

BYLAW #1160-08
AMENDMENT TO LAND USE BYLAW #1102-02

Being a Bylaw to authorize the Municipal Council of the Smoky Lake County, in the Province of Alberta to **amend the Land Use Bylaw 1102-02** of Smoky Lake County.

WHEREAS the Municipal Government Act, S.A. 2000, as amended ("the Act") provides that a Municipal Council may amend its Land Use Bylaw.

WHEREAS the Council of the Smoky Lake County wishes to amend its Land Use Bylaw as it affects certain lands.

NOW THEREFORE the Council of the Smoky Lake County, duly assembled, enacts as follows.

1. Bylaw No. 1102-02: Land Use Bylaw of Smoky Lake County, as amended, is hereby further amended as follows:
 - A. Schedule A, the Land Use District Map, is hereby amended by classifying the following lands, which are currently classified Agricultural (A) District in the Smoky Lake County Land Use Bylaw (Bylaw 1102-02, as amended)
 - (a) to the Residential Conservation (RC) District:
 - (i) Pt. East 1/2 SW 34-59-13-W4

as shown on Schedule "A-13" of this Bylaw.

- B. Section 6.0 Land Use Provisions is hereby amended by adding thereto the following:
 - 1. Schedule B, "6.22 Residential Conservation Development".
 - 2. Schedule C, "6.23 Conservation Design Requirements".

- C. Section 7.0 Land Use Districts is hereby amended by adding thereto the following:
 - 1. Schedule D, "7.6 Residential Conservation (RC) District".




- D. Section 1.0 General is hereby amended by deleting 1.3 Interpretation and replacing it with the following:
 - 1. Schedule E, "1.3 Interpretation".

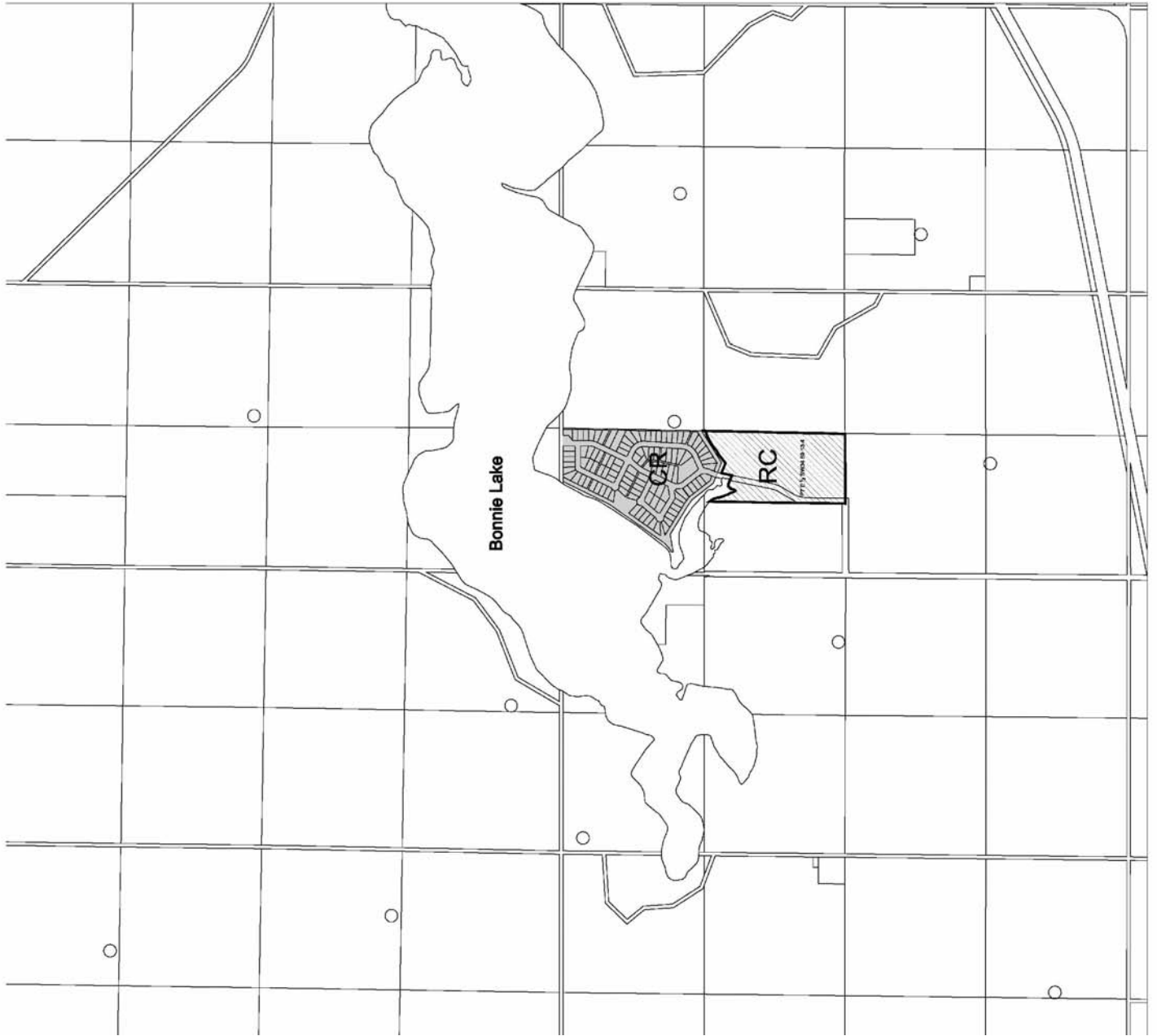
READ a First Time this 17th day of January, AD 2008.

