



LAND USE BYLAW 1272-14: Current to August 10, 2020

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

Iteration	BYLAW No.	Subject	EFFECTIVE DATE
0.1	1275-15	NE 34-59-13-W4M (Bonnie Lake) Rezoning from AG to R2	January 29, 2015
0.2	1298-16	Metis Crossing Amendments	February 23, 2017
0.3	1322-18	Cannabis Amendments	September 20, 2018
0.4	1323-18	Plan 0325361, Block 1, Lot 1 Rezoning from AG to M1	December 6, 2018
0.5	1327-18	Plan 1821256, Block 6, Lot 1 (Bonnie Lake) Rezone from AG to R1	December 6, 2018
0.6	1341-19	SE 8-60-19-W4M Rezoning from AG C1	March 28, 2019
0.7	1348-19	Telecommunications Amendments	June 27, 2019
0.8	1381-20	Boutique Accommodations & Hotels Amendments	August 10, 2020
0.9	1386-20	Shipping Containers, Recreational Vehicles and Campsites, Tiny Homes Amendments	January 28, 2021
0.10	1415-22	Plan 1423459, Block 1, Lot 1 Rezone from AG to C2	May 26, 2022

Land Use Bylaw No. 1272-14



Photo Credit: Mary Lou Doshewnek



Adopted: December 4, 2014

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1272-14**

A Bylaw of the Municipality of Smoky Lake County in the Province of Alberta, for the purpose of Repealing Bylaw 1250-12 and Adopting a Land Use Bylaw

WHEREAS, a Land Use Bylaw has been prepared for Smoky Lake County;

AND WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, authorize the Council of a Municipality to enact a Land Use Bylaw to prohibit or regulate and control the use and development of land and buildings within a Municipality.

NOW THEREFORE under the authority and pursuant to the provisions of the said Municipal Act, and by virtue of all other enabling powers, the Council of Smoky Lake County, duly assembled, enacts as follows:

1. This Bylaw may be cited as the "Land Use Bylaw of Smoky Lake County."
2. That Schedule "A" attached hereto, the document entitled "Smoky Lake County Land Use Bylaw".
3. This bylaw repeals the Smoky Lake County Land Use Bylaw 1250-12 and all amendments thereto.
4. This Bylaw shall come into effect after third and final reading.

READ A **FIRST TIME** IN COUNCIL THIS 23RD DAY OF OCTOBER, AD 2014.



Ron Bobocel
Reeve

SEAL


Cory Ollikka
Chief Administrative Officer

READ A **SECOND TIME** IN COUNCIL THIS 4TH DAY OF DECEMBER, AD 2014.

READ A **THIRD AND FINAL TIME** IN COUNCIL 4TH DAY OF DECEMBER, AD 2014.



Ron Bobocel
Reeve

SEAL


Cory Ollikka
Chief Administrative Officer

Smoky Lake County

Land Use Bylaw

BYLAW 1272-14

Adopted: December 4, 2014



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GUIDE TO USING THE SMOKY LAKE COUNTY LAND USE BYLAW

The Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used and buildings can be either constructed or moved in) in Smoky Lake County. Regulations vary depending on the location and types of development. Other Bylaws or regulations of the County, Province, or Federal Government also have to be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw maps divide the County into various Land Use District. Secondly, the text of the Land Use Bylaw details the uses that are allowed in each District. Thirdly, the text provides additional regulations that apply to certain uses and/or within certain Districts. The following steps may assist the user:

1. Locate the subject property on the Land Use District maps. These maps divide the County into various Land Use Districts. Each Land Use District has a designation such as “AG” for AGRICULTURE or “R1” for COUNTRY RESIDENTIAL. Take note of which Land Use District the subject property is located in. Also note if the subject property is affected by an Area Structure Plan which may modify some of the uses and regulations of the land Use Bylaw or impose additional regulations.
2. Check the table of contents and locate the Land Use District you are interested in. Each Land Use District is listed alphabetically starting in **Section 8**. In each Land Use District you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given Land Use District. There are definitions in **Section 1.7** that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.
3. Review the table of contents to see if there might be any general regulations that apply to the situation or use in question. For example, **Section 5** describes the enforcement procedure. **Section 6.1** contains general regulations about accessory buildings and **Section 7.9** contains general regulations about Home Occupations, just to name a few.
4. Discuss your proposal/concern with Planning and Development staff. Staff are well trained and eager to assist you with your development/subdivision or general inquiry issues and explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

NOTE: THIS PAGE IS INTENDED ONLY TO ASSIST USERS AND DOES NOT FORM PART OF THIS BYLAW.

LAND USE BYLAW

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of Smoky Lake County, duly assembled, hereby enacts as follows:

1 GENERAL ADMINISTRATIVE PROCEDURES

1.1 TITLE

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

1.2 SCOPE

1. No development shall be permitted within the boundaries of Smoky Lake County except in conformity with the provisions of this Bylaw.

1.3 PURPOSE

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things:

1. To divide the municipality into land use districts;
2. To prescribe and regulate the use(s) for each land use district;
3. To establish a method for making decisions on development permit applications and issuing development permits;
4. To prescribe the manner in which notice is to be given of the issuance of a development permit;
5. To implement the policies of the statutory plans of Smoky Lake County;
6. To establish supplementary regulations governing certain specific land uses; and
7. To establish the procedures for making amendments to this Bylaw.

1.4 METRIC AND IMPERIAL MEASUREMENT

1. Whenever measurements are presented in this Bylaw, metric values are used and shall take precedence. Imperial equivalents, provided in parenthesis, are approximate and intended for information only.

1.5 COMPLIANCE WITH OTHER LEGISLATION

1. In addition to the requirements of this Bylaw, an applicant must comply with any Federal, Provincial, or Municipal legislation including requirements of a Development Permit or Agreement.

The applicant/landowner must also comply with the conditions of any easement or covenant which affects the development or subdivision.

1.6 REPEAL

1. This Bylaw comes into force on receiving third and final reading by Council and repeals Land Use **Bylaw** 1250-12 and any resolutions made thereunder or amendments thereto, which shall cease to have effect on the day this Bylaw comes into force.

1.7 INTERPRETATION/DEFINITIONS

In this Bylaw: the following words, terms, and phrases, wherever they occur in this Bylaw, shall have the meaning assigned to them as follows:

1. **“Abandoned farmstead”** means a farmyard which was once established and which contains three (3) or more of the following: an abandoned residence, a developed potable water source, an established sewage collection system, an existing shelterbelt or any other features which would indicate a previous developed farmstead;
2. **“Accessory building”** means a building, separate from the main building on the same parcel, the use of which, the Development Authority decides, is subordinate or incidental to that of the main building;
3. **“Accessory use”** means a use of a building or land which the Development Authority decides is subordinate or incidental to the main use of the parcel on which it is located;
4. **“Act”** means the Municipal Government Act, R.S.A. 2000, as amended, and the regulations pursuant thereto;
5. **“Adjacent land”** means land that is contiguous, or would be contiguous if not for a river, stream, railway, road, or utility right-of-way; and any other land identified in this Bylaw as adjacent land for the purpose of notifications (**see Figures 1 and 2**);

