile dwelling means a building suitable for permanent occupancy and for which the primary use is human habitation, and is designed to be transported as a single unit in whole on wheels to a building site on which it is placed at grade or on a foundation. Except for accessory buildings, the completed building is separate from other buildings on all sides.

Mobile home subdivision means a parcel of land planned and subdivided into lots for the long term accommodation of mobile dwellings.

Modular dwelling means a building suitable for permanent occupancy and for which the primary use is human habitation, and is assembled on a building site from components manufactured off-site. The completed building may be located on a foundation or base extending below grade. Except for accessory buildings, the completed building is separate from other buildings on all sides.

Motel means a building on a site providing sleeping units complete with washing and sanitary facilities and with adjoining or conveniently located parking spaces designed and operated for the purpose of providing temporary accommodation to the travelling public.

Motor Vehicle means motorized vehicles such as automobiles, light trucks, motorcycles that are intended for use on roads or highways. (Amended by by-law 2011/02)

Motor Vehicle Lease means a method of vehicle financing for the use or occupation of a motor vehicle during a specific period in exchange for a payment or payments. (Amended by by-law 2011/02)

Motor Vehicle Sales means a use where new or used vehicles are sold at retail prices to allow the general public (consumers) access to motor vehicles displayed for sale or for lease; where each vehicle is a gross vehicle weight equal to or less than 4,500 kilograms; does not provide repair or maintenance services, new or used parts sales, dismantled vehicle sales, or installation of parts or equipment. (Amended by by-law 2011/02)

Moved-in dwelling means a previously occupied detached dwelling or modular dwelling that is to be transported in whole to a new building site.

Multiple dwelling means a building containing three (3) or more dwelling units which, by design, may be similar and/or different from an apartment or rowhouse. Examples include but are not limited to an adult living complex and a seniors home.

Municipality means the County of Wetaskiwin No. 10.

Municipal services means a municipally owned and operated system of works for the provision of water, sewer or other services.

New farmsite means land on which there is a working well or on which proof of a water supply has been demonstrated pursuant to the standards of this By-law, and where the land must be improved for residential use before it can be registered as a separate title.

Non-conforming building means a building subject to Section 643 of the Act.

Non-conforming use means a use subject to Section 643 of the Act.

Obstruction to visibility means an object or thing near a highway or road which affects the safety of vehicular and/or pedestrian traffic.

Off-road vehicle means motorized vehicles such as snowmobiles, trikes and quads, and may include motorcycles, not intended for use on roads or highways.

Owner means

- (a) in respect of unpatented land, the Crown;
- (b) in respect of other land, the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land; and
- (c) in respect of any property other than land, the person in lawful possession of it.

Parcel means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles office.

Permitted use means a use of land or of a building allowed under this By-law for which a development permit must be issued with or without conditions, provided that the proposed development complies in every way with the By-law; and in this regard attention is drawn to Section 12 of Schedule "A", concerning safe and suitable building sites. *(Amended by By-law 99/75)*

Personal service business means a building or part of a building used to provide personal services to individuals which are related to the care and appearance of the body or to the cleaning and repair of personal effects, which includes but is not limited to barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, laundromats and dry cleaners.

Physical access means a direct built access to a road or highway which conforms to County policy 6514-3 on rural approaches, as amended from time to time.

Physical severance means a physical feature, such as a river, coulee or right-of-way, which physically separates one part of a parcel from the balance of the parcel and which may be shown as an exception off title.

Poor agricultural land means land not covered by the definition of good agricultural land.

Post office means a building providing postal services or, in hamlets, a part of a commercial building or dwelling providing postal services.

Public or quasi-public use means a use or building which is owned or leased by a department or agency of the federal, provincial or municipal government for the purposes of public administration and services, or for the purposes of assembly.

Public utility means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) water or steam;
- (b) sewage disposal;
- (c) irrigation;
- (d) drainage;
- (e) fuel;
- (f) electric power;
- (g) heat;
- (h) waste management; and
- (i) telecommunications

and includes the thing that is provided for public consumption, benefit, convenience or use.

Public utility lot means land required to be given under Section 662(1) or Section 655(1)(a) of the Act to be used for public utility purposes.

Public park means a publicly owned area of land and or development specifically designed or reserved for the general public for active or passive recreational use, and includes such facilities and buildings that are consistent with a public park whether publicly operated or operated by other organizations under agreement with the public authority, and includes but is not limited to picnic grounds, walking paths, playgrounds, and playing fields for soccer, baseball and other sports.

Race track means an area of land used for racing events involving horses or motor-powered vehicles (including but not limited to automobiles and motorcycles).

Real Property Report means a plan prepared by an Alberta Land Surveyor to the standards of the Alberta Land Surveyor's Act which shows property lines, the location of development relative to property lines, other features such as wells and sewer systems, and encroachments (if any).

Rear yard means a yard extending across the full width of a lot from the rear property line of the lot to the rear yard setback as established by this By-law. If the lot is irregular the setback is taken from the closest point of the rear property line.

Recreation trails means a system of paths cut through an area of land for use by but not limited to horses, hikers, skiers or snowmobilers.

Recreational vehicle means a mobile unit meant for use as temporary accommodation and includes, but is not limited to, holiday trailers, tent trailers, fifth-wheel trailers, truck campers and motor homes.

Recreational vehicle dealer means a development used for the retail sale or rental of new or used recreational or off-road vehicles, and providing maintenance services and parts sales.

Recreational vehicle park means an area of land with sewer, water and power services used for the short-term accommodation of recreational vehicles on a lease or rental basis and includes a sanitary pump out site for the disposal of wastes from the recreational vehicles. This may include recreational vehicle oriented Bareland condominium unit developments, subject to all infrastructure including roads, utilities, water and sewer which would normally be municipal or local improvements being constructed to minimum County standards. *(amended by By-law 2009/11)*

Recreational Vehicle (R.V.) Storage means the storage, outdoors or inside a permanent structure, of recreational vehicles as defined in this By-law, and other recreational vehicles including, but not limited to, boats, trikes, quads, personal watercraft, snowmobiles and trailers used to transport recreational vehicles. *(Amended by By-law 98/22)*

Regulation means Alberta Regulation AR 212/95 as amended, being the Subdivision and Development Regulation.

Resource extraction operation Type A means the on-site removal and/or extraction and/or processing of raw materials found on or under the site, including but not limited to sand, gravel, and clay pits. Type A pits shall have an overall development area of five acres in total scope excluding any access road as determined by the development Officer. *(amended by By-law 2009/08)*

Resource extraction operation Type B means the on-site removal and/or extraction and/or processing of raw materials found on or under the site, including but not limited to sand, gravel, and clay pits. Type B pits shall have an overall development area of less than or equal to five acres in total scope excluding any access road as determined by the Development Officer. (*amended by By-law 2009/08*)

Resource processing operation means a development at which a primary resource product, including but not limited to sand, gravel or clay, is processed or converted for further use.

Rest area means an area of land located next to a road or highway for use by the travelling public for the consumption of food and non-alcoholic beverages and which may include but is not limited to picnic shelters, picnic tables, fire pits, public washrooms and parking areas, but is not intended for overnight accommodation.

Restaurant means a development where prepared food and beverages are offered for sale to the public for consumption on the premises.

Retail store means the use of a building or a portion of one where goods and merchandise are stored and offered for sale at retail prices and includes storage of these items within the premises in quantities sufficient only to service the store.

Retail liquor store means the use of a building or a portion of a building where liquor products are stored and offered for sale at retail prices and includes storage of liquor products within the premises in quantities sufficient only to service the store.

Road means a statutory road allowance and/or land shown as a road on a plan of survey that has been filed or registered in a land titles office or used as a public road and includes a bridge forming part of a public road and any structure incidental to a public road but excludes a highway as defined in this By-law.

Rowhouse means a building containing three (3) or more dwelling units joined side-by-side, with no unit situated above another in whole or in part and with an individual and separate entrance at grade for each unit.

School means a development for the purposes of educational instruction and includes a public, separate, private, commercial school or college.

Secondary highway means a numbered highway that is neither a County grid road nor a primary highway or secondary road numbered between 900 and 999 as defined in the *Public Highways Development Act*.

Security means a letter of credit or similar financial guarantee deposited with the County to ensure certain measures or works are carried out under a development permit, development agreement or stop order.

Seniors and/or adult living complex means a development designed and built specifically for senior citizens or older adults for residential use.

Service station means a development for the service and repair of motor vehicles and trucks, the sale of gasoline and other hydrocarbons, lubricating oils and accessories for motor vehicles, and which may provide towing services and/or a car wash. A service station may also sell those goods commonly found in convenience stores and may contain a restaurant.

Setback means the distance that a development must be set back from a property line or any other features of a site. A setback is not a yard.

Side yard means a yard extending from the side property line of a lot to the side yard setback line as established by this By-law and is to be taken from the closest point of the lot if not parallel to the side property line and excludes front and rear yards and is distinct from a front or rear yard.

Sign means any object or thing which advertises and/or promotes a good, service, business, product, event or idea.

Site means an area of land on which a development exists or for which an application for a development permit is made containing not less than one lot.

Storey means the space between the top of any floor and the bottom of the floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it.

Subdivision means the division of a parcel of land by an instrument and "subdivide" has a corresponding meaning.

Subdivision approval period means, pursuant to Section 657(1) of the act, the one year period an applicant has to meet the conditions of a subdivision approval and submit a subdivision instrument to the subdivision authority for endorsement.

Subdivision endorsement period means, pursuant to Section 657(5) of the Act, the one year period in which an instrument must be registered in a Land Titles office.

Suitable building site means a site which must have

- (a) safe legal and physical access to a developed and gravelled road;
- (b) an adequate water supply for human consumption

and does not, is not, or would not:

- (c) lie within a floodplain;
- (d) have a high water table which makes the site unsuitable for foundations, private sewage disposal systems, and utilities;
- (e) consist of muskeg or unconsolidated material;
- (f) located on or near a bank break or slope;
- (g) situated over an abandoned coal mine, an active or abandoned oil or gas installation, or a pipeline;
- (h) safe due to contamination by previous land uses;
- (i) situated closer to a confined feeding operation than the minimum distance set out in the regulations under AOPA; (*amended by By-law 2002/17*)
- (j) materially interfere with the operation or logical and economic expansion of an extensive agricultural, intensive animal or intensive agricultural use;
- (k) meet the yard and setback standards of this By-law; and
- (l) prevent or interfere with the logical and economic development and/or expansion of a nearby urban areas, a coal mine and/or field, an oil or gas field, a sewage treatment plant, a waste disposal or transfer site, a gravel pit, a pipeline, or a highway or road.

Tree covered land means land which has not been cleared and broken for an agricultural use on which the dominant vegetative cover is trees.

Tree farm means an area of land on which trees are cultivated for sale and to be transplanted to other locations.

Truck/large vehicle business means a development where trucks and/or large vehicles are stored, offered or kept for sale at retail prices and includes storage within the premises of trucks and/or large vehicles necessary only to service the business.

Vehicle repair business means a development for the servicing, maintenance and repair of automobiles, trucks, recreational and off-road vehicles, and may include the sale, installation or servicing of related accessories and parts, and includes but is not limited to transmission shops, muffler shops, tire shops, automotive glass shops, and auto finishing and upholstery shops.

Veterinary clinic means a development which provides health services to animals.

Warehouse means the storage of bulky, large or heavy goods within an enclosed building where the size and nature of the goods may require large floor areas for storage and large areas for vehicle use for the trans-shipment of the goods.

Water feature means a body of water such as a lake, pond or slough or a watercourse such as a river, stream or creek.

Watershed parcel means a parcel subdivided from tree-covered land for residential use under the Watershed Protection district policies of the General Municipal Plan.

Low density wilderness campsites means a campground and limits density to one campsite per two hectares of titled area.

Working water well means an existing working well, or a well driller's report or an engineer's report that proves out a water supply that satisfies the standards of this By-law.

Yard means a part of a lot upon which or over which no main building is erected.

Zoning compliance means a certificate issued by the County, based on a Real Property Report, which says whether the present use of land or buildings on a parcel conforms to the By-law.

ESTABLISHMENT OF DISTRICTS

1.3 For the purpose of this By-law the County is divided into the following districts:

Agricultural
Rural Residential
Country Residential
Restricted Country Residential
Watershed Protection
Lakeshore Residential (*amended by By-law 99/10*)
Lakeshore Mixed Use (*amended by By-law 99/10*)
Rural Conservation
Recreational
High Density Rural Residential
Institutional
Rural Commercial
Industrial
Urban Residential
Urban Commercial
Urban Industrial
Urban Fringe (*amended by By-law 99/10*)
Agricultural/Intermunicipal Development Plan (A/ID) (*amended by By-law 99/31*)
Direct Control
Wizard Lake Watershed (*amended by By-law 2000/17*)
Severed Agricultural (*amended by By-law 2005/28*)

DISTRICT BOUNDARIES

1.4 The boundaries on the land use maps shall be interpreted as follows:

- (a) Where a boundary follows a public roadway, lane, railway, pipeline, powerline or utility right-of-way or easement, it follows the centre line, unless otherwise clearly indicated.
- (b) Where a boundary is shown as approximately following the County boundary, it follows the County boundary.
- (c) Where a boundary is shown as approximately following the edge or shorelines of any river, lake, creek or other water body, it follows such lines and, in the event of change of such edge or shorelines, it moves with same.
- (d) Where a boundary is shown as approximately following a lot line, it follows the lot line.

- (e) If necessary the location of the boundary may be determined by reference to any or all of the following: dimensions set out in this By-law, measurement of the Land Use maps, registered plans of subdivision or descriptive plans, Certificates of Title, aerial photographs, and site inspections.
 - (f) When an area of land has been reclassified prior to subdivision, the reclassification shall be interpreted as following the boundaries of the subdivided lot, even if the area of the lot and the area set out in the reclassification by-law are not identical; and *(amended by By-law 99/43)*
 - (g) When the boundary of a lot is changed through subdivision, the land use classification follows the new boundary. *(amended by By-law 99/43)*
- 1.5 Where the application of the above interpretations does not determine the exact location of a boundary the Development Officer shall fix the boundary in doubt or dispute in a manner consistent with the provisions of this By-law and with the degree of detail as to measurements and directions as circumstances require.
- 1.6 In determining a boundary the Development Officer may request assistance in this regard from any designated planning agency administering planning, subdivision and/or development work on behalf of the County.
- 1.7 After the Development Officer has fixed a boundary, the portion of the boundary fixed shall not be altered except by an amendment to this By-law.
- 1.8 The Development Officer shall maintain a record of decisions with respect to boundaries.