SCHEDULE A13

PT E 1/2 SW34 59-13-4

Legend

-  Agricultural (A) District
-  Multi-Lot Country Residential (CR) District
-  Residential Conservation (RC) District



SCHEDULE – B

6.22 Residential Conservation Development

1. Residential Conservation development shall not be allowed on land having critical development constraints. The following list of development criteria shall be used in determining the suitability of land for seasonal/permanent residential development:
 - (a) Groundwater of sufficient quantity and quality shall be available to support the proposed development. No development shall be permitted in areas where reserves of potable water are inadequate in the opinion of the Development Authority.
 - (b) Development shall be prohibited on slopes in excess of 15% or unstable slopes subject to soil slippage or other mass movement.
 - (c) Development shall be prohibited in areas characterized by wetlands, swamps, muskeg, or saturated soils. Development shall also be prohibited in areas subject to periodic flooding or on soils which become saturated due to flooding.
 - (a) on sites where adequate year-round access is not available by either a paved or gravelled all-weather road in good condition;
 - (d) Development shall be prohibited on soils which have extremely fast percolation rates (2 min./1 inch or faster) and/or would promote the possibility of groundwater contamination.
2. Development for multi-lot conservation residential purposes shall be prohibited:
 - (b) on sites where necessary services are not provided at the sole expense of the developer;
 - (c) within 100 ft. (30.48 m) of a lake;
3. All development shall be required to install sewage disposal systems which have been approved by the authority having jurisdiction.
4. No development shall be permitted on Reserve land if it does not serve the interests of the general public.
5. All development shall be required to maintain a buffer of sufficient size and composition to act as a noise and visual barrier from adjacent incompatible uses.

6. Spaces for day use, hiking trails, overnight camping, and similar activities shall be suitably organized and clearly marked. Adequate lake access, boat launching, and parking facilities shall be provided where applicable.
7. Any proposed facilities such as change houses, sewage disposal, garbage disposal, and on-site water supply shall be required to have approval from authorities having jurisdiction, and shall be of sufficient size and quality to handle anticipated use.
8. The clearing of vegetation shall be minimized and occur only after obtaining a development permit.
9. Where there is an approved Area Structure Plan, regulations in that Plan will apply.
10. Any person who proposes to alter the bed or shoreline of a lake must first receive appropriate approvals from Provincial authorities. Under Provincial law, most development on the bed or shoreline of a lake (up to the high water mark) is required to obtain a License of Occupation from Provincial authorities prior to construction. Improvements not requiring a license include minor bank stabilization, erection of a small, removable, seasonal, domestic pier, or placement of a removable boatlift on the lake bed during the summer months. Shoreline alterations involving such things as depositing soil materials within the high water level of a lake will generally not be permitted.