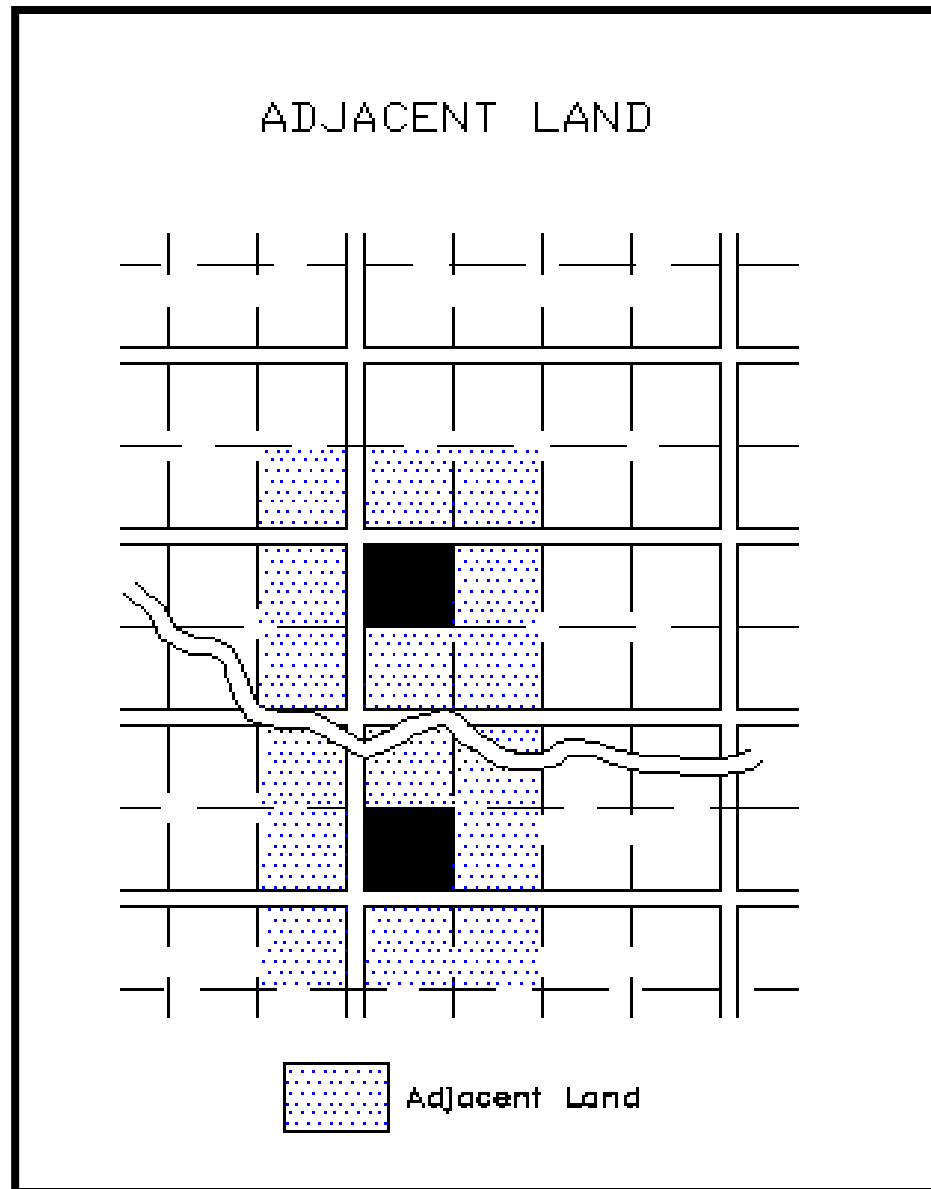


Figure 1: Adjacent Land Rural Area Example

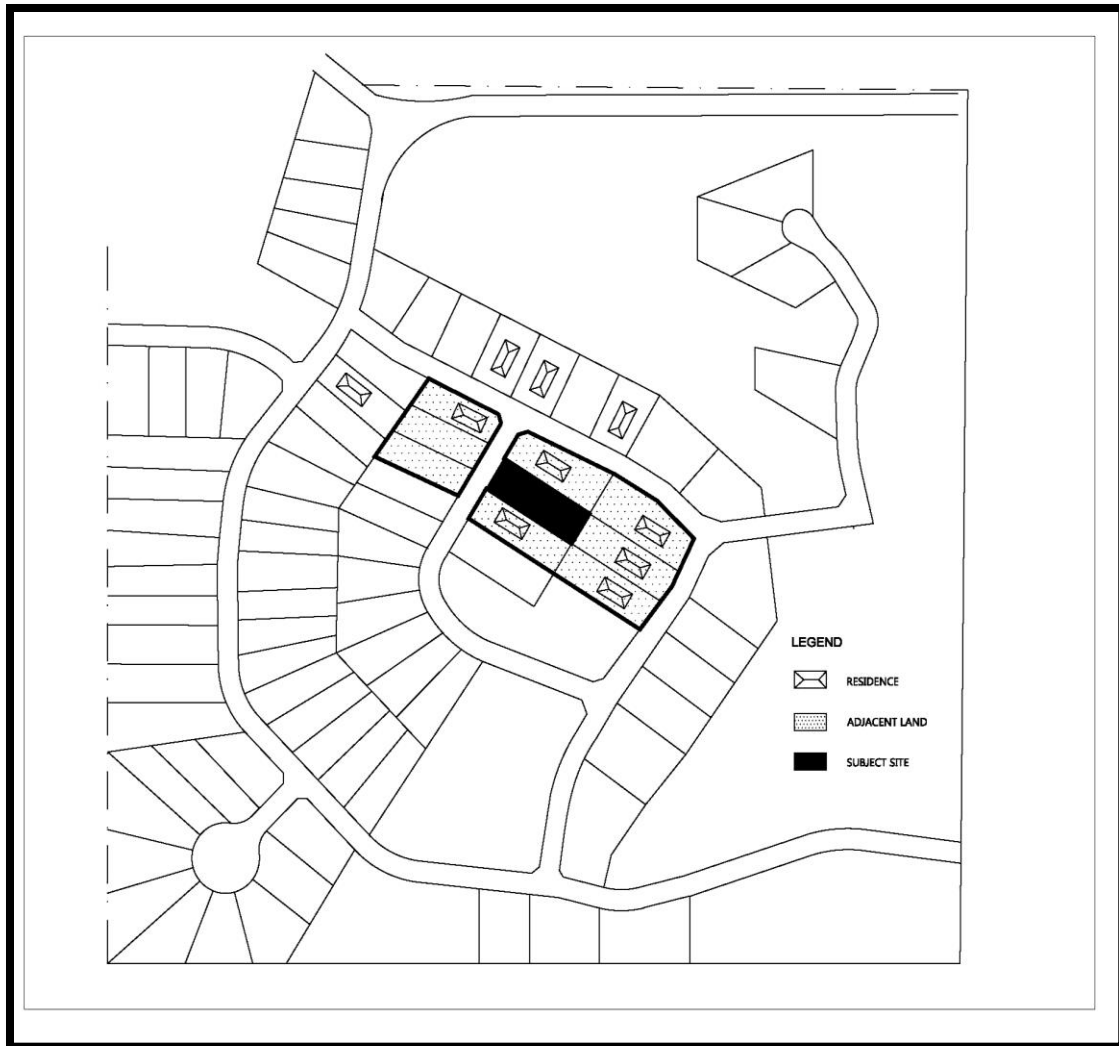


Figure 2: Adjacent Land Hamlet and Multi-Lot Country Residential Area Example

6. **"Agricultural operation"** means an agricultural operation as defined in the Agricultural Operations Practices Act;
7. **"Agricultural support services"** means development providing products or services directly related to the agricultural industry. Without restricting the generality of the foregoing, this shall include such facilities as: livestock auction marts, grain elevators, feed mills, bulk fertilizer distribution plants, bulk agricultural chemical distribution plants, bulk fuel plants, farm implement dealerships, and crop spraying. **This use does not include cannabis production and distribution;**
8. **"Agricultural use"** means the non-intense use of lands, buildings, or structures for the production of crops, animal husbandry, or other similar uses normally associated with agriculture, **but does not include cannabis production and distribution;**

9. **“Amenity area”** means an area which shall be provided subject to the regulations of this Bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership;
10. **“Amenity area, Private outdoor”** means an amenity area that shall be provided subject to regulations in this Bylaw that:
- A. Must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit; and
 - B. Must be directly accessible from the dwelling unit it is intended to serve.
 - C. Private outdoor amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building’s service areas, parking lots, aisles, or access driveways;
11. **“Amusement establishment, Indoor”** means a development within any building, room or area for entertainment activities where patrons are normally, but not necessarily, participants. Typical uses include bingo, electronic games and gambling, but does not include indoor recreation facilities;
12. **“Amusement establishment, Outdoor”** means a development providing facilities for entertainment and amusement activities which primarily take place outdoors, where patrons are primarily participants. Typical uses include amusement parks, carnivals, go-cart tracks, miniature golf, and motor-cross establishments;
13. **“Animal breeding and/or boarding facility”** means an establishment for the keeping, breeding, housing, exercising, training, and/or raising of 3 or more animals that are not livestock for profit or gain, but shall not apply to the keeping of animals in a veterinary clinic for the purpose of observation and/or recovery necessary to veterinary treatment;
14. **“Animal clinic”** means the facility in which animals, birds or livestock are treated primarily on an outpatient basis;
15. **“Animal hospital”** means an establishment providing surgical or medical treatment or examination of domestic pets entirely within a building;
16. **“Animal hospital, Large”** means an establishment providing surgical or medical treatment or examination of livestock. Services may be provided within a building or outdoors;
17. **“Apartment”** means a single building comprised of three or more dwelling units with shared entrance facilities;

18. **“Area of copy”** means the entire area within a single common continuous perimeter enclosing the extreme limits of the advertising message, announcement or decoration on the sign, and shall be for the purpose of area calculation be square or rectangular in shape;
19. **“Area Structure Plan”** means a plan adopted by Council as an Area Structure Plan pursuant to the Act;
20. **“Area Redevelopment Plan”** means a plan adopted by Council as an Area Redevelopment Plan pursuant to the Act;
21. **“Art, Craft, and Photography Studios”** mean a development used for the purpose of small-scale onsite production of goods by simple processes or hand manufacturing, primarily involving the use of hand tools. Typical uses include pottery, ceramic and sculpture studios, custom jewelry manufacturing and artist and photography studios.
22. **“Artisanal Use”** means a development wherein at the discretion or judgment of the Development Authority, a product or service is produced/provided/supplied/generated in limited quantities, and of craft, superior, or gourmet quality.
23. **“Assembly plant”** means a factory where manufactured parts are assembled into a finished product;
24. **“Auctioneering facility”** means a building, structure or lands used for the storage and/or sale of goods and materials or livestock which are to be sold on the premises by public auction;
25. **“Automobile repair shop, Major”** means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and under coating;
26. **“Automobile repair shop, Minor”** means the minor repairs including incidental replacement of parts and motor service to passenger automobiles and trucks not exceeding one and one-half tons’ capacity;
27. **“Automobile sales”** means a development used for the sale, service and rental of motor vehicles, but does not include recreation vehicle sales or automotive body and paint service;
28. **“Bakery”** means a shop where baked goods are produced and offered for sale on the premises only, **but does not include cannabis retail sales**;
29. **“Bakery, large commercial”** means a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns or any other bakery product of which flour or meal is the principal ingredient, **but does not include cannabis retail sales**, restaurants or other premises where any such product is made for consumption on the premise;
30. **“Bank”** means an institution where money is deposited, kept, lent or exchanged;
31. **“Bare Land Condominium”** means a condominium development containing Bare Land Condominium Units, created specifically through subdivision and registered as a condominium plan in accordance with the Condominium Property Act, RSA 2000, as amended;

32. **“Bare Land Condominium Unit”** means a bare land unit as defined in the Condominium Property Act, RSA 2000, as amended, that is land that is situated within a parcel and described as a unit in a condominium plan;
33. **“Basement suite”** refers to a self-contained dwelling unit within the basement of a single detached dwelling;
34. **“Bed and breakfast establishment”** means a development within a private, owner-occupied 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 for a period of fourteen (14) days or less at a time;
35. **“Bed sitting room unit”** means a dwelling unit in which the sleeping and living areas are combined and which in the opinion of the development authority, is not reasonably capable of being developed as a unit containing 1 or more bedrooms;
36. **“Berm”** means a landscaped earthen mound that is utilized to attenuate the noise and visual effects of adjacent land uses and/or direct ground water flows as part of an engineered storm water management system;
37. **“Boarding facility”** means a residence offering sleeping rooms and meals, normally in exchange for a fee, and where private cooking facilities are not available to the tenants;
38. **“Boutique Accommodation”** means a development used for the provision of **“Artisanal Use”** rooms or suites for temporary sleeping accommodation, where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities. This Use may include Accessory food and beverage facilities, meeting rooms, and Personal Services Shops.
39. **“Buffer”** means berms, fencing and planting for the purpose of screening noise, views, dust, sprays, and uses between properties where offsite impacts may occur (**see Figure 3**);

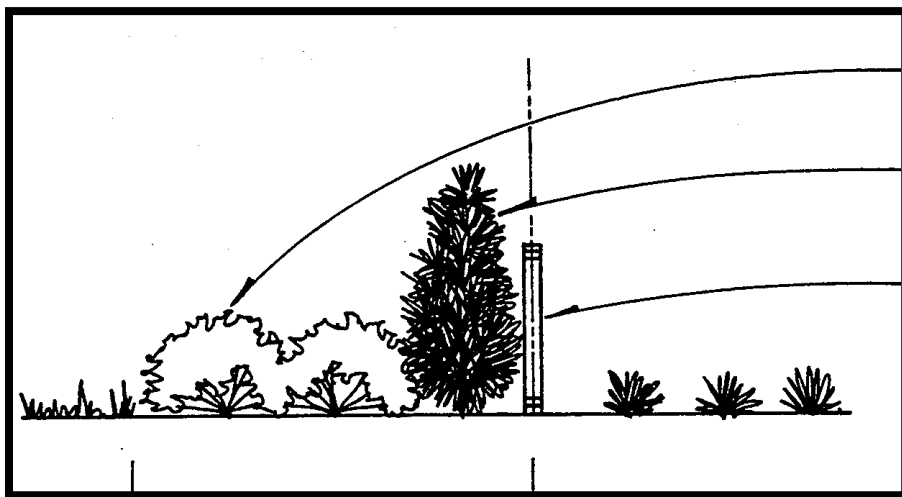


Figure 3: Minimum Buffering Requirements

40. **“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 or public roadway;
41. **“Building supply and lumber outlet”** means a building or structure in which building or construction and home improvement materials area offered or kept for sale or rental and may include the fabrication of certain materials related to home improvement;
42. **“Bulk fuel storage and sales”** means lands, buildings and structures for the storage, distribution of fuels and oils including retails sales and key lock operations;
43. **“Business office”** means a building or part of a building in which 1 or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a non-profit or charitable organization;
44. **“Campground, minor”** means an area which has been planned and improved for the seasonal short-term occupancy of up to a maximum of six (6) holiday trailers, motor homes, tents, campers or similar recreational vehicles, and is not used as a year-round storage, or accommodation for residential use. Typical uses include tourist recreational vehicle parks, campsites and tenting grounds and recreational activities, such as picnic grounds, boating facilities and playgrounds.
45. **“Campground, intermediate”** means an area which has been planned and improved for the seasonal short-term occupancy of up to a maximum of nineteen (19) holiday trailers, motor homes, tents, campers or similar recreational vehicles, and is not used as a year round storage, or accommodation for residential use. Typical uses include tourist recreational vehicle parks, campsites and tenting grounds and recreational activities, such as picnic grounds, boating facilities and playgrounds.
46. **“Campground, major”** means an area which has been planned and improved for the seasonal short term occupancy of more than twenty (20) holiday trailers, motor homes, tents, campers or similar recreational vehicles, and is not used as a year round storage, or accommodation for residential use. Typical uses include tourist recreational vehicle parks, campsites and tenting grounds and recreational activities, such as picnic grounds, boating facilities and playgrounds.
47. **“Campground - recreational vehicle”** means a development consisting of sites for the location of four (4) or more recreational vehicles, to be used for overnight accommodation and may also include a development consisting of two (2) or more camp sites used for tenting, including accessory facilities that support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but not including the use of manufactured homes, trailers or other forms of moveable shelter on a permanent year-round basis;
48. **“Cannabis”** means cannabis as defined in the Cannabis Act, S.C. 2018, c. 16, as amended, or replaced.
- a. Cannabis includes:

- i. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - ii. Any substance or mixture of substances that contains or has on it any part of such a plant;
 - iii. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
 - b. B. Cannabis does not include:
 - i. a non-viable seed of a cannabis plant;
 - ii. a mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant;
 - iii. fibre derived from a mature cannabis stalk as referred to in subsection (ii), above;
 - iv. the root or any part of the root of a cannabis plant;
 - v. industrial hemp
- 49. **“Cannabis accessory”** means a thing that is commonly used in the consumption or production of cannabis. A cannabis accessory includes, but is not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers;
- 50. **“Cannabis accessory retail sales”** means a retail outlet which specializes in the sale of cannabis accessories, drug paraphernalia related to consumption of cannabis, other recreational drugs, and new age herbs, as well as counterculture art, magazines, music, clothing and home décor. This does not include cannabis retail sales or cannabis production and distribution;
- 51. **“Cannabis lounge”** means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution;
- 52. **“Cannabis, medical”** means cannabis that is obtained for medical purposes in accordance with applicable federal law;
- 53. **“Cannabis production and distribution”** means a development used principally for one or more of the following activities relating to cannabis:
 - a. The licenced production, cultivation, and growth of cannabis;
 - b. The licenced processing of raw materials;
 - c. The licenced making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
 - d. The licenced storage or shipping of materials, goods, or products, or;
 - e. The licenced distribution and wholesale of materials, goods, and products to cannabis retail sales stores;
- 54. **“Cannabis retail sales”** means a licenced development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the Cannabis Act, S.C. 2018, c. 16, as amended or replaced. This use does not include cannabis production and distribution;
- 55. **“Canopy”** means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

56. **“Car wash establishment”** means a building used for the purpose of washing motor vehicles;
57. **“Carport”** means a roofed structure used for storing or parking of motor vehicles and which has not less than 40% of its perimeter open and unobstructed;
58. **“Cemetery”** means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried. A cemetery may also include a structure for the purposes of cremation of human remains and may include facilities for storing ashes or human remains that have been cremated or the interment of the dead in sealed crypts or compartments;
59. **“Child care facility”** means an establishment licensed by the regional Child and Family Services Authority intended to provide care, educational services and supervision for 7 or more children for a period less than 24 hours at a time. This use includes group day care centres, out-of-school centres, nursery or play schools, drop-in centres, and out-of-school care, but excludes day homes;
60. **“Clinic”** means a building or part of a building used for the medical, dental, surgical or therapeutically treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his/her residence;
61. **“Club or lodge”** means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members or staff of such association within which the activities of the club are conducted, **but does not include a cannabis lounge**;
62. **“Commercial use”** means an outlet through which products or services are available to consumers but does not include, highway commercial uses, the manufacturing of products, convenience retail services, liquor sales/distribution services, auctioneering facilities or eating establishments, **but does not include cannabis retail sales**;
63. **“Communication Antenna System”** means a tower/antenna and/or supporting structure for the transmission and/or receiving of radio communication, including but not limited to radio and television transmission, two-way radio, land-mobile systems, fixed-point microwave and amateur radio systems. Communication towers are governed under **Smoky Lake County Policy Statement 61.22: Schedule A – Telecommunication Antenna System Siting Protocols.**
64. **“Community hall”** means a building or part of a building used for community activities without purpose of gain;
65. **“Confined feeding operation”** means a confined feeding operation as defined in the Agricultural Operation Practices Act;
66. **“Convenience retail service”** means development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 275.0 sq. m (2,960.0 sq. ft.) in gross floor area. Typical uses include: small food stores, gas bars, drug stores and variety stores selling, confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter. **This use does**

not include wholesale or retail liquor sales/distribution outlets or facilities, or cannabis retail sales;

67. **“Corner”** means the intersection of any two property lines of a parcel;
68. **“Cottage”** means a small usually one (1) story house at a lake, or located in a recreation community, owned or rented as a seasonal vacation home;
69. **“Council”** means the Council of the Smoky Lake County;
70. **“Country residence”** means any development located in a rural area which is situated on a lot used solely for private residential purposes and accessory uses and is not connected to municipal sewer and water services. The dwelling unit may be occupied permanently or seasonally;
71. **“Cultural Facility”** means development for display, storage, restoration or events related to art, literature, music, education, history or science, and may incorporate restaurants, retail, convention and recreational facilities as accessory uses. This term refers to uses such as art galleries, libraries, auditoriums, museums, archives and interpretive centers.
72. **“Curb cut”** means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;
73. **“Day care facility”** means child care facility, licensed and regulated by applicable provincial agencies, operated from a building other than a residence, excepting where a one family dwelling has been converted to a day care in which a dwelling unit or a basement suite might be located on a separate level of the dwelling;
74. **“Day home”** means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire and health regulations;
75. **“Deck”** means any open structure attached to a building having a height greater than 0.6 m (2 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.);
76. **“Density”** means a measure of the average number of persons or dwelling units per unit of area;
77. **“Developer”** means the owner of lands on which development is proposed, or any other person applying for a development permit;
78. **“Development”** means development as defined in the Act, and includes the following:
 - A. The carrying out of any construction or excavation, or other operations, in, on, over or under land;
 - B. The making of any change in the use or the intensity of use of any land, buildings or premises, and, without restricting the generality of the foregoing, includes the removal and/or placement of topsoil;

- C. In a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel; and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel;
 - D. The placing of refuse or waste material on any land;
 - E. An excavation or stockpile and the creation of either of them;
 - F. 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;
 - G. The resumption of the use for which land or buildings had previously been utilized;
 - H. The use of the land for the storage or repair of motor vehicles or other machinery or equipment;
 - I. The continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect;
 - J. The more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way;
 - K. The placement of an already constructed or a partially constructed building on a parcel of land; and
 - L. The erection of signs;
79. **“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;
80. **“Development Authority”** means the Development Authority established by the municipality’s Development Authority Bylaw and appointed by Council;
81. **“Development Authority Officer”** means that person or persons defined by the municipality’s Development Authority Bylaw and appointed by Council to act as Development Authority Officer;
82. **“Development permit”** means a permit issued by Smoky Lake County that authorizes a specified development and includes, where applicable, plans, drawings, specifications or other documents. This permit is separate and distinct from a building permit;
83. **“Discontinued”** means the time at which, in the opinion of the Development Authority, substantial construction activity or use of land or a building has ceased;
84. **“Discretionary use”** means a use of land or buildings within a specific land use district, for which a development permit may be issued;

85. **“Domestic pet (or pet)”** means a domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle that is traditionally kept in the home for pleasure rather than for commercial purposes. Domestic pets do not include reptiles (except turtles). This definition shall not include animals that are used to assist persons with disabilities;
86. **“Drinking establishment”** means a development possessing a liquor license, pursuant to provincial regulations, where the sale and consumption of liquor on site are open to the public and where liquor is the primary source of business. **This does not include a cannabis lounge or cannabis retail sales;**
87. **“Drive-in business”** means an establishment which normally provides service to customers travelling in motor vehicles driven onto the site;
88. **“Duplex, side-by-side”** or **“Dwelling, semi-detached”** means a building containing two dwelling units sharing one common wall regardless of the number of storeys, and in no case being located above or below each other;

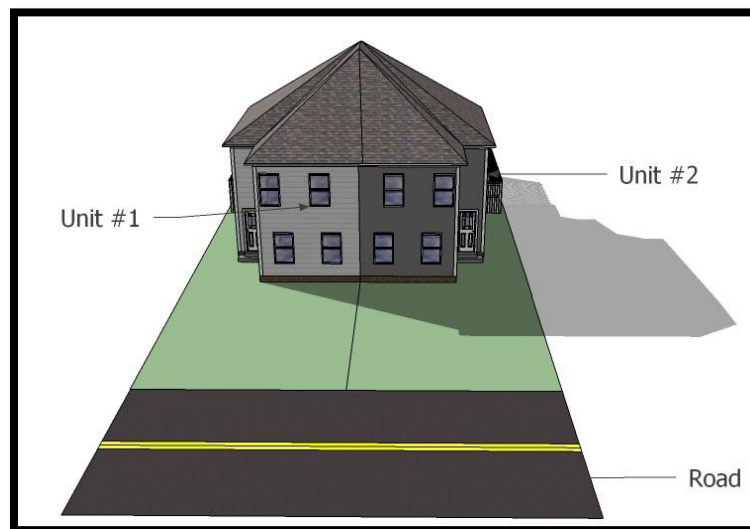


Figure 4: Side-by-Side Duplex or Semi-detached Dwelling

89. **“Duplex, vertical”** means a building containing two dwelling units, the dwelling area of one being located above the dwelling area of the other, either in whole or in part, each with a separate private entry;

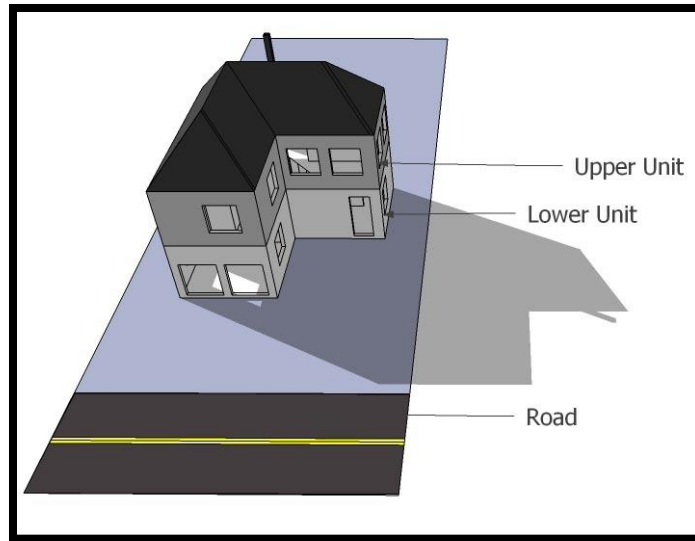


Figure 5: Vertical Duplex

90. **“Dwelling”** means any building used exclusively for human habitation, whether or not it is supported on a permanent foundation or base extending below ground level. This definition shall include all single detached dwellings, including all site built homes, modular homes, and manufactured homes, duplexes, and multi-unit dwellings;
91. **“Dwelling, semi-detached”** refer to 75. **“Duplex, side-by-side;”**
92. **“Dwelling, single detached”** means a freestanding dwelling that does not abut any other dwelling on an adjoining lot and where all sides of the dwelling are surrounded by yards or open areas within the lot;