ESTABLISHMENT OF REGULATIONS

- 1.9 The General Regulations as set out in Schedule A of this By-law, the Land Use District Regulations as set out in Schedule B of this By-law, and the Land Use district maps as set out in Schedule C are hereby adopted as part of this By-law and may be amended in the same way that any other part of this By-law may be amended. Appendices are included for information only and are not part of this by-law.

INTERPRETATION

- 1.10 In this By-law words used in the singular include the plural, and words using the masculine gender include the feminine gender.

METRIC STANDARD

- 1.11 In this By-law approximate imperial equivalents are indicated in brackets following the metric standards. Imperial figures are provided for information only and in all cases the metric figure shall govern.

SECTION TWO: AUTHORITIES

PLANNING AUTHORITIES

- 2.1 Pursuant to Sections 623, 624 and 627 of the Act and By-law No. 95/42, the County has established:
- (a) Council as Subdivision Authority;
 - (b) the position of Development Officer as Development Authority; and
 - (c) a Subdivision and Development Appeal Board.

DEVELOPMENT OFFICER

- 2.2. A resolution of Council is required to appoint a person or persons to the position of Development Officer.
- 2.3 The Development Officer must carry out the functions shown in Section Three of this By-law.
- 2.4 The Development Officer must keep and maintain for public inspection copies of this By-law and all amendments to it, and a record of all development permit applications, including the decisions and associated reasons.

SUBDIVISION

- 2.6 Pursuant to Section 625 of the Act the County may delegate its subdivision or development authority powers, duties or functions to an inter-municipal service agency. As of the date of third and final reading of this By-law the administration of the subdivision process was being carried out by the West Central Planning Agency by agreement. Subdivision requirements are shown in Appendix 2.

SECTION THREE: DEVELOPMENT PROCESS

NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

Section 643 of the Act applies to non-conforming uses and non-conforming buildings and, for the reader's convenience, is re-printed in Appendix 3.

CONTROL OF DEVELOPMENT

- 3.1 Development in the County is subject to Section 683 of the Act which says that, except as otherwise provided in this By-law, a person may not commence a development unless the person has been issued a development permit in respect of it pursuant to the Land Use By-law.

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 3.2 Except in the Agricultural/Intermunicipal Development Plan (A/ID) district, a development permit is not required for the following types of development so long as they conform to all other relevant provisions of this By-law (*amended by By-law 99/10 & 99/31*):
- (a) extensive agriculture;
 - (b) minor renovations to a building;
 - (c) construction, maintenance or placement of a thing or improvement including but not limited to trees, rocks, gardens, decks, gates, fences, walls or other means of enclosure, except where the object will be:
 - (i) on a property line adjacent to a highway or road;
 - (ii) more than one (1) metre in height and within the setback from a highway or road;
 - (iii) within the shaded areas shown on Figure 1; or
 - (iv) a hazard to persons, property or traffic, in the opinion of the Development Officer.
 - (d) a building, the use of which is incidental to the construction or renovation of a building for which a development permit has been issued;

- (e) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial or municipal authorities on land which is publicly owned or controlled; or less; and
- (f) an accessory building less than 4.6 square metres (50 sq. ft.) in size which meets the development standards of the district.
- (g) Intensive livestock operations where they are **permitted** uses in the Agricultural district (i.e. more than 400 metres from land not classified as agricultural); *(amended by By-law 2002/17)*
- (h) buildings and land uses which are exempt from municipal control under section 618 of the Act. *(amended by By-law 2002/17)*

AGRICULTURAL DEVELOPMENTS

3.3 In the Agricultural district development permits are required for:

- (a) dwellings and any building with two or more dwelling units;
- (b) intensive animal and intensive agricultural uses and buildings directly associated with these uses; and
- (c) discretionary uses under the Agricultural district.

PERMISSION FOR DEVELOPMENT

3.4 The landowner, or an agent acting on the landowner's behalf, may make an application for a development permit by completing an application form and submitting it to the Development Officer.

3.5 The Development Officer may ask an applicant for any or all of the following:

- (a) a site plan showing the legal description of the site, the location of the development(s), the front, rear and side yard setbacks, and access to and from the site;
- (b) a site plan showing how off-street loading and/or parking is to be provided;
- (c) floor plans, elevations and sections;
- (d) estimated start-up and completion dates for the development;
- (e) estimated cost of the project;

- (f) a Real Property Report;
- (g) an engineer's report and/or environmental impact assessment that certifies a safe building site;
- (h) an engineer's report and/or environmental impact assessment which establishes the boundaries of a floodplain;
- (i) a detailed landscaping plan indicating grading, loading and parking areas, tree planting and/or removal and playgrounds and parks;
- (j) any additional information which, in the opinion of the Development Officer, is necessary to make a decision on an application for a development permit;
- (k) the prescribed fees; and
- (l) a completed application form.
- (m) where a golf course is proposed in the Pigeon Lake or Wizard Lake drainage basins, a nutrient budget prepared by a professional agrologist.
(amended by By-law 2000/17)

- 3.6 An application will not be deemed complete until the required information and fees have been provided.
- 3.7 The Development Officer must receive, consider and decide on all development permit applications. The Development Officer may make a decision on an application even though some information requested may not have been provided.
- 3.8 Pursuant to Section 684 of the Act the Development Officer has forty (40) days in which to make a decision on a development permit application that is deemed complete. If the Development Officer has not made a decision at the end of this forty (40) day period, the applicant may agree to extend this period of time or may treat the application as deemed refused and file an appeal with the Subdivision and Development Appeal Board.

- 3.9 (a) The Development Officer may refer any development permit application to West Central Planning Agency, Alberta Transportation and Utilities, Alberta Environmental Protection, Alberta Agriculture, Food and Rural Development, Alberta Labour, the Fire Advisor, the Crossroads Regional Health Authority, the Alberta Energy and Utilities Board, an affected railway authority, an adjacent municipality, an Indian Band Council or any other department or agency the Development Officer may consider necessary. The purpose of the referral will be to receive comments and/or recommendations. *(amended by By-law 99/10)*
- (b) A development permit or rezoning application, which affects land, zoned Agricultural/Intermunicipal Development Plan (A/ID) must be referred to the City of Wetaskiwin for comment. A development permit or rezoning application which affects land zoned Urban Fringe adjacent to the Town of Millet must be referred to the Town for comment. West Central Planning Agency is responsible for referring subdivision applications that affect either municipality. *(amended by By-law 99/10 & 99/31)*
- 3.10 In making a decision on a development permit application the Development Officer may:
- (a) approve an application without conditions;
 - (b) approve an application with conditions;
 - (c) refuse the application; or
 - (d) deem the application to be incomplete.
- 3.11 The Development Officer may attach conditions to a development permit to require the developer and/or development to:
- (a) adhere to the relevant standards for the subject district as provided by the By-law;
 - (b) obtain a building permit or other permits pursuant to the requirements of the Safety Codes Act;
 - (c) obtain any additional and necessary permits or approvals from appropriate departments or agencies;
 - (d) take actions or measures to ensure that the development will comply with the By-law and, if necessary, other statutes;

- (e) provide an engineer's report and/or environmental impact assessment to certify a suitable building site for the proposed development;
- (f) carry out any necessary landscaping and/or drainage;
- (g) locate the development according to certain standards;
- (h) take actions or measures to mitigate the concerns of adjacent landowners;
- (i) take actions or measures to mitigate an increase in the amount and/or type of traffic generated by the proposed development;
- (j) control the location and amount of goods, materials and any other items stored on a site;
- (k) construct or pay for the construction of roads required to give access to the development;
- (l) maintain or pay for the maintenance of roads required to give access to the development;
- (m) install or to pay for the installation of utilities needed to service the proposed development;
- (n) pay a local improvement charge, an off-site levy or a redevelopment levy where such charge is established by By-law;
- (o) provide security to ensure that the conditions of the permit are carried out;
- (p) with respect to signs, govern the size and location of the sign and the length of time it is to remain in place; and
- (q) any additional condition or conditions which, in the opinion of the Development Officer, are necessary to ensure that the development complies with Section 640(1) of the Act.

3.12 If a development permit is refused by the Development Officer the Development Officer may, at his discretion, refuse to accept another application for a development on the same land and for the same or a similar use for at least 365 days after the date of the issue of the decision. *(Amended by By-law 2001/26)*

- 3.13 If, on appeal, a development permit is refused by the Subdivision and Development Appeal Board, the Development Officer may, at his discretion, refuse to accept another application for a development on the same land and for the same or a similar use for at least 365 days after the date of the issue of the Board's decision. *(Amended by By-law 2001/26)*
- 3.14 If the Court of Appeal confirms the Board's decision to refuse a development permit the Development Officer, at his discretion, refuse to accept another application for a development on the same land and for the same or a similar use for at least one full calendar year after the date of the issue of the Court's decision. If the Court decides that the Board must rehear the matter, the Development Officer may, at his discretion, refuse to accept another application for a development on the same land and for the same or a similar use for at least 365 days after the date of issue of the Board's most recent decision. *(Amended by By-law 2001/26)*
- 3.15 If a proposed use of land or of a building is not provided under a district of this By-law the Development Officer may determine that the proposed use or building is similar to a permitted or discretionary use prescribed for the district and may issue a development permit for the use or building but only as a discretionary use.
- 3.16 The Development Officer may decide on an application for a development even though the proposed development does not comply with the By-law or is a non-conforming building if, in the opinion of the Development Officer
- (a) the proposed development will not:
 - (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - (b) the proposed development conforms with the use prescribed for the land or building in this By-law.

VARIANCE PROVISIONS

- 3.17 With the exception of Schedule A, Section 9.1(e) the Development Officer may relax the setback standards of this By-law by up to 75%. *(amended by By-law 2000/42)*

- 3.18 The Development Officer may relax a bank break setback required under Section 9.1(e) by 50% or may require an engineer's report before making a decision. The Development Officer must not relax a bank break setback by more than 50% without an engineer's report which certifies that the building site is safe.
- 3.19 The Subdivision and Development Appeal Board may relax the setback standards of this By-law up to 100% providing there are no objections from the affected road authority or from adjacent landowners.
- 3.20 The Development Officer may relax the setback standards of this By-law by up to 50%, and the Subdivision and Development Appeal Board by up to 100% for non-conforming buildings that are conforming uses under the By-law providing there are no objections from the affected road authority or from adjacent landowners.

SPECIAL PROVISIONS

- 3.21 If an application for redistricting (i.e. a change in land use) is refused, Council may at its discretion refuse to accept another application for redistricting on the same property and for the same or similar use of land for at least 365 days after the date of Council's decision. (amended by By-law 2001/11)
- 3.22 For multi-lot subdivisions of land, the Development Officer may issue a development permit for work required to satisfy the conditions of subdivision.
- 3.23 January 21, 1999 is the date on which this by-law was amended to incorporate elements related to the City/County Intermunicipal Development Plan. On this date the zoning on some land in the Agricultural/Intermunicipal Development Plan district may have been contrary to the Plan. Zoning on these lands may be changed to conform to the IDP, at Council's discretion. Also on this date there may have been subdivision and/or development approvals for proposed uses contrary to the Plan. These approvals will be honoured but not renewed. (amended by By-law 99/10 & 99/31)

DEVELOPMENT PERMITS AND NOTICES

- 3.24 With the exception of a development permit granted for a permitted use where the provisions of the By-law were not relaxed, varied or misinterpreted, all other development permits granted pursuant to this Section do not come into effect until fourteen (14) days after the date on which the permit was issued or such greater time as specified by the Development Officer. Any development carried out by the applicant prior to or within this fourteen (14) day period is at the applicant's risk.

- 3.25 When an appeal is made pursuant to Section 4 of this By-law, an approved development permit becomes null and void. The Subdivision and Development Appeal Board's decision takes effect on the date shown on the decision or as specified elsewhere in the decision, unless there is a further appeal pursuant to Section 688 of the Act.
- 3.26 When a development permit has been granted for:
- (a) a permitted use where the provisions of the By-law were relaxed, varied or misinterpreted;
 - (b) a discretionary use;
 - (c) a use or building in a direct control district where the permit has been issued by the development authority; or
 - (d) a use or building under Sections 3.15 and 3.16 of this By-law;
 - (e) the Development Officer must:
 - (f) mail a notice in writing to all registered owners of land who, in the opinion of the Development Officer, may be affected by the decision; and/or
 - (g) publish in a local newspaper a notice which states the proposed use and the location of the subject property. The location must include the legal description, the municipal address and/or subdivision name where available, and a general description of where the subject property is relative to local landmarks.
- 3.27 Development authorized by a development permit must be commenced within one year of the date on which the permit was issued or the permit is deemed to be null and void. The Development Officer may either grant a time extension for the permit or require a new application.
- 3.28 All decisions of the Development Officer on development permit applications must be in writing and a copy of the decision must be sent to the applicant and/or landowner.
- 3.29 When the Development Officer refuses an application for a development permit or deems an application incomplete the decision must contain reasons.

- 3.30 The Development Authority shall meet the requirements of section 640(5)(f) of the Municipal Government Act by ensuring that the following notice is inserted in the local newspaper at least once per year:

“Landowners and residents are warned that farming operations in the County of Wetaskiwin may cause noise and dust. Fertilizers, pesticides and herbicides may be applied, possibly by aerial spraying. Farms may have extended working hours. Manure may be produced, stored or applied to land, and it may smell. The County is required to publish this warning in accordance with Section 640 of the Municipal Government Act.”
(amended by By-law 2002/17)

SECTION FOUR: APPEALS

Subdivision appeals are governed by Sections 678-682 of the Municipal Government Amendment Act C.M.26-1 as amended, Sections 678-682 are re-printed in Appendix 4 for the reader's convenience.

Development appeals are governed by Sections 683-687 of the Municipal Government Amendment Act C.M.26-1 as amended. Sections 683-687 are re-printed here for the reader's convenience.