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

11. All residential developments shall either be low density residential developments, with a 100 residential dwellings per quarter section maximum and a minimum lot size of 0.75 ac., or adhere to residential conservation design guidelines.
12. Residential development densities in the Residential Conservation Area may, at the discretion of Council, be increased from 100 residential dwelling units per quarter section to a maximum of 160 residential dwelling units per quarter section if all residential conservation design requirements are met.

SCHEDULE – C

6.23 Residential Conservation Design Requirements

1. All multi lot residential developments within the Residential Conservation District will be required to submit a Development Concept for consideration by Council and staff.
2. A site analysis of the proposed development site which illustrates:
 - (a) Primary Conservation Areas;
 - (b) Secondary Conservation Areas;
 - (c) Low Priority Conservation Areas; and;
 - (d) Open Space Areas;

shall be included with all Development Concepts if the proposed development exceeds the 100 residential parcels per quarter section maximum. Site analysis documents are usually in map form with some text describing the features of the map (or maps).

The purpose of the site analysis is to ensure that important site features have been identified and that the open space proposed will meet the open space requirements of these Policies.

3. The site analysis shall include information about:
 - (a) site and property boundaries;
 - (b) all streams, rivers, lakes, wetlands, and other hydrogeological features (including seasonal water flow and ponding areas) within and adjacent to the site;
 - (c) topographic contours of no less than 3 m intervals;
 - (d) all environmentally sensitive areas as identified by Alberta Environmental Protection and Alberta Sustainable Resource Development;
 - (e) general vegetation characteristics;
 - (f) soil drainage;
 - (g) farmland assessment ratios for the site;
 - (h) existing roads and road structures; and;
 - (i) potential connections of open space, green spaces, and trails.

This information shall be used to determine Primary, Secondary, and Low Priority Conservation areas.

4. At least 50% of the gross developable area shall be left as Open Space in multi lot Conservation Residential developments with proposed densities that exceed 100 residential parcels per quarter section.
5. The location and percentage of open space in the development must be illustrated on the development concept.
6. The following are considered Primary Conservation areas. Primary Conservation areas must be included within the Open Space areas:
 - (a) the 1:100 year floodplain;
 - (b) buffer zones of at least 125 f (38 m) width along all perennial and intermittent streams;
 - (c) slopes above 25%;
 - (d) populations of endangered or threatened species, or habitat for such species;
 - (e) wetlands and recharge areas;
 - (f) environmentally sensitive areas, as identified by Alberta Environment or Alberta Sustainable Resource Development; and;
 - (g) archaeological sites, cemeteries, burial grounds, and historical sites.
7. The following are considered Secondary Conservation areas. Secondary Conservation areas may be included within the Open Space areas:
 - (a) existing healthy, native forests of at least 0.4 ha contiguous area;
 - (b) other significant natural features and scenic viewsheds such as water bodies, ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads or public properties;
 - (c) agricultural lands with a farmland assessment ratio of 55% or greater of at least 2.0 ha contiguous area; and;
 - (d) existing trails that connect to neighbouring areas.
8. All remaining lands will be considered Low Priority Conservation areas. These areas are not required to be included within the Open Space areas.
9. If the entire site of a development proposal is identified as low priority conservation area, development should be directed to previously cleared and/or disturbed areas.
10. The following uses are suitable for Open Space Areas:
 - (a) conservation of natural, archeological, or historical resources;
 - (b) conservation of meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented uses;
 - (c) walking or bicycle trails, provided they are constructed of porous paving and pervious materials;

- (d) passive recreation, such as open fields;
- (e) active recreation, provided that they are limited to no more than 10% of the total Open Space area, and provided further that they are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. These impervious areas shall not count towards the minimum open space requirement. Active recreation areas in excess of this limit must be located outside of the Open Space areas;
- (f) agriculture, horticulture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
- (g) non-structural storm water management practices and structural storm water management practices that allow for filtered groundwater;
- (h) sewage disposal fields comprised of single or multiple septic tanks,
- (i) enclosed sewage treatment facilities; and;
- (j) easements for drainage, access, and underground utility lines.