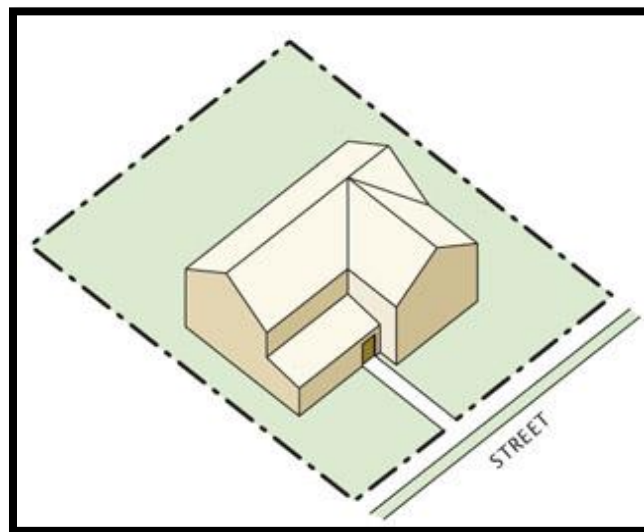


Figure 6: Single Detached Dwelling

93. **“Dwelling, Tiny”** means a permanent residential building containing one (1) dwelling unit, less than 600.0 square feet in ground floor area, which can be constructed either on site or be pre-built and assembled at the residential site. The dwelling shall be supported on a permanent foundation or piling system and physically separated from any other dwelling units. The dwelling shall include cooking, eating, living, sleeping and sanitary facilities, but does not include Manufactured Homes, Recreational Vehicles, Cabins, park-model trailers or construction site trailers.
94. **“Dwelling unit”** means a room or suite of rooms used or intended to be used as a domicile by one (1) household and usually containing cooking, eating, living, sleeping and sanitary facilities, and which is not separated from direct access to the outside by another separate dwelling unit. A dwelling unit does not contain more than one room, which, due to its design, plumbing, equipment, and/or furnishings, may be used as a kitchen;
95. **“Easement”** means a right to use land, generally for access to other property or as a right-of-way for a public utility;
96. **“Eating and drinking establishment”** means a development, whether indoors or outdoors, where patrons may purchase and consume food and/or alcoholic beverages on site where food, rather than alcohol, is the predominant item consumed. An eating and drinking establishment **does not include an entertainment establishment or a cannabis lounge**;
97. **“Eco-Cabin/Star-gazing Units”** means a development used for the provision of self-contained **“Artisanal Use”** units for temporary sleeping accommodation wherein the judgement of the Development Authority, the unit(s) are designed and intended to facilitate stargazing, and the rooms are not equipped with individual kitchen facilities.
98. **“Entertainment establishment”** means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit;
99. **“Environmental Reserve”** means Environmental Reserve as defined in Section 664(1) of the Act. Specifically, the Act defines Environmental Reserve as follows:

664(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of:

- A. a swamp, gully, ravine, coulee or natural drainage course,
- B. land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or
- C. a strip of land, not less than 6.0 m (19.7 ft.) in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of:
 - i. preventing pollution, or
 - ii. providing public access to and beside the bed and shore;

100. “Environmental Reserve Easement” means Environmental Reserve Easement as defined in Sections 664(2) and (3) of the Act. Specifically, the Act defines Environmental Reserve as follows:

664(2) If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement for the protection and enhancement of the environment, an easement may be registered against the land in favour of the municipality at a land titles office.

664(3) The environmental reserve easement:

- A. must identify which part of the parcel of land the easement applies to,
- B. must require that land that is subject to the easement remain in a natural state as if it were owned by the municipality, whether or not the municipality has an interest in land that would be benefitted by the easement,
- C. runs with the land on any disposition of the land,
- D. constitutes an interest in land in the municipality, and
- E. may be enforced by the municipality.”

101. “Excavation” means the space created by the removal of soil, rock or fill for the purposes of construction;

102. “Extensive agriculture” means the use of land or buildings, including the first dwelling or manufactured home, an agricultural operation which require large tracts of land (usually in the order of 80 ac. (32.4 ha.) or more). **This use may include the outdoor cultivation of industrial hemp, but does not include intensive agriculture, cannabis production and distribution, or a confined feeding operation** which requires either a registration or an approval under Part 2 of the Agricultural Operations Practices Act, R.S.A. 2000, c. A-7, as amended or replaced;

103. “Family care facility” means a facility which provides resident service in a dwelling to 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;

104. “Farmstead” means the currently inhabited or formerly inhabited dwelling or other improvements connected with an agricultural operation and located on a lot used in connection with such use

105. “Fence” means a vertical physical barrier constructed for visual screening, sound abatement or security;

106. “FireSmart Landscapes” means the philosophy that seeks to mitigate both the likelihood of large, high intensity, high severity fires and the risk associated with the use of prescribed fire. FireSmart landscapes are designed to recognize the interaction between ecological, economic and social impacts, hence maximize the positive ecological impacts and minimize the negative economic and social impacts;

107. **"Flood plain"** means the area of land adjacent to a water body that is potentially at risk of flooding from a 1-100 year flood event;
108. **"Floor area"** means the space on any storey of a building between exterior walls and required firewalls, including space occupied by interior walls and partitions, but not including exits and vertical spaces that pierce the storey or the area of the basement floor, except that all basement suites and all dwelling units in apartment buildings shall be included in the calculation of floor area;
109. **"Floor area, gross leasable"** means that portion of the floor area leased to a tenant for his exclusive use and does not include any common areas such as an internal mall, stairs, washrooms, etc. to be used by the complex as a whole;
110. **"Floor area, ground"** means the total area of a lot including accessory buildings which is covered by any building or structure;
111. **"Floor area ratio, gross"** means the ratio or decimal resulting from dividing the gross floor area of all buildings by the total site area of the parcel of land on which the buildings are located;
112. **"Foundation"** means a system or arrangement of foundation units through which the loads from a building are transferred to the supporting soil or rock;
113. **"Fragmented parcel"** means a parcel of land that is separated from the balance of the remainder of the parcel of land by a natural barrier such as a river, a permanent naturally-occurring water body, a railroad, the Iron Horse Trail, or a road, but not an undeveloped road on a Road Plan, or a barrier to the crossing of cultivation equipment created by substantial topography, such as a ravine, gully or small, possibly intermittent, watercourse. The determination that such a topographic barrier is a fragmenting feature for the purpose of subdivision shall be at the sole discretion of the Subdivision Authority;
114. **"Frontage"** means the length of a front line and, if on a double fronting lot or a corner lot, the sum of all lines abutting all roads;
115. **"Funeral home"** means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of deceased human bodies for internment or cremation;
116. **"Garage"** means a fully enclosed accessory building or part of the main building, erected on a permanent foundation, which is designed and/or used primarily for the storage of motor vehicles;
117. **"Garage shelter"** means an accessory building, commonly consisting of a metal frame covered by canvas and erected on a temporary foundation, which is used primarily for the storage of motor vehicles, which is not a garage;
118. **"Garage suite"** means a self-contained dwelling located above a rear detached garage which is accessory to a single detached house. Garage suites have a separate entrance from the vehicle entrance to the rear detached garage, either from a common indoor landing or directly from the exterior of the structure. Garage suites do not include secondary suites or garden suites;

119. **“Garden suite”** means a single-storey accessory building which contains a dwelling unit and is located in a building on a site that is separate from a main building in which the main use is a single detached dwelling. A garden suite has cooking, food preparation, sleeping, and sanitary facilities which are separate from those of the single family dwelling located on the site. This use does not include secondary suites or garage suites;
120. **“Gas bar”** means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations;
121. **“Grade”** means the average level of finished ground adjoining each exterior wall of a building, but does not include localized depressions such as for vehicle or pedestrian entrances;
122. **“Grid road”** includes all Government Road Allowances in the County, and also includes all forced roads, other than those identified as highways and service roads;
123. **“Ground floor area”** see **“Floor area, ground”**;
124. **“Group care facility”** means a residence which is licensed or funded under an Act of the Government of Canada or the Province of Alberta to provide accommodation for a small group of persons living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being;
125. **“Greenhouse”** means a building or the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail. **A greenhouse does not include cannabis production and distribution;**
126. **“Guest house”** means a building in which persons are accommodated on a temporary basis as guests of the residents of the main building located on the property without compensation;
127. **“Guest ranch”** means a development of a private owner-occupied ranch house which includes sleeping facilities, which are rented on a daily basis to registered guests and meals are prepared in a certified residential kitchen;
128. **“Hamlet”** means an unincorporated community designated as a Hamlet by Council pursuant to the Act, and includes the Hamlets of Warspite, Bellis, Edward and Spedden;
129. **“Health services”** means establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, oxygen and miscellaneous types of medical supplies and services, counselling services, clinics, and medical cannabis clinics;
130. **“Heavy equipment sales, service, repair or storage”** means a building or part of a building or structure in which:

- A. heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, and/or
- B. heavy machinery and equipment are serviced or repaired;
- C. heavy machinery and equipment is stored;

131. **“Height”** means the vertical distance between the average finished grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building (**see Figure 7**);

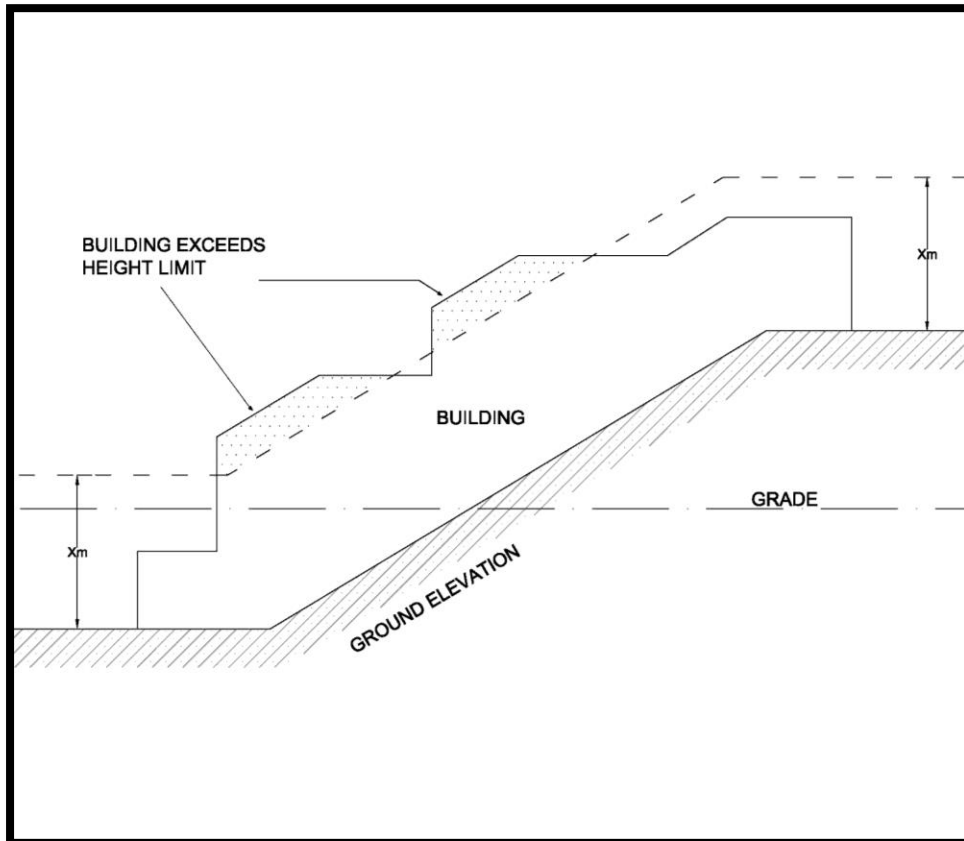


Figure 7: Building Height

132. **“Higher capability agricultural land”** means a quarter section consisting of at least 50 ac. (20.23 ha.) of land having a farmland assessment productivity rating equal to or greater than 41%; or, if no rating is available, at least 60% of its land area rated as Canada Land Inventory (C.L.I.) classes 1-3 soil capability for agriculture;
133. **“Highway”** means a highway or proposed highway that is designated as a highway pursuant to the Public Highways Development Act;