- 4.1 **683** Except as otherwise provided in a Land Use By-law, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the Land Use By-law.
- 4.2 **684** An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development authority is not made within 40 days of receipt of the application unless the applicant has entered into an agreement with the development authority to extend the 40 day period.
- 4.3 **685(1)** If a development authority
- (a) refuses or fails to issue a development permit to a person;
 - (b) issues a development permit subject to conditions; or
 - (c) issues a stop order under section 645;
- the person applying for the permit or affected by the stop order may appeal in writing to the Subdivision and Development Appeal Board.
- (2)** In addition to an applicant under section (1), any person affected by an order, decision or development permit made or issued by the development authority may appeal to the Subdivision and Development Appeal Board.
- (3)** Notwithstanding subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use By-law were relaxed, varied or misinterpreted.
- 4.4 **686(1)** A development appeal to a Subdivision and Development Appeal Board is commenced by filing a notice of appeal in writing, and containing reasons for the appeal, with the Board within 14 days,
- (a) in the case of an appeal made by a person referred to in section 685(1), after

- (i) the date on which the person is notified of the order or decision or issuance of the development permit; or
 - (ii) if no decision is made with respect to the application within the 40 day period or within any extension under section 684, the date the period or extension expires; or
 - (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the Land Use By-law.
- (2)** The Subdivision and Development Appeal Board must hold an appeal hearing within 30 days of receipt of a notice of appeal.
- (3)** The Subdivision and Development Appeal Board must give at least 5 days' notice in writing of the hearing
- (a) to the appellant;
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal; and
 - (c) to those owners required to be notified under the Land Use By-law and any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified.
- (4)** The Subdivision and Development Appeal Board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
- (a) the application for the development permit, the decision and the notice of appeal; or
 - (b) the stop order under section 645 of the Act.
- (5)** In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.
- 4.5 **687(1)** At a hearing under section 686, the Subdivision and Development Appeal Board must hear
- (a) the appellant or any person acting on behalf of the appellant;

- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority;
 - (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person; and
 - (d) any other person who claims to be affected by the order, decision or development permit and that the Subdivision and Development Appeal Board agrees to hear, or a person acting on behalf of that person.
- (2) The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within 15 days of concluding the hearing.
- (3) In determining an appeal, the Subdivision and Development Appeal Board
- (a) must comply with the land use policies and statutory plans and, subject to clause (d), the Land Use By-law in effect;
 - (b) must have regard to but is not bound by the subdivision and development regulations;
 - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the Land Use By-law if, in its opinion,
 - (i) the proposed development would not
 - (a) unduly interfere with the amenities of the neighbourhood;
or
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the Land Use By-law.

SECTION FIVE: ENFORCEMENT AND ADMINISTRATION

CONTRAVENTION

5.1 If the Development Officer finds that a development, land use or use of a building is not in accordance with:

(a) Part 17 of the Act or regulations under Part 17;

(b) this By-law; or

(c) a development permit or subdivision approval;

the Development Officer may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

(c) stop the development or use of the land or building in whole or part as directed by the notice;

(d) demolish, remove or replace the development; or

(e) carry out any other actions required by the notice so that the development or use of the land or building complies with Part 17 of the Act, the regulations under Part 17, this By-law, or a development or subdivision approval;

within the time set out in the notice.

5.2 Pursuant to section 685(1)(c) of the Act a person who receives a notice referred to in section 5.1 may appeal to the Subdivision and Development Appeal Board.

5.3 If a person fails or refuses to comply with an order directed to him under section 5.1 or an order of a Subdivision and Development Appeal Board under section 687 of the Act, the County may, pursuant to section 542 of the Act, enter on the land or building and take any action necessary to carry out the order.

5.4 The County may register a caveat under the *Land Titles Act* in respect of an order referred to in section 5.1 against the certificate of title for the land that is the subject of the order.

5.5 If the County registers a caveat under section 5.4, the County must discharge the caveat when the order has been complied with.

5.6 A contravention of this By-law is an offence under Section 566 of the Act and may result in a fine of not more than \$10,000.

APPLICATION TO AMEND BY-LAW

- 5.7 An owner of land or a person authorized by an owner of land may apply in writing to Council for an amendment to this By-law.
- 5.8 An application to amend this By-law must include reasons for the amendment and an accurate drawing of the proposed amendment where it affects all or part of a parcel of land. If the Development Officer is of the opinion that the information provided with the application is not sufficient for Council to make a decision, the Development Officer may require additional information from the applicant.
- 5.9 An application to amend this by-law with respect to land zoned Agricultural/Intermunicipal Development Plan District, or with respect to text provisions related to this district, must be referred to the City of Wetaskiwin.
(amended by By-law 99/31)
- 5.10 Council may initiate an amendment to this By-law at any time.

FEES

- 5.11 By resolution Council may set a fee schedule for development permit applications and time extensions, rezoning applications, subdivision approval and endorsement time extensions, appeal hearings and other subdivision and development matters as Council deems necessary.

FORMS

- 5.12 Any forms included with this By-law are not part of the By-law but are included for convenience only and may be amended by the Development Officer.

SCHEDULE A: GENERAL REGULATIONS

Regulations governing sour gas facilities, oil and gas wells and setbacks from wastewater treatment facilities, waste sites and landfills are re-printed from the Subdivision and Development Regulation (AR 212/95) in Appendix 5.

1. ACCESS AND APPROACHES

- 1.1 Any proposed parcel or parcels of land that is or are the subject of a subdivision application or a development permit application must have legal and physical access to a gravelled County road or secondary highway to the satisfaction of the County before a development permit or subdivision application is approved.
- 1.2 Any proposed parcel or parcels of land that is or are the subject of a subdivision application or a development permit application and is adjacent to a highway must have legal and physical access to the highway to the satisfaction of Alberta Transportation and Utilities.
- 1.3 Physical access shall not be allowed by easement or other legal agreement. For example, this applies where an intervening ownership or boundary separates a parcel from a road or highway.
- 1.4 No approach is allowed onto any road within 100 metres (328 ft.) of an intersection, a road, a crown in a road, or within areas shown shaded on Figure 1 of this By-law.
- 1.5 Standards of construction, gravelling and maintenance are subject to County Policy Rural Approaches, as amended from time to time.

2. ANIMAL RESTRICTIONS

- 2.1 With the exception of the Agricultural and Watershed Protection districts
 - (a) livestock other than domestic pets in reasonable numbers on a parcel smaller than 1.2 hectares (3 acres) in size shall be at the discretion of the Development Officer; and (Amended by By-law 97/73)
 - (b) the Development Officer may allow reasonable numbers of animals on parcels larger than 1.2 hectares (3 acres) where they will be compatible with adjacent land uses.

2.2 Kennels (*amended by By-Law 2009/07*)

- (a) The Development Officer may refuse a development permit application for a kennel where it is closer than 400 m (1,312 ft.) from the boundary of a multi-lot residential subdivision. Exceptions may be considered when a highway bisects the minimum separation distance.
- (b) A kennel within 400 m (1,312 ft.) of a multi-lot residential subdivision that provides, to the satisfaction of the Development Authority, evidence of its existence prior to passage of this Bylaw may be permitted to continue operating but will not be permitted to expand.
- (c) All kennel buildings and exterior exercise areas, including those existing prior to the passage of this Bylaw, may be required to have soundproofing and screening to the satisfaction of the Development Authority.
- (d) The Development Authority may require that any buildings or exterior exercise area, including those existing prior to the passage of this Bylaw, used to accommodate dogs are not located within 30 m (98 ft.) of any property line of the lot on which the kennel is located.
- (e) All exterior exercise areas (runs), including those existing prior to the passage of this Bylaw, shall be enclosed with a fence acceptable to the Development Authority.
- (f) The Development Authority may place a restriction on the number of dogs over 6 months of age, based on location, proximity to neighboring properties, size of parcel, and other factors deemed appropriate by the Development Authority. These restrictions may be applied to kennels that existed prior to the passage of this Bylaw.
- (g) The Development Authority may apply conditions regarding the hours the dogs will be allowed to be outside. These restrictions may be applied to kennels that existed prior to the passage of this Bylaw.
- (h) Complaints from adjacent land owners may result in amendments or additions to the conditions of a development permit in order to further regulate noise, traffic, hours of operation, or the number of dogs allowable on the premises. These amendments or additions may be applied to kennels that existed prior to the passage of this Bylaw.
- (i) Kennels with a retail store attached are only permitted in the Rural Commercial district on parcels larger than 1 acre, and are subject to all of the above kennel regulations.

3. ENVIRONMENTAL PROTECTION MEASURES

- 3.1 With the exception of the Agricultural district, no trees or vegetation must be cleared
- (a) from any land within 30 metres of a bank break abutting a water feature;
 - (b) from any slope as steep as or steeper than 1:3, or any other slope which, in the opinion of the Development Officer is steep or potentially unstable; and
 - (c) from within 30 metres of the top and bottom of any slope as steep or steeper than 1:3, or any other slope which, in the opinion of the Development Officer is steep or potentially unstable.
- 3.2 No person may alter or damage natural drainage patterns on a parcel of land through implementation of a landscape design or drainage scheme that is a condition of a development permit or subdivision approval.
- 3.3 An application for a development permit or for subdivision may be refused where the land affected lies within a floodplain.
- 3.4 Under Section 3 of the *Public Lands Act* title to the beds and shores of all permanent and naturally occurring bodies of water, and all naturally occurring rivers, streams, watercourses and lakes, is vested in the Crown in right of Alberta. Crown-owned sloughs may be left with an agricultural parcel. Sloughs not owned by the Crown may be included in a Rural Residential or Rural Conservation parcel.

4. HEIGHT OF BUILDINGS

- 4.1 On receipt of a development permit application for a proposed building with more than two storeys above grade, the Development Officer may review the proposal for any impacts on adjacent properties.
- 4.2 No building containing sleeping accommodation may be constructed with more than two floors above grade without approval from the Development Officer, subject to advice received from the Fire Commissioner and the authority administering the Safety Codes Act in the County.

5. HIGHWAYS

- 5.1 The Development Officer must refer development permit applications to Alberta Transportation and Utilities where the application affects land adjacent to or within 300 metres (984.2 ft.) of a highway right-of-way. The Development Officer must have regard to any comments provided by Alberta Transportation and Utilities.

6. INTENSIVE ANIMAL OPERATIONS

- 6.1 The Development Officer may request an environmental assessment before issuing a development permit for an intensive livestock operation.

A new intensive livestock operation shall be separated from a third party's existing residence by the distance set out in the regulations under AOPA, as if it were the smallest sized CFO recognized for that type of operation.

(Example: 300 head is the smallest beef finisher operation recognized as a CFO. The MDS for that size of operation to a single residence is 245 metres. We would therefore use 245 metres as the MDS for any beef finisher operation that qualified as an intensive livestock operation under the bylaw definition above)

(The intent is to protect existing residents against encroachment by ILOs under the County's jurisdiction)
(amended by By-law 2002/17)

- 6.2 A development permit for an existing, expanding or proposed intensive animal operation may be refused if the proposed development is likely to have a negative effect on a watercourse or lake. *(amended by By-law 2000/17)*
- 6.3 Land within the Pigeon Lake or Wizard Lake drainage basins may not be used for manure disposal if it appears probable that such use will negatively affect the lake. *(amended by By-law 2000/17)*

7. MOVED-IN BUILDINGS

- 7.1 Any person who applies to move a moved-in building onto a lot as a main or accessory building must:
- (a) apply for a development permit;
 - (b) inform the Development Officer of the present location and current use of the building.
- 7.2 The Development Officer may inspect the building or, at the developer's expense, make arrangements to have the building inspected to assess the structural integrity of the building and its suitability for the proposed use.
- 7.3 The Development Officer may require the developer to repair and/or upgrade the building and prepare the proposed building site as a condition of issuing a development permit.

8. NUMBER OF DWELLINGS ON A LOT

- 8.1 No person is allowed to construct or locate or cause to be constructed or located more than one dwelling on a lot or parcel unless otherwise authorized by this By-law.
- 8.2 Notwithstanding Section 8.1. the Development Officer may issue a development permit to:
- (a) permit the construction or location of a 2nd dwelling on a parcel with a minimum area of 32.3 hectares (80 acres) where the dwelling is a permitted or discretionary use for the district;
 - (b) permit the construction or location of more than one mobile dwelling on an agricultural parcel if the 2nd or additional mobile dwelling will be used by a person employed full-time a minimum of 6 months a year by the operator of an existing extensive agricultural, intensive agricultural or intensive animal farming operation. The development permit lapses and the mobile dwelling must be removed when it is no longer used for the purpose stated herein.
 - (c) permit the construction or location of more than one mobile dwelling on a parcel if the 2nd or additional mobile dwelling is, with the exception of the Urban Residential and Lakeshore Residential districts, a permitted or discretionary use and will be used by a person or persons related by blood or marriage to the owner of the lot or parcel who needs to be on the same lot or parcel for reasons of health or infirmity. The development permit lapses and the mobile dwelling must be removed when it is no longer used for the purpose stated herein.
 - (d) permit the construction or location of a building with two or more dwelling units where the building is a permitted or discretionary use for the district.

9. SETBACKS

- 9.1 The following setback standards apply in all districts except where noted otherwise:
- (a) for parcels of land bordering a highway, all development must be located at least 50 metres (164 ft.) from the property line abutting the highway (see Figure 1);
 - (b) for parcels of land bordering onto all other roads in the County, all development must be located at least 40 metres (131 ft.) from the property line abutting the road (see Figure 1);
 - (c) obstructions to visibility are not allowed within 10 metres (32.8 ft) of the property line abutting a highway, secondary highway, or road (see Figure 1);

- (d) on parcels of land located at the junction of two roads, one of which is a highway or County road, no access, development, or obstructions to visibility are allowed within the "site triangles" shown on Figure 1; and
- (e) for parcels of land including or adjacent to a bank break, no development may be located within 30 metres of a bank break.

10. SIGNS

10.1 Development permits are required for signs with the exception of:

- (a) one (1) sign located on private land more than 300 metres (984.2 ft.) from the right-of-way of a highway or road and 1.2 metres (4 ft.) by 0.6 metres (2 ft.) in size or less;
- (b) signs for an election campaign posted 60 days before and 5 days after the relevant federal, provincial or municipal election date;
- (c) signs posted for a community event or auction posted 14 days before the date the event or auction occurs and removed on the day after the event or auction;
- (d) signs offering for sale or rent the lot or parcel on which the sign(s) is posted; and
- (e) signs for municipal, municipal public works, emergency, or Alberta Transportation and Utilities purposes.

10.2 Development permits are required for freestanding portable signs.

10.3 Vehicles, trailers or similar units meant for towing behind an automobile or truck that bear a sign for a period of more than seven days adjacent to a highway or road require a development permit.

10.4 The Development Officer may consult with adjacent landowners, adjacent municipalities and Alberta Transportation and Utilities before making a decision on an application for a development permit for a sign.

- 10.5 If the Development Officer is of the opinion that a sign is a danger to public safety, traffic or property or is in contravention of Section 10.1, the Development Officer may demand the immediate removal of the sign. If the person responsible for the sign cannot be identified, the Development Officer may use those powers assigned under the Act to remove the sign.
- 10.6 Where this By-law does not provide the Development Officer with sufficient direction as to the number or location of signs in a given part of the County, the Development Officer may issue a development permit for a sign but must treat the sign(s) as a discretionary use under the By-law.
- 10.7 The Development Officer will not approve a development permit for a commercial sign within 3 km (1.8 miles) of the boundary of the City of Wetaskiwin unless the proposed sign has or can get all other relevant approvals.
(amended by By-law 99/10)

11. SUBDIVISION TIME EXTENSIONS

- 11.1 Council may extend or may delegate the power to extend periods of time related to subdivision approvals and endorsements as follows:
- (a) a subdivision approval for a use which remains compatible with adjacent land uses and which continues to conform to the By-law may be extended, in one year increments, to a maximum of five years from the original approval date;
 - (b) a subdivision approval for a use which may come into conflict with adjacent land uses or which no longer conforms to the By-law must not be extended;
 - (c) a subdivision approval granted five years or more prior to the date of the application for a time extension may not be extended; and
 - (d) the endorsement date on a registrable subdivision instrument may be extended, in one year increments, to a maximum of three years from the original date of endorsement.