11. The Development Concept Plan for a Conservation Residential Development shall include an open space management plan. The open space can be managed in a number of ways, including, but not limited to:

- (a) municipal ownership (in Municipal and/or Environmental Reserve parcels);
- (b) as a common unit (or units) within a bareland condominium plan; or;
- (c) as a commonly owned unit, provided that a conservation easement is placed on the lands.

The Development Concept Plan will clearly indicate who shall be responsible for maintaining and managing the Open Space areas and how funding for the maintenance and management shall be collected, including any legal instrumentation of such responsibilities and funding. The Plan will also indicate how, if the maintenance and/or management of the Open Space areas becomes neglected and/or if funding provisions cannot be enforced, the County shall assume responsibility for maintenance and management of the Open Space areas, and, further, how the costs of such maintenance and management, including administrative costs, interest, and penalties, will be charged back against the landowners within the development.

Since such Open Space Areas are not developable, their value will be reduced for assessment and municipal taxation purposes.

12. Though the form of ownership of the individual residential dwelling units may be the normal fee simple ownership, other forms, such as co-operatives, bare land condominiums, rental accommodation, societies, joint ownerships, to name a few, shall be considered. The form of ownership, and the implications of the form of ownership for the management and maintenance of any services and utilities, shall be identified in the Development Concept Plan for a particular development.

13. The form of ownership, and the implications of the form of ownership for the management and maintenance of any services and utilities, shall be identified in the Development Concept Plan for a particular development. The Development Concept Plan will:
 - (a) allocate responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon including provisions for ongoing maintenance and long-term capital improvements. Facilities may include: water treatment facilities, recreation facilities and trail networks; and;
 - (b) provide a strategy for the enforcement of the Plan.

Any changes to the Development Concept Plan must be approved by Smoky Lake County. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.

In the event that the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, Smoky Lake County may assume the responsibility for maintenance, enter the premises to take corrective action, and charge the costs to the previously responsible party. The County may also bill for administrative costs and penalties associated with the maintenance.

14. The Open Space shall be protected by a legally binding instrument such as a Conservation Easement which is recorded with the deed. The form of protection and the organization or entity to whom the instrument will be registered shall be identified in the Development Concept Plan for a particular development. The instrument will be registered to one of the following:
 - (a) A land trust or conservation oriented non-profit organization with the legal authority to accept such easements. The organization shall be bona fide in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer to the County in the event that the organization becomes unable to carry out its functions; or;
 - (b) A government entity with an interest in pursuing goals compatible with the purposes of this policy. If the entity accepting the easement is not Smoky Lake County, then a third right of enforcement favoring the County of Smoky Lake shall be included in the easement.

The instrument for permanent protection shall include clear restriction on the use of Open Space. These restrictions shall include all restrictions included in this policy as well as any further restrictions the applicant chooses to place on the use of the Open Space.

15. A Historical Resources Impact Assessment may be required by Alberta Community Development prior to the issuance of a development permit or for any subdivision.

SCHEDULE – D

7.6 Residential Conservation (RC) District

The general purpose of this District is to regulate the development of low-impact multi-lot residential subdivision and development or bareland condominiums in environmentally appropriate locations. Two styles of residential subdivision and development are permitted in this District. They are: Low Density Residential and Residential Conservation.

1. PERMITTED USES

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

2. DISCRETIONARY USES

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

3. REGULATIONS

- (1) General
 - (a) All new developments shall provide and pay for infrastructure and servicing improvements, as well as the extension of service to facilitate the development.
 - (b) The use of recreational vehicles within developments (other than the storage of one recreational vehicle for each dwelling unit within a development) shall be strictly regulated, and shall not be allowed unless specifically provided for in the Development Concept Plan and considered

within the residential density calculation in the Development Concept Plan.