134. **“Highway commercial** “means a use intended primarily to provide commercial services for recreational, industrial and commercial travelers **This use does not include cannabis retail sales;**
135. **“Historical Resources Impact Assessment (HRIA)”** the process by which archaeological, historical, and palaeontological resources are located, studied, and managed in the Province of Alberta. Before industrial, private, and government organizations undertake development in the Province, they may be required to do HRIA work to assist in the protection and understanding of historical resources on affected lands;
136. **““Home occupation, major”** means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which increases traffic circulation in the neighbourhood in which it is located. A major home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than one (1) small sign as provided for in this Bylaw. A major home occupation **does not include: adult entertainment services, day homes, bed and breakfast establishments, animal breeding and/or boarding facilities, cannabis production and distribution, cannabis retail sales, or a cannabis lounge.** Any home occupation which utilizes an accessory building shall be deemed a Major Home Occupation;
137. **“Home occupation, minor”** Home occupation, minor” means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than one (1) small sign as provided for in this Bylaw. A minor home occupation **does not include adult entertainment services, or dating or escort services, cannabis retail sales, or cannabis production and distribution;**
138. **“Hotel”** means rooms or suites in a commercial development for temporary sleeping accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities. Hotels may include accessory food services, neighborhood pubs, nightclubs, meeting rooms, and personal service establishments.
139. **“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;
140. **“Indoor eating establishment”** means an establishment where food and drink are intended to be consumed within the confines of the establishment, but **does not include a cannabis lounge;**

141. **“Industrial, heavy”** means a development which would be considered to be a medium industrial use except that, in the opinion of the Development Authority, the development would not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the heavy industrial use; the potential for significant toxic or noxious by-products such as air or water-born emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being. Heavy industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants, alfalfa processing plants, **large scale cannabis production and distribution, large scale industrial hemp production facilities**, or large-scale outdoor storage that is unsightly or visually offensive. Heavy industrial uses do not include heavy petro-chemical industry;
142. **“Industrial, heavy petrochemical”** means a use or development involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the sole opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use. **This use does not include cannabis production and distribution or industrial hemp production and distribution facilities;**
143. **“Industrial hemp”** means a cannabis plant – or any part of that plant – in which the concentration of THC is 0.3% w/w or less in the flowering heads and leaves, as defined in *Industrial Hemp Regulations*, SOR/2018-145, as amended or replaced;
144. **“Industrial hemp production and distribution facility”** means the use of land, buildings or structures licensed and/or authorized to process, sell, provide, ship, deliver, transport, destroy, export and/or import industrial hemp, including indoor production and related research, under the *Industrial Hemp Regulations*, SOR/2018-145, as amended or replaced. This use does not include: cannabis retail sales establishments, cannabis production and distribution, or the outdoor cultivation of industrial hemp;
145. **“Industrial, medium”** means a development which may include indoor or outdoor storage and in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for on-site adverse environmental impacts; the potential for significant toxic or noxious by-products which may be offensive or hazardous to human health, safety or well-being; the storage of toxic, flammable or explosive products in small quantities; or large-scale outdoor storage that is unsightly or visually offensive. Medium industrial uses **may include manufacturing, transportation, warehousing; distribution, medium scale cannabis production and distribution, and medium scale industrial hemp production and distribution facilities, and utilities;**
146. **“Industrial, light”** means development for the purpose of: the processing of raw materials; the manufacturing or assembly of goods or equipment; or the storage or transshipment of materials, goods, and equipment; which will not result in the emission of odours, dust, smoky, gas, noise, or vibration outside the building in which the light industrial activity is carried on, and which is carried on entirely indoors, except for storage which may be located outdoors provided it is entirely

screened from all adjacent uses, except for other industrial uses, and from all roads. **This use includes small scale cannabis production and distribution and small scale industrial hemp production and distribution facilities.** Notwithstanding the above, light industrial uses shall not include the outdoor storage of used goods or materials for any purpose;

147. “Industrial, rural” means any industrial use involved in:

- a. the processing, fabrication, storage, transportation, distribution, or wholesaling of goods which require a relatively large lot; and
- b. activities which would not be appropriate or should not locate within an urban area because they are potentially hazardous or may emit a high level of noise, dust, odour, vibration, or require a large parcel of land;
- c. agricultural based industries such as seed cleaning plants, fertilizer plants, the storage or sale of fertilizer and/or bulk fuel and, at the discretion of the development authority some resource based industries including: saw mills or pulp and paper industries, and sphagnum industries or small and medium scale industrial hemp production and distribution facilities.

Rural industrial uses do not include heavy petrochemical uses or uses that would be considered heavy industrial uses;

148. “Intensive agriculture” means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes, greenhouses, silviculture and sod farms, but **does not include confined feeding operations cannabis production and distribution or industrial hemp production and distribution facilities;**

149. “In-law suite” means an additional dwelling unit intended for the sole occupancy of one (1) or two (2) adult persons, which has access to the adjoining dwelling unit. The floor area of the in-law suite shall not exceed 30 percent of the existing living area of the primary dwelling unit or 80.0 sq. m (861.1 sq. ft.) in floor area on a residential lot, whichever is the lesser;

150. “Institutional” means a use or development which includes but is not limited to hospitals, public offices, educational facilities, places of worship, libraries and senior citizen housing;

151. “Landfill” means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards. A landfill shall be owned by either a municipal corporation or by a municipally-owned corporation;

152. “Landscaping” means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture;

153. “Lane” means a public thoroughfare for vehicles, the right-of-way of which is not less than 8.0 m (26.25 ft.) and does not exceed 10.0 m (32.8 ft.) in width, providing a secondary means of access to a parcel, or as defined as an alley in the Traffic Safety Act, R.S.A. 2000, as amended;

154. **“Line, front”** means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
155. **“Line, rear”** means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a road;
156. **“Line, side”** the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side line;
157. **“Liquor sales/distribution service”** means development used principally for the wholesale or retail sale or distribution to the public of any and all types of alcoholic spirits or beverages as defined by the *Gaming, Liquor and Cannabis Act*, R.S.A. 2000, c. G-01, as amended. **This use does not include cannabis retail sales.**
158. **“Livestock”** means livestock as defined in the *Agricultural Operations and Practices Act*, R.S.A. 2000, as amended;
159. **“Loading space”** means a space entirely on the same parcel as a building or group of buildings, intended for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;
160. **“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;
161. **“Lot, corner or flanking”** means a lot with a side line abutting a road;
162. **“Lot coverage”** means the combined area of all buildings on a lot excluding specific features allowed under this Bylaw as projections into required yards;
163. **“Lot depth”** means the combined area of all buildings on a lot excluding specific features allowed under this Bylaw as projections into required yards;
164. **“Lot, double fronting”** means a lot which abuts two roads (except alleys as defined in the *Traffic Safety Act*, R.S.A. 2000, as amended), which are parallel or nearly parallel where abutting the lot, but does not include a corner lot (**see Figure 5**);

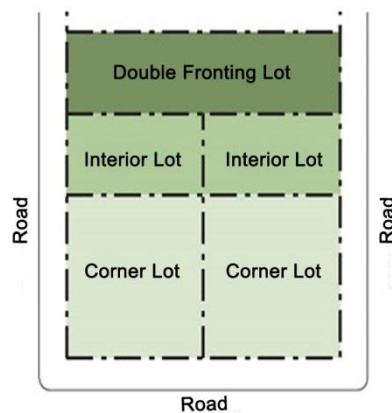


Figure 8: Diagram illustrating different lot definitions

165. **“Lot, interior”** means a lot which has a road only on the front line;
166. **“Lot, lake front”** means a lot which is either adjacent to a water body or, except for a Reserve Lot, is adjacent to a water body;
167. **“Lot width”** means the distance between the side lines of a lot at the minimum allowable front yard, measured perpendicular to the line joining the midpoint of the front line to the midpoint of the rear line on a curved road;
168. **“Lower capability agricultural land”** means a quarter section consisting of less than 20.23 ha. (50 ac.) of land having a farmland assessment productivity rating equal to or less than 41%; or, if no rating is available, less than 60% of its land area rated as Canada Land Inventory (C.L.I.) classes 1-3 soil capability for agriculture;
169. **“Main building”** means a building that in the opinion of the Development Authority:
- A. Occupies the major or central portion of a lot,
 - B. Is the main building on the lot, and/or
 - C. Constitutes the primary use for the lot;
170. **“Main use”** means the primary purpose, in the opinion of the Development Authority, of a building or lot. There shall be only one main use on a lot unless otherwise allowed in this Bylaw;
171. **“Maintenance”** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;
172. **“Manufactured home – single family”** means a single detached dwelling comprised of one or more large factory-built sections that is designed and manufactured to be moved from one point to another by being towed or carried 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 one or more persons. A manufactured home must be manufactured and maintained in full compliance with applicable national and provincial regulations;

173. **“Manufactured home – multi-family”** means a building containing more than one (1) dwelling unit comprised of one (1) or more large factory-built sections. It is manufactured and maintained in full compliance with applicable national and provincial regulations;
174. **“Manufactured home park”** means any lot on which three (3) or more occupied manufactured home units are harboured or are allowed 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;
175. **“Manufactured home subdivision”** means an area which has been separated by legal subdivision into parcels designated for manufactured homes;
176. **“Manufacturing”** means the use of land, buildings or structure for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substances, article, thing or service;
177. **“May”** is an operative word meaning a choice is available, with no particular direction or guidance intended;
178. **“Medical cannabis clinic”** means a health provider that provides patients with education on the therapeutic use of cannabis and may prescribe medical cannabis to patients on an out-patient basis;
179. **“Modular home”** means a dwelling conforming to national and provincial certified standards in place at the time of manufacture, that is designed to be transported to the building site in a single piece or in pieces and assembled on-site on top of a site-constructed basement or foundation but does not include a dwelling that would be considered to be a manufactured home, a recreational travel trailer, a recreational vehicle or a park model unit;
180. **“Motel (or motor inn)”** means a development divided into self-contained sleeping or dwelling units, each with a separate exterior entrance and convenient access to on-site parking. Motels may include food services and personal service establishments.
181. **“Multi-use development”** means a development with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl;
182. **“Multi-unit dwelling”** means a dwelling containing three or more dwelling units;
183. **“Municipal Development Plan”** means the Municipal Development Plan of Smoky Lake County, adopted in accordance with the Act;