12. SAFETY AND SUITABILITY OF SITES *(Amended by By-law 99/75)*

- 12.1. Notwithstanding that use of land may be permitted or discretionary in a land use district,
- 12.1.1. the Subdivision Authority may refuse to approve the subdivision of a lot, and
 - 12.1.2. the Development Authority may refuse to issue a development permit,

if in the Authority's opinion the site of the proposed building or use is not safe or suitable for the proposed building or use.

12.2. A site is deemed unsafe or unsuitable if it

- 12.2.1. does not have safe legal and physical access to a maintained road;
- 12.2.2. is subject to more than a 1% annual risk of flooding, using methods acceptable to Alberta Environmental Protection;
- 12.2.3. has a high water table which makes the site unsuitable for foundations and sewage disposal systems;
- 12.2.4. consists of muskeg or unconsolidated material unsuitable for building;
- 12.2.5. appears to be situated on an unstable slope;
- 12.2.6. is closer than 100 metres (or such lesser distance as the Alberta Energy and Utilities Board [AEUB] may approve in writing) to an oil or gas well or pipeline;
- 12.2.7. is within the setback distance required by the AEUB from a sour oil or gas facility;
- 12.2.8. (Attention is drawn to Section 9 and 10 of the Subdivision Regulations, which require that such applications be referred to the AEUB)
- 12.2.9. is situated over an active or abandoned coal mine or oil or gas well or pipeline;
- 12.2.10. would expose the structure itself, and/or the people living and working there to risk from the operations of a nearby airstrip;
- 12.2.11. is unsafe due to contamination by previous land uses;
- 12.2.12. has an inadequate or unsafe water supply;
- 12.2.13. is closer to a confined feeding operation or manure storage facility than the separation distance set out in the regulations under AOPA; *(amended by By-law 2002/17)*
- 12.2.14. is closer to an intensive livestock operation than the separation distance set out in the regulations under AOPA, as if the operation were the smallest CFO falling under the jurisdiction of AOPA;

Example: 300 head is the smallest beef finisher operation recognized as a CFO. The MDS for that size of operation to a single residence is 245 metres. We would therefore not allow any new third party residence closer than 245 metres to any beef finisher operation that qualified as an intensive livestock operation under County jurisdiction.

Note: this decision is made by the Development Officer, and is appealable.

(amended by By-law 2002/17)

- 12.2.15. would materially interfere in the natural and economic expansion of an existing agricultural operation or its proposed expansion;
 - 12.2.16. does not meet the yard and setback requirements of this by-law;
 - 12.2.17. would prevent or interfere with the natural and economic extension of a nearby developed area, a coal mine, an oil or gas field, a sewage treatment plant, a waste disposal or transfer site, a gravel pit, a pipeline, or a road system; or
 - 12.2.18. is subject to any easement, caveat, restrictive covenant, or other registered encumbrance which makes it impossible to build on the site.
- 12.3. Nothing in this section shall prevent the Subdivision Authority approving a lot, or prevent the Development Authority from issuing a development permit, if the Authority is satisfied that there is no risk to persons or property, or that these concerns will be met by appropriate engineering measures.

13. WATER SUPPLY STANDARDS

- 13.1 The County may require developers to prove out an adequate water supply before approving an application for subdivision or a development permit application.
- 13.2 For the proposed subdivision of single lots in rural areas for residential use groundwater should provide the water supply. Cisterns may be allowed only as an addition to a well with a low production rate, or as the sole source of supply in areas of the County where a well would be prohibitively expensive. The County may ask for proof that the cost would be prohibitively expensive. Dugouts may not be permitted for residential uses.
- 13.3 For the proposed subdivision of a lot for an existing farmsite and related improvements, a working water well(s) will usually be accepted as proof of an adequate water supply. If the well(s) does not provide an adequate water supply, the developer may be required to have the well tested by a licensed water well driller. The well driller's report must be submitted to the County and must show a

minimum two hour pump test, a minimum production level of .5 igpm, and a minimum recovery rate of 90%.

- 13.4 For the proposed subdivision of one to five lots from a quarter section, the developer may be required to prove out a water supply. For residential use an existing well may be tested or a new well drilled by a licensed water well driller. The well driller's report must be submitted to the County and must show a minimum two hour pump test, a minimum production level of .5 igpm per lot, and a minimum recovery rate of 90%. For medium to high density residential uses and all other uses supply standards will be decided through consultation with relevant agencies including but not limited to Alberta Environmental Protection, Alberta Agriculture, Food and Rural Development, and the Fire Adviser - Alberta Labour.
- 13.5 Development permit or subdivision applications for uses which require large quantities of water may not be allowed if they will have a negative effect on the water supply of adjacent landowners.

County of Wetaskiwin No.10 LAND USE BYLAW NO.95/54



Location of buildings and trees adjacent to roads

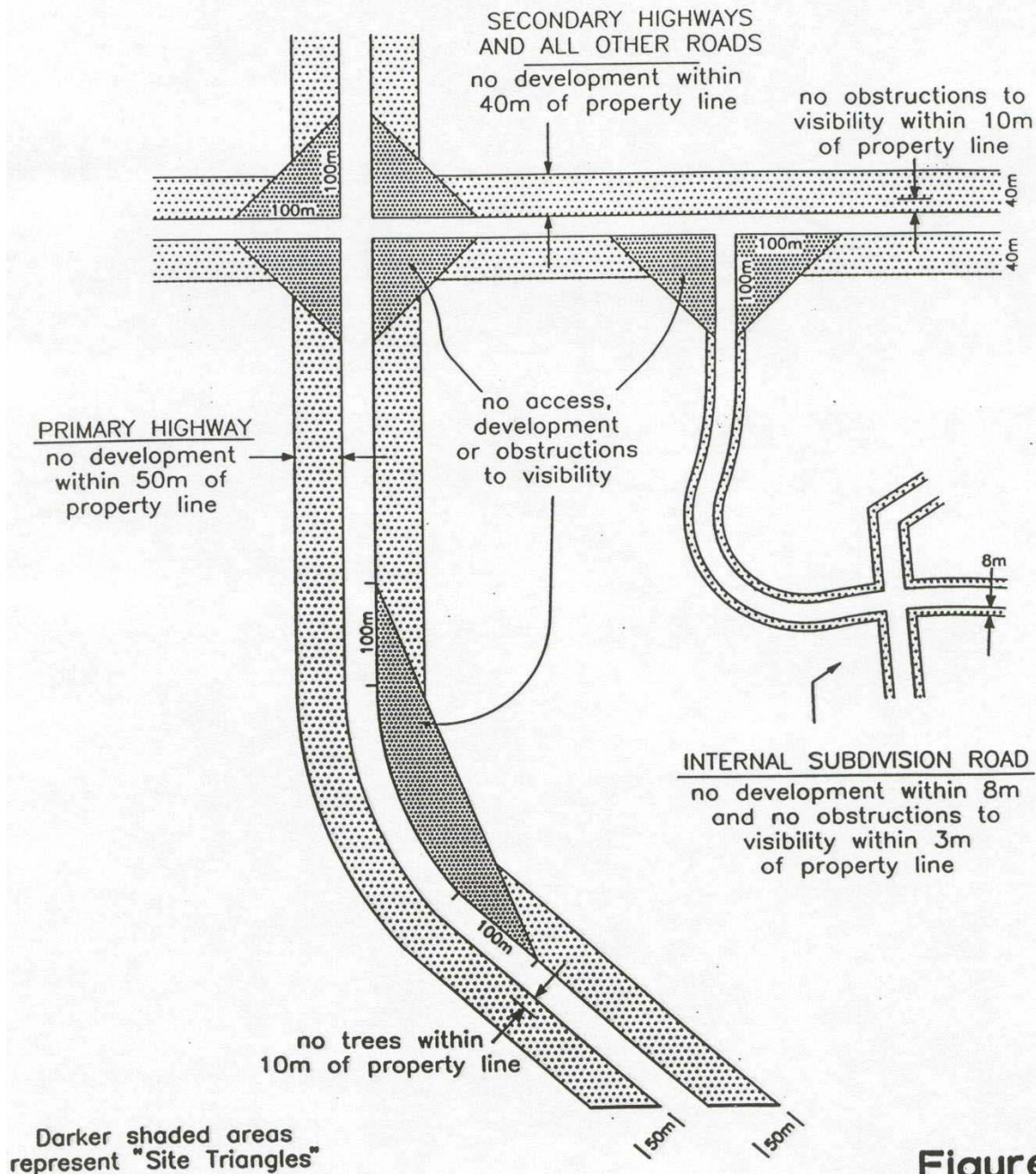


Figure 1

SCHEDULE B: REGULATIONS FOR LAND USE DISTRICTS

1. AGRICULTURAL DISTRICT (AG)

1.1 Purpose

The purpose of the district is to maintain and preserve land for productive agricultural uses.

1.2 Permitted Uses *(amended by By-law 2004/11)*

- (a) Extensive agriculture
- (b) New houses of conventional construction
- (c) New manufactured and modular houses
- (d) Intensive livestock operations situated at least 400 metres away from any land not classified as Agricultural
- (e) Buildings and uses accessory to the above

1.3 Discretionary Uses

- (a) Moved-in buildings, included used manufactured houses (mobile homes) and modular houses *(amended by By-law 2004/11)*
- (b) Intensive agricultural use
- (c) Intensive livestock operations within 400 metres of any land not classified as Agricultural under this by-law *(amended by By-law 2002/17)*
- (d) Tree farm
- (e) Bed and breakfast business
- (f) Home occupation
- (g) Minor business
- (h) Kennel
- (i) Public utility
- (j) Government service
- (k) Resource extraction operation Type A *(Amended by By-law 2009/08)*
- (l) Resource extraction operation Type B *(Amended by By-law 2009/08)*
- (m) Public park
- (n) Airstrip
- (o) Extensive recreational use
- (p) Accessory building or use
- (q) A single subdivided parcel containing an existing residence or services *(Amended by By-law 2000/96)*

1.4 Parcel size *(amended by By-law 2000/52)*

- (a) The minimum size for a parcel intended to be used for extensive agriculture is 32.3 hectares (80 acres), but this minimum size may be relaxed
 - (i) To allow a parcel to follow natural boundaries, or
 - (ii) To allow for existing or proposed subdivisions for public or quasi-public purposes, or
 - (iii) Proportionally where the original quarter section title was less than 64.7 hectares (160 acres).

- (b) The minimum size for a parcel intended to be used for a commercial scale intensive agricultural operation shall be at the discretion of the Subdivision Authority, and before exercising discretion the Authority shall consult the appropriate specialist employed by Alberta Agriculture, Food and Rural Development and can consult with the Director of Agricultural Services for the County of Wetaskiwin No. 10.

1.5 Setbacks

- (a) Front yard: see General Regulations, Section 9
- (b) Side yard: 5 metres (16.5 ft.)
- (c) Rear yard: 10 metres (32.8 ft.)

1.6 Number of Lots *(amended by By-law 2005/28)*

1.6.1 A quarter section may be subdivided to create **one** of the following:

- a yard site,
- a natural split, or
- a division of the quarter into two approximately equal parts.

1.6.2 Regulations for the creation of a yard site subdivision shall be as in the Rural Residential district, and after subdivision the regulations for Rural Residential apply, even though the land retains its Agricultural zoning.

1.6.3 Any subdivisions in excess of one per quarter section will require rezoning from Agricultural to another use.

1.6.4 Subdivisions for public purposes may be allowed without rezoning in addition to those allowed under section 1.6.1."

NOTE: Small parcels of land on which the primary use is residential are deemed under this By-law to be a Rural Residential use and the standards of that district apply.

2. RURAL RESIDENTIAL DISTRICT (RR)

2.1 Purpose

The purpose of the district is to allow for the subdivision and/or development of a single residential parcel on an agricultural quarter section, where this is compatible with adjacent land uses. For the purposes of section 654(2)(b) and 680(2)(b) of the Municipal Government Act:

- Any land which is in agricultural production; and
- Sloughs and watercourses; and
- Pens and livestock feeding areas; and
- Any planted or natural shelterbelt situated more than 100 metres from a dwelling; and
- Barns and outbuildings situated more than 100 metres from the dwelling

are deemed to be agricultural and not residential land uses. *(Amended by By-law 2002/24)*

2.2 Permitted Uses

- (a) Detached, mobile or modular dwelling
- (b) Accessory building or use

2.3 Discretionary Uses

- (a) Moved-in dwelling
- (b) Bed and breakfast business
- (c) Agricultural uses compatible with adjacent land uses
- (d) Home occupation
- (e) Minor business
- (f) Public or quasi-public use
- (g) Accessory building or use
- (h) Kennel *(Amended by By-Law 2009/07)*

2.4 Subdivision Standards - Existing Farmsite

- (a) the residential use on the proposed parcel must be compatible with adjacent land uses;
- (b) the proposed parcel must have a habitable dwelling, a working water well, an approach to a gravelled County road or developed secondary highway, a driveway, a power pole and transformer, and a private sewer system;

- (c) Parcel size is to be determined by the minimum number of acres required to include residential improvements but not including any other land or buildings. (amended by By-law 2002/24)
- (d) Provided it does not include any land which is cleared or in production, a proposed lot served by an existing open discharge sewer system may be created large enough to allow open discharge to be used after subdivision. (amended by By-law 2005/28)

2.5 **Subdivision Standards - New or Abandoned Farmsite**

- (a) the proposed parcel must have a suitable building site;
- (b) the proposed residential use must be compatible with adjacent land uses;
- (c) the maximum parcel size is 2.02 hectares (5 acres);
- (d) the proposed parcel must be improved with three of the six improvements below prior to endorsement of a subdivision instrument:
 - (i) approach to a gravelled County road or developed secondary highway;
 - (ii) shelterbelt or planted shelter;
 - (iii) power pole and transformer;
 - (iv) private sewer system;
 - (v) working water well; or
 - (vi) dwelling completed to the framing stage and/or connected to utilities

2.6 **Subdivision Standards - Second Parcel on a Quarter Section**

- (a) the proposed parcel must have a suitable building site;
- (b) the proposed parcel must be entirely located on poor agricultural land;
- (c) there must be, where possible, a suitable building site on poor agricultural land on the balance of the parcel being subdivided;
- (d) the proposed residential use must be compatible with adjacent land uses;
- (e) the maximum parcel size is 2.02 hectares (5 acres);
- (f) the proposed parcel must be improved with three of the six improvements below prior to endorsement of a subdivision instrument:
 - (i) approach to a gravelled County road or developed secondary highway;

- (ii) shelterbelt or planted shelter
- (iii) power pole and transformer
- (iv) private sewer system;
- (v) working water well; or
- (vi) dwelling completed to the framing stage and/or connected to utilities

2.7 Subdivision Standards - Severance

- (a) the proposed parcel must have a suitable building site;
- (b) there must be a suitable building site on the balance of the parcel being subdivided;
- (c) the proposed residential use must be compatible with adjacent land uses;
- (d) the parcel must be improved with three of the six improvements below prior to endorsement of a subdivision instrument:
 - (i) approach to a gravelled County road or developed secondary highway;
 - (ii) shelterbelt or planted shelter;
 - (iii) power pole and transformer;
 - (iv) private sewer system;
 - (v) working water well; or
 - (vi) dwelling completed to the framing stage and/or connected to utilities.