- (c) Though private recreation facilities shall be encouraged within developments in the Residential Conservation District in order to provide residential recreational amenity, public recreation facilities, that is, facilities open to the general public, shall be considered discretionary developments and shall only be developed if compatible with the environment and with nearby uses and developments.
- (d) ATV, and snowmobile use shall be limited within Residential Conservation Districts in order to mitigate potential safety conflicts between pedestrians and motorized recreational vehicles.
- (e) Transportation, communication, and public utility uses shall be considered discretionary uses.

(2) Minimum and Maximum Lot Area

- (a) The residential density of any development shall be directly related to the following:
 - i. the carrying capacity of the land proposed for development, having regard for site conditions, environmental considerations and impacts, and other factors that may be considered in the design of the proposal. The details as to calculating carrying capacity are indicated in 7.6(3)(2)(f) below;
 - ii. the suitability and availability of municipal services and infrastructure necessary to support the proposal;
 - iii. the compatibility of the proposed density with that of the surrounding area and the character of the larger community; and
 - iv. consistency with the provisions of any development concept plan encompassing the subject lands.
- (b) No development comprising more than 4 ha (9.8 ac.) of land and more than four dwelling units shall be allowed unless a Development Concept Plan has been prepared by the applicant and approved by the County. That Development Concept Plan shall assess the proposed development site and shall provide the details of all the development criteria within the development area. If the development is to take place in accordance with the Conservation Subdivision Policies indicated in Section 6.22, the

Development Concept Plan will clearly indicate how the policies will be implemented.

- (c) The maximum residential dwelling unit density shall not exceed 100 residential dwelling units per quarter section unless the development occurs in accordance with the Residential Conservation Design Regulations, indicated in Section 6.22.
- (d) The minimum parcel size for low density residential parcels is 0.75 ac. If the development occurs in accordance with the Residential Conservation Design Regulations, the maximum residential dwelling unit density may be increased, at the discretion of Council, to 160 residential dwellings per quarter section. This density figure shall include all forms of residential dwelling units, including guest houses and recreational vehicles which are either immobile (that is, do not have a current license or have the wheels removed) or have some form of building or structure associated with them such as patio, shed, or garage.
- (e) The maximum parcel size for parcels developed in accordance with the Conservation Residential Development Policies is 0.5 ac.
- (f) The residential density of Residential Conservation Development areas shall be calculated in accordance with the following method:

The maximum number of dwelling units is determined by dividing the developable area of the subject site by one (1), representing a minimum residential parcel size of 0.4 ha. The developable area of a site is the total gross area, less the area of:

- i. Primary and Secondary Conservation Areas,
 - ii. bodies of open water over 500 sq. m in area or greater,
 - iii. anticipated rights-of-way for roads and utilities,
 - iv. Environmental Reserve areas,
 - v. Municipal Reserve areas,
 - vi. streams, rivers, lakes, wetlands, and other hydrogeological features (including seasonal water flow and ponding areas) within the site,
 - vii. land with a farmland assessment ratio of 55% or greater,
 - viii. land with significant vegetation features,
 - ix. land with 25% slopes or greater, and
 - x. all environmentally sensitive areas as identified by Alberta Environmental Protection and Alberta Sustainable Resource Development.
- (g) The density maximum indicated in 2(c) above may be increased at the discretion of Council on a site specific basis and as articulated within the Development Concept Plan, if the proposed development abides by the

Residential Conservation Design Regulations indicated in Section 6.22, if all of the identified Primary and Secondary Conservation Areas are preserved, or if a significant recreational or ecological amenity is provided or preserved (such as a golf course or a substantial wetland area) within the development area.

- (h) All new developments shall take FireSmart Principles into consideration when determining minimum lot sizes and the boundaries for reserves and other areas to be dedicated for the conservation of the natural environment.