184. **“Municipal Planning Commission”** means the Municipal Planning Commission of Smoky Lake County, established in accordance with the County’s Municipal Planning Commission Bylaw and appointed by Council pursuant to that Bylaw;
185. **“Municipality”** means the Smoky Lake County, in the Province of Alberta;
186. **“Natural area”** means an area of land and/or water especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means. Areas such as groomed parks, recreational areas for sports, and schoolyards are not included in this definition;
187. **“Natural resource extraction/processing facility”** means an industry engaged in the extraction and/or processing of natural resources such as clay, sand, gravel, lumber and natural gas, through primary treatment into a raw marketable form and includes asphalt paving plants and concrete producing plants where applicable;
188. **“Neighbourhood commercial development”** means a development where goods and services required by area residents or employees on a day to day basis are provided, bought or sold. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 sq. m (2,960.0 sq. ft). Neighbourhood commercial developments include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, and/or printed matter as well as small personal service shops.
189. **““Neighbourhood convenience (or retail) store”** means a retail store where those goods required by area residents or employees on a day to day basis are the predominant product offered for sale. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m² (2,960.0 ft.²). Typical uses include small food stores, drug stores, and variety stores selling confections, tobacco, groceries, beverages, pharmaceutical and personal care items, and/or printed matter. The design and scale of the building must be compatible in scale and design with the surrounding residential neighbourhood. **This use does not include cannabis retail sales;**
190. **“Neighbourhood park”** includes physical characteristics appropriate for both active and passive recreation uses in a park setting with opportunities for interaction with nature such as trees and plantings. A Neighborhood Park has pedestrian access, and is accessible by bicycle and public transit;
191. **“Neighbourhood shopping centre”** means a group of commercial uses that have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and distinguished from a business area comprising unrelated individual uses that provide commercial services to residents and visitors of the neighbourhood. The design and scale of the shopping centre must be compatible in scale and design with the surrounding residential neighbourhood;
192. **“Non-conforming building”** means a building that is lawfully constructed or lawfully under construction at the date this Bylaw or any amendment thereof affecting the building or land on

which the building is situated becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

193. **“Non-conforming use”** means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction, at the date this Bylaw or any amendment thereof affecting the land or building becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw;
194. **“Occupancy”** means the use or intended use of a building or part thereof for the shelter or support of persons or property;
195. **“Off-street parking”** means an off-street facility for the parking of three or more vehicles;
196. **“Outdoor eating establishment”** means an establishment where food and drink are normally consumed primarily outside but may also be consumed inside the confines of the establishment. **This use does not include cannabis lounges;**
197. **“Parapet wall”** means that part of an exterior, party wall or fire wall extending above the roof line or a wall which serves as a guard at the edge of a balcony or roof;
198. **“Parking facility”** means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;
199. **“Parking space”** means a portion of a lot set aside for the parking of one vehicle;
200. **“Patio”** means any developed surface adjacent to a building which is less than 0.6 m (2.0 ft.) above grade;
201. **“Permitted use”** means the use of land or a building within a specific land use district, for which a development permit shall be issued, with or without conditions, provided the development conforms to the Land Use Bylaw;
202. **“Personal service shop”** means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes barber shops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments and laundry establishments. This does not include health services;
203. **“Place of worship”** means a facility for people to assemble in order to conduct religious services and related educational, philanthropic, or social activities and may include rectories, manses, classrooms, dormitories and accessory buildings;
204. **“Private club or lodge”** means a building or part of a building used exclusively by the members and guests of a club for social, recreational or athletic activities **This use does not include cannabis lounges;**
205. **“Protective and emergency services”** means development wherein those persons or agencies who provide public protection of persons and property from injury, harm, or damage are

accommodated, together with the incidental storage of emergency equipment which is necessary for the local distribution of the services. Typical uses include gas equipment and vehicle storage, police stations, fire stations, and ancillary training facilities;

- 206. “Public or quasi-public services”** means a building used by the public for the purposes of assembly, instruction, or culture, or providing government services directly to the public. It includes government buildings, places of worship, community halls, and recreation facilities. Buildings containing public or quasi-public services may also contain facilities for eating and drinking establishments as an accessory use and, from time to time, part of a building containing public or quasi-public services may be used as an entertainment establishment;
- 207. “Public park”** means any public outdoor land specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, environmentally significant areas, band shells, forest reserve, wildlife sanctuary, greenbelts, conservation areas, buffers, nature interpretation areas, and similar land uses. It includes all natural and man-made landscaping, facilities, sports fields, accesses, trails, buildings and structures consistent with the general purpose of public park land whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. This includes a broad range of accessory uses, including commercial, which serve park users and are compatible with park objectives;
- 208. “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 stream;
 - b) sewage disposal;
 - c) public transportation operated by or on behalf of the municipality;
 - d) irrigation;
 - e) drainage;
 - f) fuel;
 - g) electric power;
 - h) heat;
 - i) waste management;
 - j) telecommunications;

and includes the service, product or commodity that is provided for public consumption, benefit, convenience or use, or as otherwise defined under Part 17 of the Act.

- 209. “Public utility building”** means a building in which the proprietor or a Public Utility maintains its office or offices and/or maintains or stores any equipment used in conjunction with the Public Utility;
- 210. “Real Property Report”** means a legal document that clearly illustrates permanent above ground buildings and registered easements in relation to property boundaries. The document consists of a plan showing the physical improvements with a written report outlining the details of the property, and is signed by a registered Alberta Land Surveyor;

211. **“Recreation, active”** means a mix of uses in a neighborhood park that includes the following facilities or facility types: athletic fields, building or structures for activities, concession, community garden, courses or courts, children's play area, dog play area, or a bike path;
212. **“Recreation, passive”** means a mix of uses in a neighborhood park, undeveloped land or minimally improved lands which includes the following: landscaped area, natural area, ornamental garden, non-landscaped green space, stairway, decorative fountain, picnic area, water body, or trail without recreational staffing;
213. **“Recreational use”** means a development providing for commercial or non-commercial leisure activities located to take advantage of the natural setting. Without restricting the generality of the foregoing, this shall include:
- A. Non facility oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses; and
 - B. Facility oriented recreational activities such as picnic grounds, swimming beaches, boat launches, parks, and other similar uses;

Recreational uses may include, at the discretion of the Development Authority, active and passive recreation;

214. **“Recreation Vehicle”** means a vehicle primarily designed as temporary living quarters for recreational camping or travelling, which either has its own motor power or is mounted onto or drawn by another vehicle.
215. **“Recreational Vehicle – Motorized or Towable”** means a recreational vehicle either built on or as an integral part of a self-propelled motor vehicle chassis combining transportation and living quarters in one unit or designed to be towed by a motorized vehicle (car, van or pickup truck). These recreational vehicles are designed to provide temporary living accommodation for travel, vacation or recreational use, which may include sleeping, kitchen, bathroom and systems for fresh and wastewater, electricity, propane, heating, air conditioning and entertainment. They shall have an overall width not exceeding 2.6 m (8 ft. 6 in.), where the width is the sum of the distance from the vehicle centre-line to the outmost projections on each side (including door handles, water connections, etc.) when the vehicle is folded or stowed away for transit. Such units include motorhomes, travel trailers, fifth-wheel trailers, folding camping trailers and truck campers.
216. **“Recreational Vehicle Park”** means the planned development used for the seasonal short-term use of recreational vehicles with a higher level of service provided than in a campground. The recreational vehicle park shall not be used as year-round storage, or accommodation for residential use. A Recreational Vehicle Park may be developed in association with related recreational activities; such as hiking or riding trails, picnic grounds, boating facilities and playgrounds.
217. **Recreational Vehicle – Park Model Recreational Unit (Also Referred To As A “Cottage Model”)** means a recreational vehicle built on a single chassis mounted on wheels which may be removed. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use and must be connected to those utilities necessary for the

operation of installed fixtures and appliances. This type of recreation vehicle has a width greater than 2.6 m (8 ft. 6 in.) in the transit mode. Park Model

Recreational Units require a special tow vehicle and a special permit to move on the road. They conform to the CSA Z-241 Standard for Park Model Recreational Units or another similar CSA standard to be approved by the Development Authority at its sole discretion.

218. “Recreational Vehicle – Park Model Trailer” means a recreational vehicle designed to be towed by a heavy-duty tow vehicle but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8 ft. 6 in.). This type of recreational vehicle is designed for infrequent towing and is not fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode, it must be connected to local utilities. The Park Model Trailer is built on a single chassis mounted on wheels and has one or more slide-outs and conforms to the CSA Z-240 Standard for Recreational Vehicles or another similar CSA standard to be approved by the Development Authority at its sole discretion.

219. “Recreational Vehicle Sales And Services” means development used for the rental, lease, sale, storage, service, restoration and/or mechanical repair of recreation vehicles, snowmobiles, and all terrain vehicles, and boats.

220. “Recycling depot” means a building in which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products;

221. “Renovation” means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;

222. “Retail store” means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confections, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and/or similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots, are allowed within retail stores. **This does not include developments used for the sale of alcoholic beverages, cannabis, gasoline, heavy agricultural or industrial equipment; vehicle and equipment sales/rentals; or warehouse development;**

223. “Road” means a road as defined in the Act which is not a lane as defined in this Bylaw;

224. “Rodeo grounds or riding arena” means a development providing facilities intended for sporting events which are held primarily for public entertainment. Typical events may include but not be limited to bronco riding, calf roping, horse riding, and steer wrestling;

225. “Row house” means one of a series of houses, often of similar or identical design, situated side by side and joined by common walls;

226. “Rural commercial” means a business establishment located in a rural setting to retail or service goods destined for the immediately surrounding rural area. Notwithstanding the generality of the forgoing, rural commercial uses may include: convenience retail services, minor agricultural

sales and services, as well as bulk fuel, chemical and fertilizer sales. **This use does not include cannabis retail sales or liquor sales/distribution service;**

227. **“Schools, public and private”** means development where educational, training, or instruction occurs under the auspices of a School Authority or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Authority. Public and private schools include the administration offices, storage, and maintenance operations of the School Authority. Public and private schools include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or “charter schools” (and similar schools), and their administrative offices and maintenance facilities;
228. **“Secondary commercial”** means a commercial use that is secondary or subordinate to the primary use on the site;
229. **“Senior citizens home”** means any home for senior citizens sponsored and administered by any public agency or any service club, church, or other organization, either of which obtains its financing from federal, provincial or municipal governments or agencies, or by public subscription or donation, or by any combination thereof, and many includes accessory uses such as club and lounge facilities, usually associated with senior citizens developments;
230. **“Secondary suite”** means an additional separate dwelling unit on a property that would normally accommodate only one dwelling unit. A secondary suite is considered “secondary” or “accessory” to the primary residence on the parcel. It normally has its own entrance, kitchen, bathroom and living area;
231. **“Servicing establishment”** means a development used or intended to be used for any of the following: the servicing or repairing of motor vehicles, the sale of gasoline, the sale of lubricating oils and other automotive fluids, accessories for motor vehicles, and a towing service dispatch point;