2.8 Setbacks

- (a) Front yard: see General Regulations, Section 9
- (b) Side yard: 5 metres (16.5 ft.)
- (c) Rear yard: 10 metres (32.8 ft.)

2.9 With the exception of hamlets and areas zoned for Country Residential uses, any lot or parcel on which the primary use is a dwelling with private services (e.g. a well, a septic tank and open discharge, field or mound, and a power pole and transformer), a built approach off a highway or road, and on which there may be a shelterbelt and a garage or other accessory outbuildings is deemed to be districted Rural Residential for the purposes of this By-law.

3. COUNTRY RESIDENTIAL DISTRICT (CR)

Amended by By-law 2008/08

3.1 Purpose

The purpose of the district is to allow for the subdivision and development on poor agricultural land of non-farm dwellings compatible with adjacent land uses.

3.2 Permitted Uses

- (a) Detached dwelling
- (b) Accessory building or use
- (c) New modular dwelling of a standard similar to a dwelling of conventional construction.

3.3 Discretionary Uses

- (a) Mobile or moved-in dwelling
- (b) Used modular dwelling
- (c) Home occupation
- (d) Bed and breakfast business
- (e) Public utility
- (f) Public park
- (g) Accessory building or use

3.4 Parcel Size

Maximum parcel size is 2.02 ha (5 acres).

Minimum parcel size is 0.40 ha (1 acre)

3.5 Setbacks

- (a) Front yard: see General Regulations, Section 9.
- (b) Side yard: 5 metres (16.5 ft.)
- (c) Rear yard: 10 metres (32.8 ft.)
- (d) No development can be located within 8 metres (26.2 ft.) of the property line adjacent to an internal subdivision road;
- (e) Obstructions to visibility are not allowed within 3 metres (9.8 ft) of the property line adjacent to an internal subdivision road.

3.6 **Animal Restrictions**

See General Regulations, Section 2.

3.7 **Subdivision Standards**

- (a) Site suitability testing is required before subdivision approval and includes but is not limited to water supply, water table levels, percolation rates, contours, environmental impact assessment, etc.
- (b) Density restrictions shall be at the discretion of Council based on factors including but not limited to tests listed under section 3.7(a). Density greater than 24 parcels on a quarter section shall be considered as being of a higher density, and may be subject to requirements for infrastructure above the general County standard. Subdivision creating more than 2 lots per quarter section, or resubdivision of a previously developed quarter, may be subject to a requirement for the adoption of or amendment to an Area Structure Plan.
- (c) A proposal to subdivide an existing acreage lot(s) will be subject to County policy 6605 "resubdivision in multiple lot subdivisions" and amendments thereto.

4. RESTRICTED COUNTRY RESIDENTIAL DISTRICT (RCR)

4.1 Purpose

The purpose of the district is to allow for the subdivision and development, on poor agricultural land, of non-farm detached dwellings compatible with adjacent land uses.

4.2 Permitted Uses

- (a) Detached dwelling
- (b) Accessory building or use

4.3 Discretionary Uses

- (a) Public utility
- (b) Accessory building or use

4.4 Parcel Size

Maximum parcel size is 2.02 ha (5 acres).

4.5 Setbacks

- (a) Front yard: see General Regulations, Section 9.
- (b) Side yard: 5 metres (16.5 ft.)
- (c) Rear yard: 10 metres (32.8 ft.)
- (d) No development can be located within 8 metres (26.2 ft.) of the property line adjacent to an internal subdivision road;
- (e) Obstructions to visibility are not allowed within 3 metres (9.8 ft) of the property line adjacent to an internal subdivision road.

4.6 **Animal Restrictions**

See General Regulations, Section 2.

4.7 **Subdivision and Development Standards**

- (a) Site suitability testing is required before subdivision approval and includes but is not limited to water supply, water table levels, percolation rates, contours, environmental impact assessment, historical resources inventory, etc.
- (b) Density is limited to 24 parcels per quarter section, excluding reserve and utility lots.
- (c) Dwellings must be detached dwellings of new construction with a minimum floor area of 135 square metres (1500 sq. ft.) excluding garages, porches, patios and decks.
- (d) Storage of commercial or business equipment and supplies outside the dwelling is not allowed.

5. WATERSHED PROTECTION DISTRICT (WP)

5.1 Purpose *(amended by By-law 2007/49)*

The purpose of the watershed protection district is to reduce flooding, improve water quality, and maintain wildlife habitat by encouraging the maintenance of natural vegetation adjacent to watercourses and in important watershed areas.

5.2 Permitted uses *(amended by By-law 2004/11) (amended by By-law 2007/49)*

- (a) Extensive Agriculture, subject to the restrictions on land clearance set out in section 5.7
- (b) New houses of conventional construction
- (c) New manufactured and modular houses
- (d) Buildings and uses accessory to the above

5.3 Discretionary uses

(amended by By-law 2002/17)(amended by By-law 2007/49)

- (a) Intensive agricultural operations
- (b) Home occupations
- (c) Bed and breakfast operations
- (d) Extensive recreational uses
- (e) Public utilities
- (f) Non-new manufactured and modular houses
- (g) Buildings and uses accessory to the above
- (h) Kennel *(Amended by By-Law 2009/07)*

5.4 Number of dwellings on a lot

No more than one dwelling shall be placed on a lot, except where a development permit has been issued under section 8 of Schedule A, Number of Dwellings on a Lot.

5.5 Lot Sizes

- (a) Land which is cleared and in production may be subdivided under the rules set out for the Agricultural district.
- (b) One existing yard site may be subdivided out of a complete quarter section under the rules set out for the Agricultural and Rural Residential districts.

- (c) Land which is:
 - o at least 80% covered by mature trees, or
 - o at least 80% historically wetland which is incapable of supporting a crop or tame hay,

may be subdivided into lots with a minimum size of 8 hectares (20 acres) provided that each lot has a suitable building site as defined by section 12, Schedule A of the bylaw, Safety and Suitability of Sites.

5.6 Building Locations

Buildings must be set back the following distances from property lines and other features:

- (a) From a road by the distances set out in section 9 of Schedule A, and illustrated by Figure 1
- (b) Side yard: 5 metres (16.5 ft.)
- (c) Rear yard: 10 metres (32.8 ft.)
- (d) Creek, stream, or ravine: 30 metres (98.4 ft.)

5.7 Maintenance of Natural Vegetation

When a lot is created under section 5.5(c)

- (a) No more than 20% of its natural vegetation shall be cleared or removed, and
- (b) the subdivision authority may require, as a condition of subdivision approval, that a restrictive covenant, conservation easement, or similar agreement be registered on the title to enforce the restrictions on clearance of natural vegetation.

5.8 Legal Access

All parcels must have legal and physical access to a public road.

6. LAKESHORE RESIDENTIAL DISTRICT (LR) *(amended by By-law 99/10)*

6.1 Purpose

The purpose of the district is to allow for the subdivision and development of residential uses adjacent to County lakes.

6.2 Access

Through the planning process Council will ensure that public access to lakes is maintained and, where possible, enhanced.

6.3 Permitted Uses

- (a) Detached dwelling
- (b) Accessory building or use

6.4 Discretionary Uses

- (a) Mobile, modular or moved-in dwelling
- (b) Home occupation
- (c) Bed and breakfast business
- (d) Boat house
- (e) Guest house
- (f) Public park
- (g) Public utility
- (h) Accessory building or use

6.5 Lot Sizes

- (a) In a proposed subdivision served or to be served by municipal water and sewer services each lot intended for residential use must have an area of at least 450 square metres (5,000 sq. ft.) and a minimum width of 15.2 metres (50 ft.).
- (b) In a proposed subdivision served or to be served by a municipal sewer service, but not by a municipal water service, each lot intended for residential use shall have an area of at least 929 square metres (10,000 square feet) and an average width of at least 21.34 metres (70 feet).
(amended by By-law 2000/38) (amended by By-law 2008/63)
- (c) In a proposed subdivision served or to be served by a municipal water service but not a municipal sewer service each lot intended for residential use must have an area of at least 1,394 square metres (15,000 sq. ft.) with a minimum width of 30.48 metres (100 ft.). *(amended by By-law 2000/38)*

- (d) In a proposed subdivision not served or not to be served by municipal water and sewer services, each lot intended for residential use must have an area of at least 1,858 square metres (20,000 sq. ft.) with a minimum width of 30.48 metres (100 ft.). *(amended by By-law 2000/38)*
- (e) Irregular (i.e. pie-shaped) lots under c and d above must have a minimum average lot width of 30.48 metres (100 feet). *(amended by By-law 2008/63)*

6.6 **Setbacks**

- (a) No development can be located within 6 metres (19.6 ft.) of a road, the shore of a water feature as defined by Section 3 of the Public Lands Act, or the property line of a reserve parcel.
- (b) No development can be located within 1.5 metres (5 ft.) of any other property line.

6.7 **Site Coverage**

The area of land covered by all buildings must not exceed 50% of the area of the lot on which the buildings are situated.

6.8 **Guest Houses**

Guest houses must not contain kitchen facilities.

6.9 **Private Sewer Systems**

To prevent accidental spills and/or discharges, private sewer systems (i.e. holding tanks, field and mound systems) should be located, wherever possible, between the use and the road, but not between the use and the lakeshore.

6.10 **Environmental protection measures**

For new or proposed Lakeshore Residential subdivisions the following rules apply once lots have been registered:

- (a) No more than 40% of the area in a Lakeshore Residential parcel can be cleared of its natural vegetation;
- (b) No trees or vegetation can be cleared from within 6 metres (19.6 ft.) of the edge of a water feature or a reserve parcel lying between the water's edge and the property line, except to provide physical access to the reserve parcel or water feature and only to a maximum of 3 metres (9.8 ft.) of the frontage; and *(Amended by By-law 2000/38)*
- (d) As shown in the General Regulations under Environmental Protection Measures.

7. LAKESHORE MIXED USE DISTRICT (LM) *(amended by By-law 99/10)*

7.1 Purpose

The purpose of the district is to allow for the subdivision and development of a range of uses adjacent to County lakes. These may include but are not limited to residential, commercial and recreational uses, or a combination of them.

7.2 Access

Through the planning process will Council will ensure that public access to lakes is maintained and, where possible, enhanced.

7.3 Permitted Uses

- (a) Detached dwelling
- (b) Accessory building or use

7.4 Discretionary Uses

- (a) Mobile, modular or moved-in dwelling
- (b) Home occupation
- (c) Bed and breakfast business
- (d) Boat house
- (e) Guest house
- (f) Public park
- (g) Public utility
- (h) Convenience store
- (i) Restaurant
- (j) Recreational vehicle dealer (in addition to the definition of this use under Section 1.2 of the bylaw, examples may also include but are not limited to sailboats, power boats and sea-doo's)
- (k) Recreational vehicle storage
- (l) Marina (means a development adjacent to or near the shore of a water-body at which the mooring of sailboats, yachts and power-craft is the primary use. Accessory uses at a marina may include directly related retail uses such as but not limited to fuel sales, bait shops and mechanical repairs)
- (m) Retail liquor store
- (n) Hotel
- (o) Accessory building or use

7.5 Subdivision Standards

- (a) Density in a proposed subdivision must be based on the available supply of groundwater, which is established pursuant to Schedule A, Section 13.5 of this bylaw.

- (b) Standards in Schedule B, Section 6.5 may be used as a guideline to set lot size standards with respect to a proposed subdivision. However, given the variable nature of the uses allowed under this district, the County may chose to negotiate with a developer on lot size standards. The negotiated standard(s) shall be subject to a right by the County to refer the matter to outside agencies for additional, detailed comment on the proposed standard(s).

7.6 Development Standards

- (a) No development can be located within 6 metres (19.6 ft.) of a road, the shore of a water feature as defined by Section 3 of the Public Lands Act, or the property line of a reserve parcel.
- (b) No development can be located within 1.5 metres (5 ft.) of any other property line.
- (c) The area of land covered by all buildings must not exceed 50% of the area of the lot on which the buildings are situated.
- (d) To prevent accidental spills and/or discharges, private sewer systems (i.e. holding tanks, field and mound systems) should be located, wherever possible, between the use and the road, but not between the use and the lakeshore.

7.7 Guest Houses

Guest houses must not contain kitchen facilities.

7.8 Environmental protection measures

For new or proposed Lakeshore Mixed Use subdivisions the following rules apply once lots have been registered:

- (a) No more than 40% of the area in a residential parcel can be cleared of its natural vegetation;
- (b) No trees or vegetation can be cleared from within 6 metres (19.6 ft.) of the edge of a water feature or a reserve parcel lying between the water's edge and the property line, except to provide physical access to the reserve parcel or water feature and only to a maximum of 3 metres (9.8 ft.) of the frontage; and
- (e) As shown in the General Regulations under Environmental Protection Measures.

8. RURAL CONSERVATION DISTRICT (RCV)

8.1 Purpose

The purpose of this district is to preserve existing tree and vegetation cover in the County. The district may be implemented next to significant rivers, streams and lakes, but excluding those lakes classed as Type 3 in the General Municipal Plan. At Council's discretion, the district may also be implemented in other parts of the County where Council is of the opinion that there is an environmental benefit in doing so and where the greater public interest is served. *(Amended by By-law 97/47)*

8.2 Permitted Uses

- (a) Detached dwelling
- (b) Accessory building or use

8.3 Discretionary Uses

- (a) Mobile, modular or moved-in dwelling
- (b) Home occupation
- (c) Bed and breakfast business
- (d) Public utility
- (e) Accessory building or use

8.4 Parcel size and Site Standards

- (a) The minimum parcel size is 4 hectares (10 acres).
- (b) Council may not consider an application for subdivision under this district unless proposed lots are designed to include a minimum of 60% tree covered land.