(3) Design Criteria

- (a) The natural topography and vegetation of the development area shall be observed wherever possible.
- (b) Internal road access shall be provided to each residential parcel.
- (c) New residential development shall adhere to the following conservation design-based principles:
 - i. The ecology of the site must be considered. Lands identified as Primary and Secondary Conservation Areas in accordance with Section 6.22 shall be left undisturbed wherever possible, but incorporated into the overall development scheme. Wildlife corridors or connections between all Conservation Areas shall be maintained wherever possible.
 - ii. Development will be directed to lands that are determined to be of lesser environmental significance, such as those identified as Low Priority Conservation Areas.
 - iii. The natural landscape and topography shall be considered and incorporated into the overall design of the development.
- (d) The use of alternative building methods and innovative housing concepts shall be supported in order to encourage the development of more sustainable housing and reducing the amount of land consumed by residential development. Such alternatives may include:
 - i. reduced site disturbance and heat island effects,
 - ii. increased water efficiency through such elements as eco-scaping, innovative wastewater technologies and water use reduction,

- iii. reducing energy use through the use of renewable energy and “green” power,
- iv. introducing materials and resources that are or can be recycled, thereby reducing construction waste, and
- v. improving indoor air quality through the use of low-emitting materials.

SCHEDULE – E

1.3 INTERPRETATION

In this Bylaw

1. "**accessory building**" means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and located on the same lot;
2. "**accessory use**" means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building;
3. "**Act**" means the Municipal Government Act, 1994, as amended;
4. "**adjacent land**" means land that is contiguous to a particular parcel of land and includes:
 - (a) land that would be contiguous if not for a highway, road, river or stream, and
 - (b) any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 3.5(3) of this Bylaw;
5. "**agricultural operation**" means an agricultural operation as defined in the Agricultural Operation Act;
6. "**bed and breakfast establishment**" means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of ten (10) bedrooms, with or without meals, are provided for remuneration to members of the public;
7. "**building**" includes anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
8. "**commercial use**" means an outlet through which products or services are available to consumers and does not include the manufacturing of products;
9. "**confined feeding operation**" means a confined feeding operation as defined in the Agricultural Operation Practices Act;
10. "**conservation easement**" means an agreement between a landowner and a qualifying organization to protect the natural values of land, for a specified time or in perpetuity. Conservation easements are possible pursuant to Section 22 of

the Alberta Environmental Protection and Enhancement Act. Under that Act, qualifying organizations include the provincial government, a municipality, and non-governmental registered charities formed to hold conservation land interests and comply with other requirements under that Act.

11. "**Council**" means the Council of Smoky Lake County;
12. "**country residence**" means any dwelling located in a rural area which is situated on a lot used solely for private residential purposes and accessory uses. The dwelling may be occupied permanently or seasonally;
13. "**development**" means:
 - (a) an excavation or stockpile and the creation of either of them, or
 - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
 - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
 - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
14. "**development agreement**" is a negotiated agreement between the municipality and the owner/developer entered into at the time of subdivision or development permit approval which identifies the development responsibilities of each party;
15. "**Development Authority**" means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
16. "**Development Authority Officer**" means the Development Authority Officer established by the municipality's Development Authority Bylaw and appointed by Council;
17. "**development permit**" means a document authorizing a development issued pursuant to this Bylaw;
18. "**discretionary use**" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
19. "**dwelling**" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level.

This definition shall include single-family dwellings, duplexes and manufactured homes;

20. "**dwelling unit**" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;
21. "**eco-scaping**" means a low maintenance approach to landscaping that combines native and low-water plants, trees and/or shrubs to create a landscaped yard that makes efficient use of water and has a lower impact on the environment.
22. "**extensive agriculture**" means the use of land or buildings, including the first dwelling or manufactured home, for an agricultural operation, but not including intensive agriculture or intensive confined feeding operations;
23. "**family care facility**" means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes boarding homes for children, group homes and family homes;
24. "**farmstead**" means the currently inhabited or formerly inhabited dwelling or other improvements connected with extensive agriculture, intensive agriculture, or an intensive livestock operation and located on a lot used in connection with such use;
25. "**FireSmart**" means a set of community based initiatives for reducing the risk of fire losses and enhancing the safety of wildland/urban interface areas.
26. "**fragmented parcel**" means a lot that is separated from the balance of a titled area by a natural barrier such as a river or coulee, or by a physical barrier such as a road or highway or railway, which barrier prohibits reasonable or normal access;
27. "**front line**" means the boundary line of a lot lying adjacent to a highway or road. In the case of a lakefront lot, the boundary line adjacent to or closest to the lake shall be considered the front line;
28. "**front yard**" means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve;