232. **“Setback”** means the minimum perpendicular distance that a development must be set back from the front, side, or rear property lines and the nearest point on the exterior wall of a building on the lot (see **Figures 9 and 10**);

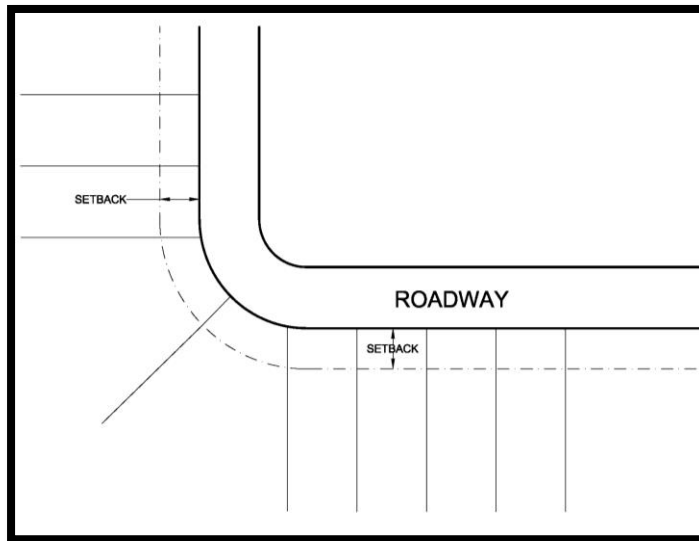


Figure 9: Setback Definition Diagram A

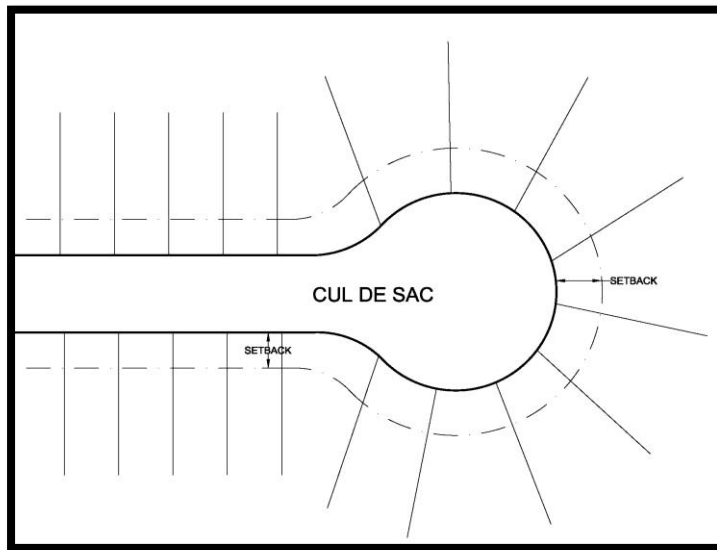


Figure 10: Setback Definition Diagram B

233. **“Shipping container”** means a container which is used as a storage vault and includes sea/land/rail containers;
234. **“Shopping centre”** means a group of commercial uses that have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and distinguished

from a business area comprising unrelated individual uses, that provides commercial services to residents and visitors;

- 235. **“Shall”** is an operative word which means the action is obligatory;
- 236. **“Should”** is an operative word which means that in order to achieve local goals and objectives, it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;
- 237. **“Sign”** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event;
- 238. **“Sign, canopy”** means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy (see **Figure 11**);



Figure 11: Canopy Sign

- 239. **“Sign, fascia”** means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.1 m (0.33 ft.) from the surface of the building, and does not project above the roof or parapet (see **Figure 12**);

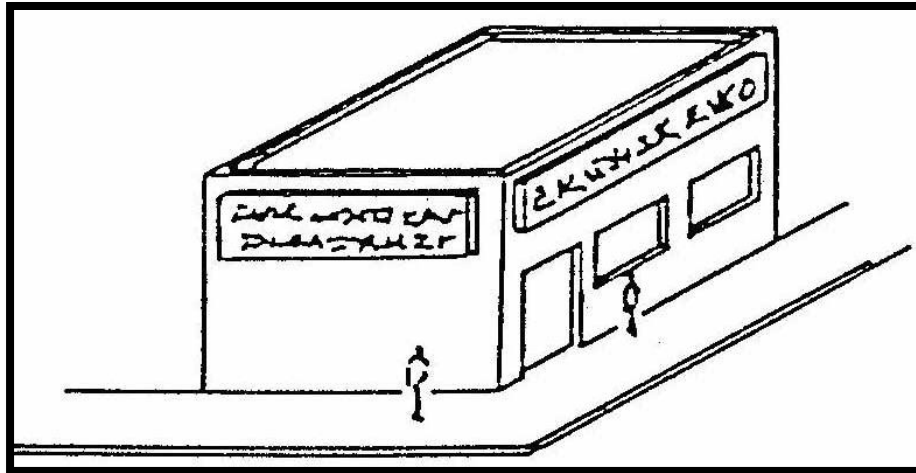


Figure 12: Fascia Sign

240. **“Sign, freestanding”** means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure (see **Figure 13**);

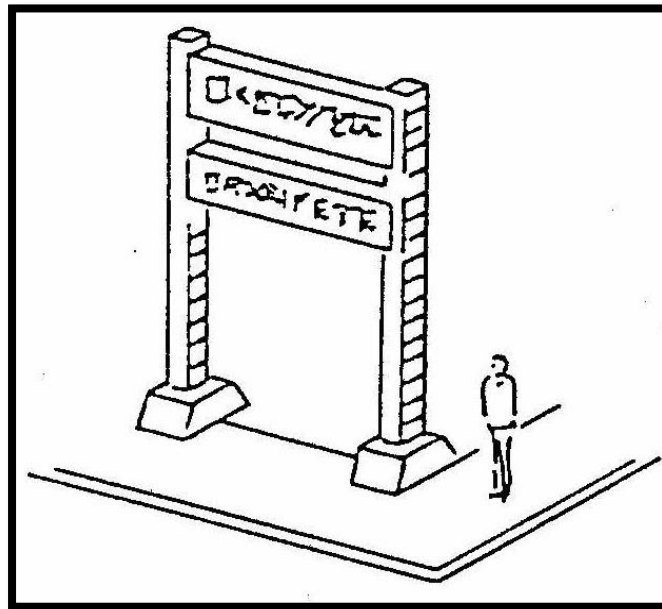


Figure 13: Freestanding Sign

241. **“Sign, offsite”** means a sign that advertises goods, products, services or facilities not available on the site where the sign is located, and which may also direct persons to another location;
242. **“Sign, projecting”** means a sign affixed to a building or part thereof and extending beyond the building by more than 0.3 m (1 foot). This does not include a sign attached to the ground;
243. **“Sign, roof”** means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall (see **Figure 14**);

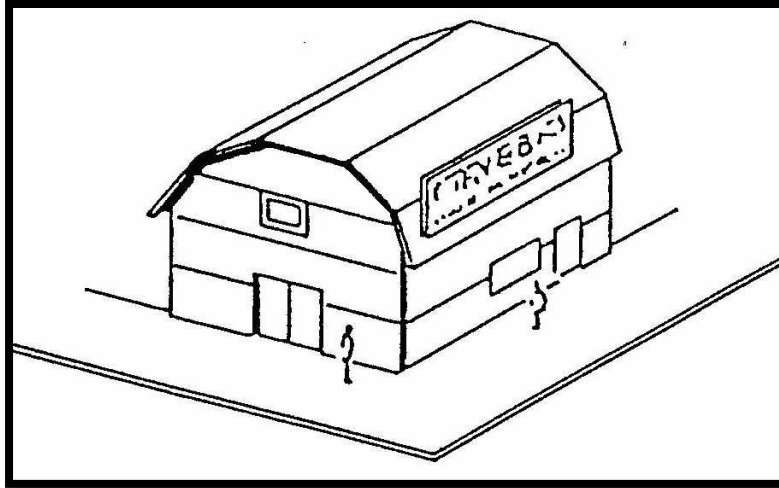


Figure 14: Roof Sign

244. **“Sign, temporary or portable”** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually (see **Figure 15**);

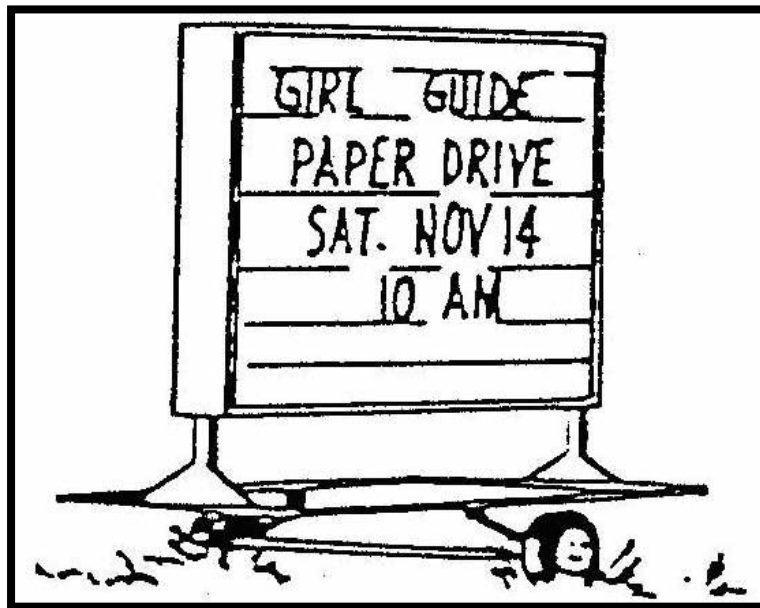


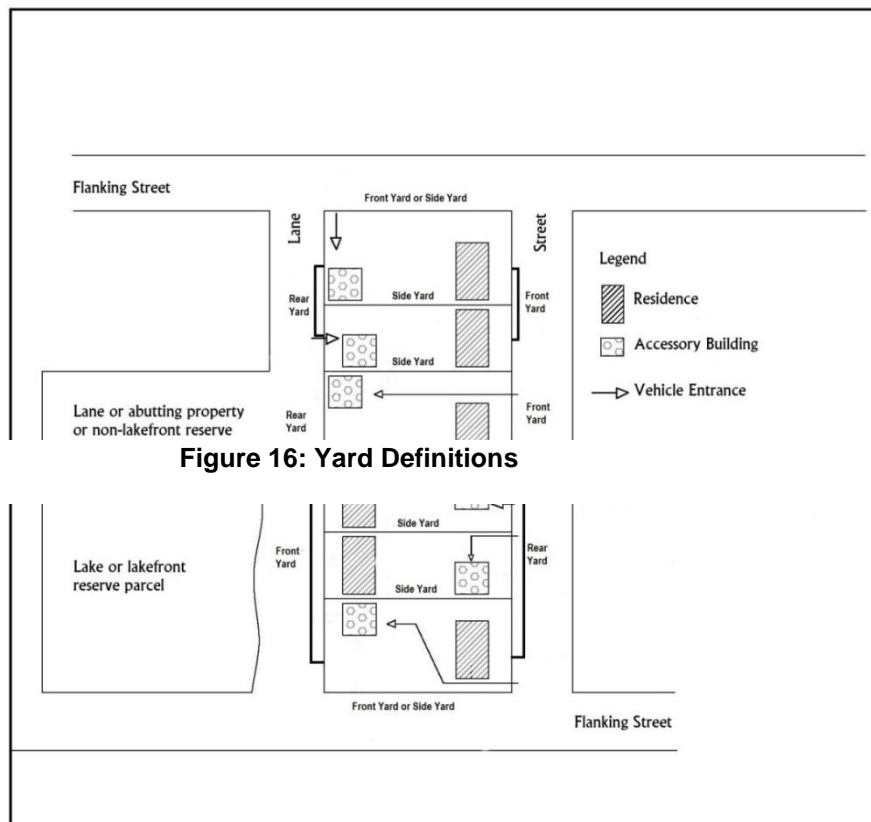
Figure 15: Temporary/Portable Sign

245. **“Sign, under canopy”** means a sign which is attached to the bottom surface or edge of a canopy;
246. **“Similar use”** means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;
247. **“Solar array”** means multiple solar panels use in conjunction to produce electricity;