8.5 Setbacks

- (a) No development can be located within 6 metres (19.6 ft.) of the property line or 50 metres (164 ft.) from a water feature, whichever is greater, and as shown in the General Regulations.
- (b) Front yard see General Regulations, Section 9.
- (c) Side yard: 5 metres (16.5 ft.)
- (d) Rear yard: 10 metres (32.8 ft.)

8.6 Environmental protection measures

- (a) No more than 40% of the area in a Rural Conservation parcel can be cleared of its natural vegetation.

- (b) No trees or vegetation can be cleared from within 50 metres (164 ft.) of the edge of a water feature except to provide physical access to the water feature and only to a maximum of 10% of the frontage.
- (c) See General Regulations, Section 3.

9. RECREATIONAL DISTRICT (R)

9.1 Purpose

The purpose of the district is to allow extensive and/or intensive recreational developments.

9.2 Permitted Uses

- (a) Extensive agriculture
- (b) Accessory building or use

9.3 Discretionary Uses

- (a) Subject to section 9.6, a detached, mobile, modular or moved-in dwelling
- (b) Public park
- (c) Golf course
- (d) Recreational vehicle park
- (e) Campground
- (f) Rest area
- (g) Recreation trails
- (h) Race track
- (i) Public utility
- (j) Extensive recreational use
- (k) Accessory building or use

9.4 Parcel Size

Dependent on the level of servicing and site standards related to the proposed use.

9.5 Setbacks

- (a) Front yard: see General Regulations, Section 9.
- (b) Side yard: 5 metres (16.5 ft.)
- (c) Rear yard: 10 metres (32.8 ft.)

9.6 Residential Use

A detached, mobile, modular or moved-in dwelling may be permitted as a discretionary use subordinate to the primary recreational for use only by on-site management and/or custodial staff.

9.7 Environmental Protection Measures

- (a) The developer must discuss proposals for land clearance with the Development Officer who may, in a development permit, stipulate areas which may be cleared and areas which are to be left in their natural state in conjunction with the General Regulations.
- (b) The developer must provide information on density levels for such uses as campgrounds along with information on water supply and sewage disposal. The number of sites allowed will be determined by the available water supply and adequacy of the proposed sewer system, and according to design criteria acceptable to the County.
- (c) Recreational developments will be required to meet any regulations as required by Alberta Health or the Crossroads Regional Health Authority.

10. HIGH DENSITY RURAL RESIDENTIAL DISTRICT (HDR)

10.1 Purpose

The purpose of the district is to allow residential development where densities exceed those of other districts and where there is a minimal impact on the social and physical environment.

10.2 Permitted uses

- (a) Extensive agriculture
- (b) Apartment
- (c) Duplex, side-by-side
- (d) Duplex, vertical
- (e) Accessory building or use

10.3 Discretionary uses

- (a) Hotels
- (b) Campgrounds, including those operating on a stall or lot-rental basis
- (c) Multiple dwelling
- (d) Seniors and/or adult living complex
- (e) Accessory building or use

10.4 Parcel size

Dependent on the level of servicing and site standards related to the proposed use.

10.5 Setbacks

- (a) Front yard: see General Regulations, Section 9.
- (b) Side yard: 5 metres (16.5 ft.)
- (c) Rear yard: 10 metres (32.8 ft.)

10.6 Special Provisions

- (a) Density of development is at the discretion of Council and/or the Development Officer, having considered local road capacity, groundwater supply, proposed sewage treatment, availability of emergency services and effects on adjacent land uses
- (b) Proposals for bareland condominiums may be required to be designed for conversion to the standards of the Urban Residential district if necessary, based on such criteria as legal and physical access, parcel size, and provision of reserve and utility lots.

11. INSTITUTIONAL DISTRICT (IS)

11.1 Purpose

The purpose of the district is to provide land for uses serving the educational, health, social and other needs of the general public.

11.2 Permitted Uses

- (a) Extensive agriculture
- (b) Fire hall
- (c) Public park
- (d) Accessory building or use

11.3 Discretionary uses

- (a) Community Hall
- (b) Church
- (c) Cemetery
- (d) Health facility
- (e) School
- (f) Public utility
- (g) Accessory building or use
- (h) Post Office (*Amended by By-law 2011/05*)

11.4 Parcel size

Dependent on the level of servicing and site standards related to the proposed use.

11.5 Setbacks

- (a) Front yard: see General Regulations, Section 9.
- (b) Side yard: 5 metres (16.5 ft.)
- (c) Rear yard: 10 metres (32.8 ft.)

12. RURAL COMMERCIAL DISTRICT (RC)

12.1 Purpose

The purpose of the district is to allow uses to serve the commercial needs of the general and travelling public.

12.2 Permitted Uses

- (a) Convenience store
- (b) Retail store
- (c) Government service
- (d) Accessory building or use

12.3 Discretionary Uses

- (a) Service station
- (b) Retail liquor store
- (c) Hotel
- (d) Restaurant
- (e) Farm vehicle and implement dealer
- (f) Farm supply and service dealer
- (g) Recreational vehicle dealer
- (h) Bulk fuel dealer
- (i) Warehouse
- (j) Public park
- (k) Public utility
- (l) Accessory building or use
- (m) Casino (Amended by By-law 97/30)
- (n) Heliport (Amended by By-law 97/62)
- (o) Detached Dwelling, Mobile or Modular Dwelling (Amended by By-law 97/73)
- (p) General Contractor (Amended by By-law 97/73)
- (q) Greenhouse (Amended by By-law 98/02)
- (r) Recreational Vehicle (R.V.) Storage (Amended by By-law 98/22)
- (s) Kennel (Amended by By-Law 2009/07)
- (t) Motor Vehicle (Amended by By-law 2011/02)
- (u) Motor Vehicle Lease (Amended by By-law 2011/02)
- (v) Motor Vehicle Sales (Amended by By-law 2011/02)

12.4 Parcel size

Minimum parcel size is 1,858 square metres (20,000 sq.ft.) with a minimum width of 32.8 metres (100 ft.).

12.5 **Setbacks**

- (a) For uses adjacent to a highway front yard setbacks must be as required by Alberta Transportation and Utilities.
- (b) For all other uses front yard setbacks are as shown in the General Regulations, Section 9.
- (c) For all uses the minimum side and rear yard setbacks are 5 (16.4 ft.) and 10 metres (32.8 ft.) respectively.

12.6 **Access**

- (a) For uses adjacent to a highway, access (i.e. service road, number of approaches) may be as required by Alberta Transportation and Utilities
- (b) For uses adjacent to all other roads access must be as shown in the General Regulations, Section 1.

12.7 **Parking and Loading**

- (a) The Development Officer may require uses to provide off-street parking spaces and/or off-street loading bays.
- (b) The Development Officer may require developers of Motor Vehicle Sales to provide 1.0 vehicle parking stalls for every inventory vehicle on the lot, which must be shown on the plan submitted for a development permit. (Amended by By-law 2011/02)

13. INDUSTRIAL DISTRICT (IN)

13.1 Purpose

The purpose of the district is allow for the development of industrial land uses in the County where there is a minimal impact on the social and physical environment.

13.2 Permitted Uses

- (a) Extensive agriculture
- (b) Accessory building or use

13.3 Discretionary Uses

- (a) Warehouse
- (b) Grain elevator
- (c) Manufacturing and/or processing plant
- (d) Auto wrecking yard
- (e) Resource extraction operation Type A (*Amended by By-law 2009/08*)
- (f) Resource extraction operation Type B (*Amended by By-law 2009/08*)
- (g) Other uses deemed to be industrial in nature by the Development Officer which may include but are not limited to the following external impacts: noise, dust, emissions, large traffic volumes, truck traffic, hazardous goods, unusual operating hours.
- (h) Public utility
- (i) Accessory building or use
- (j) Heliport (*Amended by By-law 97/62*)

13.4 Parcel Size

Dependent on the level of servicing and site standards related to the proposed use.

13.5 Setbacks

- (a) Front yard: 40 metres (131.2 ft.)
- (b) Side yard: 20 metres (65.6 ft.)
- (c) Rear yard: 20 metres (65.6 ft.)

13.6 Referrals

- (a) In addition to the information required for the development permit application, the developer may also be asked to provide information on location, industry type, building size, workforce, demand for water and proposed source, demand for emergency services, production of effluent and method of treatment, transportation routes to be used, ancillary services required (roads, rail spurs, pipelines) and any additional information which the Development Officer deems necessary to make a decision.

14. URBAN RESIDENTIAL DISTRICT (UR)

14.1 Purpose

The purpose of the district is to allow for the subdivision and/or development of land for residential uses in hamlets and elsewhere to an urban standard where the uses can now or may, in the future, be tied to full municipal services.

14.2 Permitted Uses

- (a) Detached dwelling
- (b) Accessory building or use

14.3 Discretionary Uses

- (a) Mobile, modular or moved-in dwelling
- (b) Duplex, side-by-side
- (c) Duplex, vertical
- (d) Apartment
- (e) Home occupation
- (f) Bed and breakfast business
- (g) Post office
- (h) Public park
- (i) Public utility
- (j) Accessory building or use

14.4 Lot Sizes

- (a) In a proposed subdivision served or to be served by municipal water and sewer services each lot intended for residential use must have an area of at least 450 square metres (5,000 sq. ft.) and a minimum width of 15.2 metres (50 ft.).
- (b) In a proposed subdivision served or to be served by a municipal sewer service, but not by a municipal water service, each lot intended for residential use shall have an area of at least 929 square metres (10,000 square feet) and an average width of at least 21.34 metres (70 feet).
(amended by By-law 2008/63)

- (c) In a proposed subdivision served or to be served by municipal water service but not a municipal sewer service each lot intended for residential use must have an area of at least 1,394 square metres (15,000 sq.ft.) and a minimum width of 30.48 metres (100 ft.).
- (d) In a proposed subdivision not served or not to be served by municipal water and sewer services, each lot intended for residential use must have an area of at least 1,858 square metres (20,000 sq. ft.) and a minimum width of 30.48 metres (100 ft.).
- (e) Irregular (i.e. pie-shaped) lots under c and d above must have a minimum average lot width of 30.48 metres (100 feet). *(amended by By-law 2008/63)*
- (f) The minimum lot size for a duplex is 604 sq.m (6,500 sq. ft.) and a minimum width of 15.2 metres (50 ft.). Separate water and sewer services must be provided to both lots subdivided for a side-by-side duplex.

14.5 **Yards and Setbacks**

- (a) Front yard setback is 6 metres (20 ft.)
- (b) Side yard setback is 1.5 metres (5 ft.) where there is developed rear access to the lot. If there is no developed rear access to the lot, one side yard must be a minimum of 4 metres (13 ft.)
- (c) Rear yard setback is 6 metres (19.6 ft.) for garages and 1 metre (3.28 ft.) for accessory buildings. The rearyard setback for all other development is 10 metres (32.8 ft.)
- (d) The Development Officer may require that a building be located on a larger lot to protect the subdivision potential of the lot where portions of the lot may be re-subdivided at a later date to create smaller lots or to provide roads, lanes and/or public utility lots.

14.6 **Site Coverage**

The area of land covered by all buildings must not exceed 50% of the area of the lot on which the buildings are situated.

15. URBAN COMMERCIAL DISTRICT (UC)

15.1 Purpose

The purpose of the district is to allow for the subdivision and/or development of commercial uses in hamlets which can now or may, in the future, be tied into full municipal services.

15.2 Permitted Uses

- (a) Retail store
- (b) Personal service business
- (c) Business service business
- (d) Accessory building or use

15.3 Discretionary Uses

- (a) Retail liquor store
- (b) Hotel
- (c) Restaurant
- (d) Service station
- (e) Farm supply and services dealer
- (f) Farm vehicle and implement dealer
- (g) Recreational vehicle dealer
- (h) Lumber yard
- (i) Warehouse
- (j) Bulk fuel dealer
- (k) Public park
- (l) Post office
- (m) Public utility
- (n) Accessory building or use
- (o) Recreational Vehicle (R.V.) Storage *(Amended by By-law 98/22)*
- (p) Detached, Modular, Mobile or Moved In Dwelling *(Amended by By-law 2000/26)*
- (q) Motor Vehicle *(Amended by By-law 2011/02)*
- (r) Motor Vehicle Lease *(Amended by By-law 2011/02)*
- (s) Motor Vehicle Sales *(Amended by By-law 2011/02)*

15.4 Parcel Size

- (a) The minimum parcel size for a lot with municipal water and sewer service is 464.5 square metres (5,000 sq. ft.).

- (b) The minimum parcel size for all other lots is 929 square metres (10,000 square feet).

15.5 **Setbacks**

For permitted uses, and retail liquor stores as a discretionary use:

- (a) Front yard: no setback required
- (b) Side yard: no setback required with fireproof side walls, 1.5 metres (5 ft.) for all other side walls
- (c) Rear yard: 5 metres (16.4 ft.)

For all other discretionary uses:

- (d) Front yard: 10 metres (32.8 ft.)
- (e) Side yard: 3 metres (9.8 ft.)
- (f) Rear yard: 5 metres (16.4 ft.)

15.6 **Parking and Loading**

- (a) The Development Officer may require developers to provide off-street or on-site parking spaces and/or loading bays.
- (b) The Development Officer may require developers of Motor Vehicle Sales to provide 1.0 vehicle parking stalls for every inventory vehicle on the lot, which must be shown on the plan submitted for a development permit. *(Amended by By-law 2011/02)*

16. URBAN INDUSTRIAL DISTRICT (UI)

16.1 Purpose

The purpose of the district is to allow for the subdivision and/or development of industrial uses in hamlets which can now or may, in the future, be tied into full municipal services. Industrial uses must not unduly impact negatively on adjacent landowners and uses.

16.2 Discretionary Uses

- (a) Manufacturing and processing operation
- (b) Resource processing operation
- (c) Accessory building or use

16.3 Parcel Size

The minimum parcel size is 1,858 sq. m (20,000 sq. ft.) with a minimum width of 32.8 metres (100 ft.) or, as required by Council or the Development Officer on the advice of the Agency or other department or agency.

16.4 Setbacks

- (a) Front yard: see General Regulations, Section 9.
- (b) Side yard: 15 metres (50 ft.)
- (c) Rear yard: 15 metres (50 ft.)
- (d) The front yard setback from an internal subdivision road must be 15 metres (50 ft.)

16.5 Parking and Loading

The Development Officer may require uses to provide off-street parking spaces and/or off-street loading bays.

17. URBAN FRINGE DISTRICT (UF) *(amended by By-law 99/10)*

17.1 Purpose

The Urban Fringe district applies to land next to hamlets in the County and to land around the Town of Millet, which may eventually be annexed into the Town. The purpose of the district is to manage these lands so that they can be converted to urban uses. Subdivision and development, which will act as a barrier to this urban growth, is not allowed.