29. "**group care facility**" means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and boarding homes;
30. "**home occupation**" means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not significantly change the character thereof;
31. "**household**" means:
- (a) a person, or
 - (b) two (2) or more persons related by blood, marriage, or adoption, or
 - (c) a group of not more than three (3) persons who are not related by blood, marriage, or adoption,
- all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants;
32. "**industrial use**" means activities relating to manufacturing, warehousing, and/or resource extraction;
33. "**intensive agriculture**" means a commercial agricultural operation other than intensive livestock operations which, due to the nature of the operation, can operate on smaller tracts of land. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, silviculture and sod farms;
34. "**internal road**" means a road included in a plan of subdivision for multi-lot country residential use;
35. "**livestock**" means livestock as defined in the Agricultural Operation Practices Act;
36. "**lot**" means:
- (a) a quarter section, or
 - (b) a river lot or a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office, or

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

46. **“natural resource extraction industry”** means the surface or sub-surface mining of metallic or non-metallic minerals;
47. **"non-conforming building"** means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
 - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
48. **“non-conforming use”** means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use Bylaw affecting the land or building becomes effective, and
 - (b) that on the date the land use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use Bylaw;
49. **“open space”** means a portion of a site which is permanently set aside for public or private use and will not be developed. The space may be used for passive or active recreation, or may be reserved to protect or buffer natural areas.
50. **"owner"** means:
- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - (b) in the case of any other land, the person shown as the owner of the lot on the municipality’s assessment roll;
51. **“package treatment plant”** a small, onsite waste treatment facility designed to handle the specific needs of a specialized, small, or remotely located waste generator; for example, a treatment plant that services a manufactured home park.
52. **"permitted use"** means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made if the proposal satisfies the regulations of this Bylaw or provides the requirements as established by the Development Authority where, in this Bylaw, the Development Authority is given the authority and responsibility to establish requirements or regulations;

53. “**primary highway**” means a highway designated as such by Ministerial Order pursuant to the Public Highways Development Act;
54. “**public or quasi-public use**” means a use which is for the purposes of public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community activities, and includes cemeteries;
55. “**public road**” means a constructed municipal road not included in a plan for a multi-lot country residential subdivision;
56. "**public utility**" means a public utility, as defined in the Act;
57. "**public utility building**" means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
58. "**rear line**" means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;
59. "**rear yard**" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot;
60. “**recreational use**” means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features including the availability of large areas of land to provide day-to-day sporting and athletic facilities and the structures incidental thereto. This includes ski slopes, golf courses, archery, trap and rifle ranges, race tracks, boating, riding, swimming, picnicking, community halls, skating and curling rinks, drop-in centres, sports grounds, and similar uses, and may include a refreshment stand incidental to the primary use;
61. “**recreational vehicle**” means a vehicular unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted or drawn by another vehicle;
62. “**secondary road**” means a road designated as such by Ministerial Order pursuant to the Public Highways Development Act;
63. “**shall**” is an operative word which means the action is obligatory;
64. "**side line**" means the boundary line of a lot lying between a front line and a rear line of a lot;

65. "**side yard**" means a yard extending from the leading wall of the main building situated on a lot to the side line, and lying between the front and rear yards on the lot;
66. "**single-family dwelling**" means a dwelling consisting of one (1) dwelling unit;
67. "**stall**" means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park;
68. "**Subdivision and Development Appeal Board**" means the Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw and appointed by Council;
69. "**substandard lot**" means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
70. "**urban municipality**" refers to the Town of Smoky Lake, the Village of Vilna, and the Village of Waskatenau, either solely or collectively;
71. "**width**" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
72. "**yard**" means a part of a lot upon or over which no main building is erected;

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