17.2 Permitted Uses

- (a) Extensive agriculture
- (b) Accessory building or use

17.3 Discretionary Uses

- (a) Detached, mobile, modular or moved-in dwelling
- (b) Intensive livestock operations *(amended by By-law 2002/17)*
- (c) Intensive agricultural use
- (d) Tree farm
- (e) Bed and breakfast business
- (f) Home occupation
- (g) Minor business
- (h) Kennel
- (i) Public utility
- (j) Accessory building or use

17.4 Subdivision and Development Standards

The Urban Fringe land use district is oriented toward an area of land rather than a specific type of use. Consequently, subdivision and development standards may vary depending on the proposed use. The Development Officer may apply standards found elsewhere in this By-law in making a decision on a development permit application.

**18. AGRICULTURAL/INTERMUNICIPAL DEVELOPMENT PLAN DISTRICT
(A/ID) (amended by By-law 1999/10, 1999/22 , 1999/31 & 2005/28)**

18.1 Purpose

The Agricultural/Intermunicipal Development Plan district applies to land surrounding the City of Wetaskiwin, as defined in the City/County Intermunicipal Development Plan (IDP). The purpose of the district is to manage these lands so that they can be converted to urban uses at urban densities. Subdivision and development, which will act as a barrier to the future growth of the City, is not allowed.

18.2 Permitted Uses

- (a) Extensive agriculture
- (b) Accessory building or use

18.3 Discretionary Uses

- (a) Detached, mobile, modular or moved-in dwelling
- (b) Intensive livestock uses in operation on or before October 13, 1998.
- (c) Intensive agricultural use
- (d) Tree farm
- (e) Bed and breakfast business
- (f) Home occupation
- (g) Minor business
- (h) Kennel
- (i) Public utility
- (j) Accessory building or use

18.4 Subdivision and Development Standards

- a) The Urban Fringe land use district is oriented toward an area of land rather than a specific type of use. Consequently, subdivision and development standards may vary within the Urban Fringe depending on the proposed use. Standards found elsewhere in this By-law, may be applied in decisions on subdivision and development permit applications.
- b) All new farm buildings require development permits.
- c) Notwithstanding, Schedule A, Section 9, setbacks from future arterial roads are to be measured from the future widened right-of-way.
- d) In the event that subdivision and/or development approvals are issued with respect to land that is likely to be annexed by the City, the required infrastructure is to be developed to the City's standards.

18.5 Intensive Livestock Operations

- a) Intensive livestock uses, which existed and were in operation on October 13, 1998 are "grand-fathered" and may continue to operate indefinitely. This status is not affected by a change of ownership.
- b) Intensive livestock uses which existed and were in operation on October 13, 1998 may expand, or convert to other intensive livestock uses, subject to the public health regulations, Alberta Agriculture's Code of Practice and the County's Land Use by-law.
- c) As of October 13, 1998 no new intensive livestock operations are allowed within 1.6 km (1 mile) of the City boundary.
- d) A development permit is required for the spreading of animal manure.

18.6 Roads

- a) Proposed subdivisions and developments must be evaluated in relation to future arterial roads, as shown on Map 4 of the IDP.
- b) Development is prohibited where it will interfere with, or impede the development of future arterial roads.
- c) Future road rights-of-way will need to be widened to a 24 or 30 metre standard. Road widening acquisitions must be negotiated with affected landowners, or where appropriate, acquired by dedication through the subdivision process.

18.7 Rules governing the number of lots that may be subdivided from a quarter section are the same as those in the Agricultural district. *(amended by By-law 2005/28)*

19. DIRECT CONTROL DISTRICT (DC)

- 19.1 Pursuant to Section 641 of the Act Council may exercise direct control over the use and development of land and buildings within a given area of the County.
- 19.2 Council may regulate and control the use or development of land or buildings in the district as it sees fit. Council may issue a development permit or may delegate this responsibility to the Development Officer to exercise pursuant to Council's directions.

20. WIZARD LAKE WATERSHED DISTRICT (WLW) (amended by By-law 2000/17)

20.1 Purpose

The purpose of this district is to preserve existing tree and vegetation cover around Wizard Lake. The Wizard Lake Watershed District may be applied to land indicated on the map entitled *Wizard Lake Management Plan – Plan Area* in the Wizard Lake Management Plan.

20.2 Permitted Uses

- (a) Single detached non-farm residences, including mobile homes set on permanent foundations
- (b) Buildings and uses accessory to the above

20.3 Discretionary Uses

- (a) Agriculture if it can be demonstrated that there will be no negative effect on the lake
- (b) Home occupations
- (c) Bed and breakfast business
- (d) Extensive recreational use
- (e) Golf Course if it can be demonstrated that there will be no negative effect on the lake (Note that a nutrient budget must be prepared by a professional agrologist and submitted with the development application)
- (f) Public utilities
- (g) Low density wilderness camp-sites

20.4 Parcel Size

- (a) On tree covered land which is within 400 metres of Wizard Lake, or which has a view of the lake, the minimum parcel size is 2 hectares (5 acres).
- (b) On tree covered land other than that described in (a) above, the minimum parcel size is 5 hectares (12 acres).
- (c) On land seeded to permanent grass, the minimum parcel size is 16 hectares (40 acres).
- (d) On land which is seeded to annual crops, the minimum parcel size is 32 hectares (80 acres).
- (e) Where land is traversed by creeks, ravines, or other obstacles, the minimum lot size may be varied so that the obstacles are conformable with parcel boundaries.

20.5 Density of Development

The number of lots that may be created on a quarter section of land is the lesser of

- (a) the number of families whose water needs can be met on a sustainable basis from the underlying aquifer, where that aquifer has been tested by a professional engineer using methods acceptable to Alberta Environmental Protection, or
- (b) the number allowed under section 20.4 above, or
- (c) twenty-four.

20.6 Setbacks

- (a) No part of any residential parcel shall be located closer than 50 metres to the lake shore, or to the top of the lake bank, whichever is greater.
- (b) All buildings shall be set back at least 6 metres (20 feet) from the property line, or 50 metres (154 feet) from any water feature, which ever is greater, and as shown in the general regulations.
- (c) In addition to the setbacks noted in (b) above, all buildings shall be set backs from property lines as follows:
 - Front yard: see General regulations, Section 9
 - Side yard: 5 metres (16.5 feet)
 - Rear yard: 10 metres (32 feet)

20.7 Environmental Protection Measures

- (a) On parcels of land less than 32 hectares (80 acres) in size, no more than 20% of the parcel shall be cleared of its tree cover and other natural vegetation.
- (b) No trees or vegetation shall be cleared from within 50 metres (164 feet) of the edge of a water feature except to provide physical access to the water feature and only to a maximum of width of 3 metres.
- (c) Steeply sloping banks, ravines, water recharge areas and land underlain by coal mines will be taken into municipal or environmental reserve when land is subdivided. Alternatively, an environmental reserve easement may be registered to protect tree cover.
- (d) All regulations set out in Schedule A, General Regulations, Section 3, *Environmental Protection Measures* also apply.

21. SEVERED AGRICULTURAL DISTRICT (SA) *(amended by By-law 2005/28)*

21.1 Purpose

The purpose of the Severed Agricultural district is to allow a parcel of farm land to be subdivided into two parts defined by a natural split, with both the resulting parcels staying in agricultural use.

21.2 Definition

In order for a piece of land to be rezoned to Severed Agricultural it must

- (a) have a suitable building site as defined in section 1.2 of this bylaw,
- (b) have legal and physical access to a maintained road, and
- (c) be physically separated from the rest of the quarter by
 - (i) a river or creek which normally flows all summer, or
 - (ii) a developed road, or
 - (iii) a lake or large slough to which the Crown claims ownership, or
 - (iv) a ravine which is so deep or steep that it is an impossible barrier to farming, or
 - (v) an intervening ownership, where the intervening owner will not allow his land to be used or crossed for farming purposes.

21.3 Permitted Uses

- (a) Extensive agriculture *(Amended by By-law 2011/27)*
- (b) Intensive agricultural uses
- (c) Intensive livestock operations situated at least 400 metres away from any land not classed as Agricultural Residences and other buildings and uses accessory to the above uses.
- (d) Detached, mobile or modular dwelling *(Amended by By-law 2011/27)*

21.4 Discretionary Uses

- (a) Intensive livestock operations not covered by 21.3 above
- (b) Bed & breakfast businesses
- (c) Home occupations
- (d) Minor businesses
- (e) Kennels
- (f) Public utilities
- (g) Government operations

- (h) Resource extraction operation Type A (*Amended by By-law 2009/08*)
- (i) Resource extraction operation Type B (*Amended by By-law 2009/08*)
- (j) Public parks
- (k) Buildings and uses accessory to the above uses
- (l) Moved-in dwellings, including used mobile or modular dwellings
(*Amended by By-law 2011/27*)

21.5 **Density of Development**

No more than one residence shall be built or maintained on a parcel.

21.6 **Further Subdivision**

A parcel of land zoned Severed Agricultural shall not be re-subdivided unless it is rezoned to a use which allows multiple parcels.

22. SINGLE FAMILY RESIDENTIAL (CITY R1)

The regulations for this district are identical to those listed for the R1 Single Family Residential district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

23. SMALL LOT SINGLE FAMILY RESIDENTIAL (CITY R1A)

The regulations for this district are identical to those listed for the R1A Small Lot Single Family Residential district and Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

24. NARROW LOT SINGLE FAMILY RESIDENTIAL (CITY R1N)

The regulations for this district are identical to those listed for the R1N Narrow Lot Single Family Residential district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

25. LOW DENSITY RESIDENTIAL (CITY R2)

The regulations for this district are identical to those listed for the R2 Low Density Residential district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

26. MEDIUM DENSITY RESIDENTIAL (CITY R3)

The regulations for this district are identical to those listed for the R3 Medium Density Residential district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

27. HIGH DENSITY RESIDENTIAL (CITY R4)

The regulations for this district are identical to those listed for the R4 High Density Residential district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

28. CONDOMINIUM RESIDENTIAL (CITY R5)

The regulations for this district are identical to those listed for the R5 Condominium Residential district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

29. HIGHWAY COMMERCIAL (CITY C3)

The regulations for this district are identical to those listed for the C3 Highway Commercial district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

30. RETAIL HIGHWAY COMMERCIAL (CITY C3A)

The regulations for this district are identical to those listed for the C3A Retail Highway Commercial district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

31. SHOPPING CENTRE COMMERCIAL (CITY C5)

The regulations for this district are identical to those listed for the C5 Shopping Centre Commercial district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

32. URBAN SERVICE AND OPEN SPACE (CITY US)

The regulations for this district are identical to those listed for the US Urban Service and Open Space district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

Schedule A does not apply in this district.

33. URBAN RESERVE (CITY UR)

The regulations for this district are identical to those listed for the UR Urban Reserve district and in Part Eight of the City of Wetaskiwin's Land Use Bylaw 1095-88 as it stood on 1 March 2007.

34. Recreational Resort Holdings district (RRH)

34.1 Purpose

The purpose of the RRH district is to allow the development of individually owned recreational holdings. Commercial activities are also allowed where they are compatible with residential use.

34.2 Permitted uses

The following uses are permitted in the RRH district:

- (a) New, conventionally built detached residences, limited to one per lot
- (b) Golf courses
- (c) Extensive recreational uses
- (d) Public parks
- (e) Public utility installations
- (f) Buildings and uses accessory to the above

34.3 Discretionary uses

The following uses may be allowed in the RRH district at the discretion of the Development Officer:

- (a) Single detached modular residences, limited to one per lot
- (b) Multi-household residences, including duplexes, row houses, and apartment buildings
- (c) The parking and occupation of recreational vehicles subject to section 34.4 below
- (d) Moved-in buildings
- (e) Home occupations
- (f) Bed and breakfast businesses

- (g) Convenience stores
- (h) Restaurants
- (i) Recreational vehicle dealers
- (j) Recreational vehicle storage
- (k) Hotels
- (l) Horse riding, boarding, and training establishments
- (m) Other recreational businesses including but not limited to
 - go-cart tracks
 - paintball operations
 - snowmobile rentals

34.4 **Recreational vehicles**

- (a) The rules for recreational vehicles (RVs) apply whether or not there is a permanent residence on the lot.
- (b) A single RV may be placed on a lot for no more than two weeks in a calendar year without a development permit.
- (c) An RV which will remain on a lot for more than two weeks in any calendar year requires a development permit.
- (d) RVs in excess of one per lot require a development permit.
- (e) Despite any other part of this bylaw,
 - (i) if there is a permanent dwelling on a lot, no more than one RV may be placed on that lot, and
 - (ii) if there is no permanent dwelling on a lot, no more than two RVs may be placed on that lot.
- (f) An RV must be served by a waste water system to the satisfaction of the development officer.
- (g) Where there is no permanent residence on a lot, an RV may be augmented by canopies, decks, and lean-to attachments, but each addition requires a development permit.

34.5 **Lot sizes**

- (a) In a proposed subdivision served or proposed to be served by a municipal water system and a municipal sewer system, each lot intended for residential use must have an area of at least 450 square metres (5,000 square feet) and a mean width of at least 15 metres (50 feet).

- (b) In a proposed subdivision served or proposed to be served by a municipal sewer system but not a municipal water system, each lot intended for residential use must have an area of at least 929 square metres (10,000 square feet) and a mean width of at least 30 metres (100 feet).
- (c) In a proposed subdivision not served by a municipal sewer system, each lot intended for residential use must have an area of at least 929 square metres (10,000 square feet) and a mean width of at least 30 metres (10 feet), or such larger size as may be required by Policy 6611.
- (d) In addition to the sizes set out above, an irregular or pie shaped lot shall have a road frontage of at least 10 metres (33 feet).
- (e) The lot size requirements set out above may be over-ridden by other standards set out in an area structure plan following input from health and environmental agencies.

34.6 Building Placement

- (a) Buildings must be set back from property boundaries by the following distances:
 - Front: 6 metres
 - Side: 3 metres
 - Rear: 8 metres
- (b) No accessory building shall be placed in a front yard, or between a main building and a flanking road.
- (c) Additionally, buildings must be set back from roads by the distances shown in Figure 1.

34.7 Site Coverage

The area of all buildings on a lot shall not exceed 30% of the area of the lot.

34.8 Waste water

The collection, treatment, and disposal of waste water (sewage) must be addressed in any subdivision application, and a system acceptable to the development officer must be specified in an agreement under sections 650 and/or 655 of the Act.

34.09 Means of registration

A development under RRH zoning shall be registered as a subdivision and not as a condominium or bare land condominium.

34.10 **Third party restrictions on land use**

When making a decision on an application for a development permit, the development officer is not bound any restrictive covenants, architectural guidelines, or similar restrictions registered on the title of a lot unless the County is a party to those items, but he shall bring them to the attention of the applicant, and may, at his discretion, inform the owner of the dominant tenement of his decision.

APPENDIX 1

(amended by By-law 2002/17)

Jurisdiction over Livestock Operations

If a livestock operation is the size listed in the regulations under AOPA, it is a confined feeding operation, and no municipal approval is required. If the operation is smaller than the size listed below, it is an intensive livestock operation, and a development permit may be required.

At the date this bylaw was passed, the figures in the AOPA regulations were as listed below.

Type of operation	Number of animals
Beef cows/finishers, 900+ lb	150
Beef feeders, <900lb	150
Dairy cows	50
Sows, farrow to finish	30
Sows, farrow to wean	50
Swine, feeders	500
Swine, weaners	500
Poultry, broilers	2000
Poultry, breeder hens	1000
Poultry, layers	5000
Turkeys	1000
Ducks	1000
Geese	1000
Horses, PMU	100
Horses, feeders	100
Sheep, goats	200
Bison	150
Elk	150
Deer	200
Wild boar	100

Users should not rely on these figures but should refer to the latest version of the AOPA regulations.

APPENDIX 2

SUBDIVISION PROCESS

1. Applications for subdivision must be made to the County or any designated agency administering the subdivision process on behalf of the County.
2. All applications for subdivision must be accompanied by:
 - (a) a copy of current title for the property or properties which will be affected by the subdivision;
 - (b) a sketch of the proposed subdivision showing existing property lines, proposed new property lines and their associated dimensions, as well as the location of existing development (i.e. houses, other buildings, accesses and services);
 - (c) a completed Application for Subdivision form;
 - (d) fees in an amount as set from time to time by the Board of Directors of the Agency.
3. The applicant may be required to provide, in support of an application for subdivision:
 - (a) topographic information (i.e. contours or levels);
 - (b) information necessary to determine site suitability for a proposed use (i.e. an engineer's report and/or water supply, water table and percolation rate test results);
 - (c) a Real Property Report; and
 - (d) any other information deemed necessary to process the application for subdivision and as allowed under the Subdivision and Development regulation.
4. Applications for subdivisions must be referred pursuant to Section 5 of the Regulation.

5. Pursuant to the Act, notice of an application for subdivision must be given to landowners adjacent to the land that is the subject of the application. The notice must describe the type of subdivision proposed, how to get more information about it, and the way and time within which submissions may be made to the subdivision authority.
6. Pursuant to By-law 95/42, Council is the Subdivision Authority for the County and must receive, consider and make decisions on all subdivision applications, except where Council delegates its authority.
7. In making a decision, Council may
 - (a) approve an application without conditions;
 - (b) approve an application with conditions considered appropriate for the development and as provided for in this By-law;
 - (c) refuse the application; or
 - (d) deem the application refused for lack of information or at the applicant's request.
8. Council may approve an application for subdivision notwithstanding the fact that the proposed subdivision does not comply with this By-law if, in Council's opinion,
 - (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - (b) the proposed subdivision conforms with the use prescribed for that land in the Land Use By-law.
9. If Council refuses an application, reasons for Council's decision must be provided in writing.
10. Council may impose conditions permitted under the Act or the Regulation on a subdivision approval.

11. If an application for subdivision has been refused by Council or, on appeal, by the Subdivision and Development Appeal Board or the Municipal Government Board, an application for subdivision on the same land and for the same or similar use of land from the same or any other applicant may not be accepted for at least one year after the date of the most recent decision.
12. If Council fails to make a decision on an application for subdivision within 60 days of the date on which the application was registered, the applicant may, within 14 days after the 60 day period has expired
 - (a) enter into an agreement with the subdivision authority to extend the period beyond 60 days; or
 - (b) treat the application as "deemed refused" and file an appeal.

APPENDIX 3

Non-conforming Use and Non-Conforming Buildings

*from the Municipal Government Amendment Act, 1995
C.M.26-1 as amended.*

- 643 (1)** If a development permit has been issued on or before the day on which a Land Use By-law or land use amendment By-law comes into force in a municipality and the By-law 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 By-law.
- (2)** 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 By-law then in effect.
- (3)** 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.
- (4)** 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 building may be constructed on the lot while the non-conforming use continues.
- (5)** 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 development authority considers it necessary; or
 - (c) in accordance with a Land Use By-law that provides minor variance powers to the development authority for the purposes of this section.
- (6)** 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 By-law.
- (7)** The land or the use of a building is not affected by a change of ownership or tenancy of the land or building.

APPENDIX 4

Subdivision Appeals

*from the Municipal Government Amendment Act,
1995 C.M. 26-1 as amended, Sections 678-682.*

- 678 (1)** The decision of a subdivision authority on an application for subdivision approval may be appealed
- (a) by the applicant for the approval;
 - (b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department;
 - (c) by the Council of the municipality in which the land to be subdivided is located if the Council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority; or
 - (d) by a school authority with respect to
 - (i) the allocation of municipal reserve and school reserve or money in place of the reserve;
 - (ii) the location of school reserve allocated to it; or
 - (iii) the amount of school reserve or money in place of the reserve.
- (2)** An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days of receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority, in accordance with section 681
- (a) with the Municipal Government Board if the land that is the subject of the application is within the Green Area, as classified by the Minister responsible for the Public Lands Act, or is within the distance of a highway, a body of water or a sewage treatment or waste management facility set out in the subdivision and development regulations; or
 - (b) in all other cases, with the Subdivision and Development Appeal Board.
- (3)** For the purpose of subsection (2), the date of receipt of the decision is deemed to be 5 days from the date the decision is mailed.
- (4)** A notice of appeal under this section 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 are the subject of the appeal.
- (5)** If the applicant files a notice of appeal within 14 days of 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 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.
- 679** The Board hearing an appeal must give at least 5 days' written notice of the hearing to
- (a) the applicant for the subdivision approval;
 - (b) the subdivision authority that made the decision;
 - (c) if land that is subject of the application is adjacent to the boundaries of another municipality, that municipality;
 - (d) any school authority to whom the application was referred;
 - (e) an adjacent landowner who was given notice under section 653(4); and
 - (f) every Government department that was given a copy of the application pursuant to the subdivision and development regulations.
- 680 (1)** The Board holding a hearing is not required to hear from any other person other than
- (a) the applicant or any person acting on the applicant's behalf;
 - (b) a person who is given notice of the hearing and wishes to be heard, or a person acting on that person's behalf; and
 - (c) those persons who represent Government departments referred to in section 678(1)(b) above.
- (2)** In determining an appeal, the Board hearing the appeal
- (a) must have regard to any statutory plan;
 - (b) must conform with the uses of land referred to in a Land Use By-law;
 - (c) must be consistent with the land use policies;
 - (d) must have regard to but is not bound by the subdivision and development regulations;

- (e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;
 - (f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or By-laws under this Part.
- (3)** A Board hearing an appeal must hold the hearing within 30 days of receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days of concluding the hearing.
- 680 (1)** If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision and development regulation, the applicant may, within 14 days after the expiration of the time prescribed,
- (a) treat the application as refused and appeal it in accordance with section 678; or
 - (b) enter into an agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.
- (2)** If an agreement to extend is entered into and the subdivision authority fails or refuses to make a decision within the time prescribed in the agreement, the applicant may, within 14 days after the expiration of the extended period, treat the application as refused and appeal it in accordance with section 678.
- (3)** A subdivision authority may not deal with an application for subdivision approval after the expiration of the period of time prescribed in the subdivision and development regulations for making the decision unless an agreement is entered into to extend the period of time.
- 682 (1)** When on an appeal the Municipal Government Board or the Subdivision and Development Appeal Board approves an application for subdivision approval, the applicant must submit the plan of subdivision or other instrument to the subdivision authority from whom the appeal was made for endorsement by it.
- (2)** If a subdivision authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it, the member of the Board that heard the appeal who is authorized to endorse the instrument may do so.

APPENDIX 5

Sour Gas Facilities, Oil and Gas Wells and Wastewater Treatment Facilities, Waste Sites and Landfills *from the Subdivision and Development Regulation (AR 212/95)*

SOUR GAS FACILITIES

- 9 (1) A subdivision authority must send a copy of a subdivision application and a development authority must send a copy of a development application for a development that results in permanent additional overnight accommodation or public facilities, as defined by the AEUB, to the AEUB if any of the land that is the subject of the application is within 1.5 kilometres of a sour gas facility or a lesser distance agreed to, in writing, by the AEUB and the subdivision authority.
- (2) If a copy of an application for subdivision or development is sent to the AEUB, the AEUB must provide the subdivision authority or development authority with its comments on the following matters in connection with the application:
- (a) the AEUB's classification of the sour gas facility;
 - (b) minimum development setbacks necessary for the classification of the sour gas facility.
- (3) A subdivision authority and development authority must not approve an application that does not conform to the AEUB's setbacks unless the AEUB gives written approval to a lesser setback distance.
- (4) An approval under subsection (3) may refer to applications for subdivision or development generally or to a specific application.

GAS AND OIL WELLS

- 10 (1) An application for subdivision or development must not be approved if it would result in development within 100 metres of a gas or oil well unless the development would be within a lesser distance approved in writing by the AEUB.
- (2) For the purposes of this section, distances are measured from the well head to the building or proposed building site.
- (3) In the section "gas or oil well" does not include an abandoned well as defined by the AEUB.

- (4) An approval of the AEUB under subsection (1) may refer to applications for subdivision or development generally or to a specific application.

DISTANCE FROM WASTEWATER TREATMENT

- 12 (1) In this section, "working areas" means those areas of a parcel of land that are currently being used or will be used for the processing of wastewater.
- (2) A subdivision authority must not approve an application for subdivision for school, hospital, food establishment or residential use unless, on considering the matters referred to in section 7 (i.e. of the Subdivision and Development Regulation), each proposed lot includes a suitable building site for school, hospital, food establishment or residential use 300 metres or more from the working area of an operating wastewater treatment plant.
- (3) Subject to subsection (5) a development authority must not issue a development permit for a school, hospital, food establishment or residential building within 300 metres of the working area of an operating wastewater treatment plant nor may a residential building be constructed within 300 metres of the working area of an operating waste water treatment plant.
- (4) Subject to subsection (5) a subdivision authority must not approve an application for subdivision and a development authority may not issue a permit for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from any school, hospital, food establishment or residential building or proposed school, hospital, food establishment or residential building site.
- (5) The requirements contained in sections (2) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of the Department of Environmental Protection.
- (6) A consent under subsection (5) may refer to applications for subdivision and development generally or to a specific application.

DISTANCE FROM LANDFILL, WASTE SITES

- 13 (1) In this section:

- (a) "disposal area" means those areas of a parcel of land that have been used and will not be used again for the placing of waste material or where waste processing or a burning activity is conducted in conjunction with a sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site;
 - (b) "working areas" means those areas of a parcel of land that are currently being used or that still remain to be used for the placing of waste material or where waste processing or a burning activity is conducted in conjunction with a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste sorting station or waste transfer station.
- (2)** Subject to subsection (5), a subdivision authority must not approve an application for subdivision for a school, hospital, food establishment or residence if the application would result in the creation of a building site for any of those uses
- (a) within 450 metres of the working area of an operating sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site;
 - (b) within 300 metres of the disposal area of an operating or non-operating sanitary landfill, modified sanitary landfill or dry waste site;
 - (c) within 450 metres of the disposal area of a non-operating hazardous waste management facility; or
 - (d) within 300 metres of the working area of an operating waste processing site, waste storage site, waste sorting station or waste transfer station.
- (3)** Subject to subsection (5), a development authority must not issue a development permit for a school, hospital, food establishment or residence nor may a residence be constructed if the building site
- (a) is within 450 metres of the working area of an operating sanitary landfill, modified sanitary landfill, hazardous waste management facility or dry waste site;
 - (b) is within 300 metres of the disposal area of an operating or non-operating sanitary landfill, modified sanitary landfill or dry waste site;

- (c) is within 450 metres of the disposal area of a non-operating hazardous waste management facility; or
 - (d) is within 300 metres of the working area of an operating waste processing site, waste storage site, waste sorting station or waste transfer station.
- (4)** Subject to subsection (5), a subdivision authority must not approve an application for subdivision, and a development authority must not issue a permit for the purposes of developing
- (a) a sanitary landfill, modified sanitary landfill, or dry waste site;
 - (b) a hazardous waste management facility;
 - (c) a waste processing site, waste storage site, waste sorting station or waste transfer station; unless
 - (d) the working area of the things referred to in clause (a) is situated at least 450 metres;
 - (e) the disposal area of the things referred to in clause (a) is situated at least 300 metres;
 - (f) the working or disposal area of things referred to in clause (b) is situated at least 450 metres; and
 - (g) the working area of things referred to in clause (c) is situated at least 300 metres

from the property line of a school, hospital, food establishment or residence or site proposed for a school, hospital, food establishment or residence.

- (5)** The requirements contained in subsections (1) to (4) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of the Department of Environmental Protection.
- (6)** A consent under subsection (5) may refer to applications for subdivision or development generally or to a specific application.

APPENDIX 6

(amended by By-law 2002/17)

Animal Units

This bylaw defines intensive livestock operations in part by the number of Animal Units on site. The following table, based on data from Alberta Agriculture, shows the number of animals of various types and sizes which are equivalent to one Animal Unit.

Animals	Animal Units	Animals	Animal Units
DAIRY:		LAYERS:	
Veal calves	8	Pullets	300
Dairy calves	3.3	Layers	120
Feeder cattle	1.2	BROILERS:	
Replacement heifers	1	Breeder pullets	300
Cows or bulls	0.75	Chickens	200
Milking cows	0.5	Roasters	100
BEEF:		Breeder hens	100
Calves	4.4	TURKEYS:	
Backgrounders	2	Broilers & heavy hens	100
Replacement heifers	1.6	Heavy toms	50
Feeder cattle	1.3	Breeding hens	30
Bulls	1	DUCKS:	
Beef cows	0.8	All	50
SWINE:		GEESE:	
Weanlings	30	All	50
Growers	11	BISON:	
Grower/Finisher	7	Cows and bulls	1
Finishers	5	Calves	4
Gestating sows	5	ELK:	
Boars	5	Bulls	1.3
Gilts	3	Cows	1.9
Nursing sows with litter	2	Calves	20
Sows, farrow to nurse	4	SHEEP:	
Sows, farrow to wean	3.2		
Sows, farrow to finish	0.8		

Animals	Animal Units	Animals	Animal Units
Feeder lambs	16	DEER:	
Rams and ewes	7	Adults	8
Ewes with lambs	5	Fawns	32
GOATS:		RATITES:	
All	7	Ostrich	7
		Emu	16
HORSES:		WILD BOAR:	
Colts or ponies	2		4
Mares and studs	1		
PMU mares	2		
Mares with foals	.75		