248. **“Solar energy conversion system”** means a system comprising of solar panels and associated control or conversion electronics, which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and which may or may not be intended or used to produce power for resale.
249. **“Solar panel, free standing”** means a device which is used to convert energy contained within the sun’s rays into electricity, which is not mounted or attached to any other structure for support;
250. **“Solar panel, roof mounted”** means a device which is used to convert energy contained within the sun’s rays into electricity, which is located, mounted, or attached to the roof of a structure;
251. **“Site built”** means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials;
252. **“Stall”** means a portion of a manufactured home park on which a manufactured home may be placed;
253. **“Storage use”** means the primary use of a building or other structure for the storing of goods or materials;
254. **“Storey”** means the habitable space between the upper face of one floor and the ceiling or next floor above it. A basement or cellar shall be considered a storey if the upper face of the floor above it is more than 1.8 m (5.9 ft.) above grade;
255. **“Subdivision Authority”** means a Subdivision Authority established pursuant to the Act;
256. **“Subdivision and Development Appeal Board”** means a Subdivision and Development Appeal Board established and appointed for Smoky Lake County pursuant to the Act;
257. **“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 land use district in which the lot is located;
258. **“Surveillance suite”** means a single detached dwelling used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts in which surveillance suites are listed either as a permitted or discretionary use. The single detached dwelling shall form part of the development with which it is associated and clearly be a subordinate use of the parcel on which it is located;
259. **“Temporary building”** means a building that has been approved for a limited time only;
260. **“Temporary use”** means a use that has been approved for a limited time only;
261. **“Transfer station”** means a development where waste is temporarily stored in bins or other facilities for trans-shipment to other locations;
262. **“Turbine”** refers to the parts of a WECS system including the rotor, generator, and tail;

263. **"Unsubdivided quarter section"** means a quarter section which has had no lands removed from it other than for road, the Iron Horse Trail or railroad purposes;
264. **"Urban municipality"** refers to the Town of Smoky Lake, the Village of Vilna, and the Village of Waskatenau, either solely or collectively;
265. **"Use"** means a use of land or a building as determined by the Development Authority;
266. **"Utility building"** means a building which contains the offices or any equipment used in connection with a public utility;
267. **"Vacant parcel"** means a parcel either subdivided or to be subdivided for residential purposes which is currently is not developed for residential use or has never been developed for residential use;
268. **"Value added agriculture"** means an agricultural industry which economically adds value to a product by changing it from its current state to a more valuable state;
269. **"Vehicle, heavy"** means any vehicle, with or without a load, that exceeds a maximum gross vehicle weight rating of Class 3 or higher as designated by the Canadian Transportation Equipment Association (4537 kg or 10,000 lbs.), or a bus with a designated seating capacity of more than ten (10). Heavy vehicles do not include recreational vehicles;
270. **"Walkways and trails"** mean an area used for non-vehicular multi-modal transportation and/or recreational travel;
271. **"Warehouse"** means the use of a building or part of a building for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard;
272. **"Wind energy conservation system, large"** means one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 kW and may:
- A. be over 125.0 ft. total height; and/or
 - B. produce electrical power for re-sale;
273. **"Wind energy conservation system, micro"** means a small-scale wind turbine, which is small is height and diameter and can be installed on the roof of a building or structure;
274. **"Wind energy conservation system, small"** means a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale;
275. **"Wind turbine tower"** refers to the guyed or freestanding structure that supports a wind turbine generator;

276. **“Wind turbine tower height”** means the height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor;
277. **“Workcamp”** means a temporary residential complex used to house camp workers for a contracting firm or project on a temporary basis of more than four (4) months and less than one (1) year. The camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities;
278. **“Workcamp, short term”** means a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. For the purposes of this definition, temporary means for a period of up to four (4) months in total duration either consecutively or non-consecutively;
279. **“Yard”** means a required open area unoccupied and unobstructed by any building or portion of a building above the general ground level of a lot, unless otherwise allowed in this Bylaw (see **Figure 16**);



280. **“Yard, front”** means that portion of a lot extending across the full width of the lot from the front line to the exterior wall of the specified building (see **Figure 16**);

- 281. “Yard, lake front lot”** means the yard extending across the full width of a lake-front lot and situated between the lot line closest to the lake and the front wall of the main building (see **Figure 16**);
- 282. “Yard, rear”** means that portion of a lot extending across the full width of the lot from the rear line to the exterior wall of the specified building (see **Figure 16**);
- 283. “Yard, side”** means that portion of a lot extending from the front yard to the rear yard and lying between the side line and the exterior wall of the specified building (see **Figure 16**);

and all other words and expressions have the meanings respectively assigned to them in the Act.

Examples listed in a use definition are not intended to be exclusive or restrictive.

1.8 DEFINITIONS NOT PROVIDED

1. In instances where specific lands uses:
 - A. Do not conform to the wording of any land use; or
 - B. Generally conform to the wording of two or more land uses;

The Development Authority Officer shall use his/her discretion to include these land uses in a land use category that is most appropriate in character and purpose.

1.9 DEVELOPMENT AUTHORITY

1. The Development Authority of Smoky Lake County shall be as established by the municipality's Development Authority Bylaw.
2. The Development Authority shall perform such duties that are specified in this Bylaw, and shall also, among other things:
 - A. Keep and maintain for the inspection of the public during all regular hours, a copy of the Bylaw and all amendments thereto; and
 - B. Keep a register of all applications for development including the decisions thereon and the reasons therefore.
3. For the purpose of the Act, the Development Authority or their designate(s) is/are hereby declared to be a Designated Officer of Council.

1.10 DEVELOPMENT AUTHORITY OFFICER

1. The Development Authority Officer shall be appointed by resolution of Council.
2. The Development Authority Officer shall perform such duties as specified in this Bylaw.

3. The Development Authority Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by the Development Authority or by the Development Authority Officer.
4. The Development Authority Officer shall keep and maintain for the inspection of the public during all regular hours, a copy of the Bylaw and all amendments thereto, and keep a register of all applications for development, including decisions.
5. In addition, the Development Authority Officer may have other duties as directed by Council.

1.11 MUNICIPAL PLANNING COMMISSION

1. The Municipal Planning Commission shall be established by the municipality's Municipal Planning Commission Bylaw.
2. Members of the Municipal Planning Commission shall be appointed by resolution of Council.
3. The Municipal Planning Commission shall decide upon all development permit applications referred to it by the Development Authority Officer.
4. The Municipal Planning Commission may:
 - A. Provide recommendations for subdivision proposals to the Subdivision Authority; and
 - B. Perform such other duties as described or implied in this Bylaw or as may be assigned to it by Council.

1.12 SUBDIVISION AUTHORITY

1. The Subdivision Authority established by the municipality's Subdivision Authority Bylaw shall perform such duties as are specified in this Bylaw and by the Act. The Subdivision Authority shall be appointed by resolution of Council.

1.13 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

1. The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in this Bylaw.

1.14 COUNCIL

1. The Council of Smoky Lake County shall perform such duties as are specified for it in this Bylaw.

2 DEVELOPMENT PERMITS, RULES, AND PROCEDURES

2.1 CONTROL OF DEVELOPMENT

1. No development other than that designated in **Section 2.2** of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

2.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. All development undertaken in Smoky Lake County requires an approved development permit prior to commencement, except the following developments which shall not require a development permit provided that they conform to all other provisions of this Bylaw:
 - A. works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
 - B. the completion of development lawfully commenced before passage of this Bylaw, or amendments thereto, provided that:
 - i. the development is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and
 - ii. the development is completed within the time limit requirements of such a permit or within 12 months from the date of issuance;
 - C. the use of a development referred to in **subsection (B)** for the purpose for which development was commenced;
 - D. the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the development authority;
 - E. the installation, maintenance, or repair of public works, services and utilities carried out by or on behalf of the Crown, federal, provincial and municipal public authorities on land that is publicly owned or controlled. This excludes private development on Crown land or on land that is publicly owned or controlled;
 - F. advertisement or signs in relation to the function of Local Authorities, Utility Boards or other public or quasi-public bodies;
 - G. an accessory building or structure with a gross floor area of under 18.0 sq. m (193.8 sq. ft.) that meets the minimum required yard and setback requirements indicated in this Bylaw, but not including a wind energy conversion system unless the system is specifically related to only one (1) dugout;
 - H. signs posted or exhibited in a building;

- I. signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
- J. a statutory or official notice of a function of Smoky Lake County;
- K. traffic signs authorized by Smoky Lake County and/or Alberta provincial authorities;
- L. a sign exhibited solely to identify the land or building on which it is displayed, or to direct visitors to a specific occupant of a building, if the sign does not exceed 0.19 sq. m (2.0 sq. ft.) in area and conforms with all other orders, bylaws and regulations affecting such signs;
- M. temporary advertisement relating to the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character not exceeding 2.97 sq. m (32.0 sq. ft.) provide that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisement relates;
- N. a maximum of two (2) signs relating to the sale, lease or rental of the building or parcel on which they are located provided that, in the opinion of the Development Authority, they do not constitute a hazard to persons using the public road or reduce the amenity of an adjacent parcel and provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisements relate;
- O. the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - i. such signs are removed within seven (7) days after the election date;
 - ii. the consent of the property owner is obtained;
 - iii. such signs do not obstruct or impair vision or traffic; and
 - iv. such signs are not attached to fences, trees, or utility poles; and such signs indicate the name and address of the sponsor and the person responsible for removal;
- P. signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to a residential hotel, apartment block, club or similar institution, not exceeding 1.1 sq. m (12.0 sq. ft.) which are:
 - i. not illuminated; and
 - ii. limited to one (1) sign per parcel;
- Q. the erection or placement of a satellite dish less than 1.0 m (3.3 ft.) in diameter;
- R. the parking or storage, or both, of up to two (2) recreational vehicles on any lot;
- S. the construction of a private driveway;

- T. subdivision entrance signs which were identified within a development agreement and developed as part of the approval of a subdivision application;
- U. fences in the Agriculture District(s), provided the requirements of **Section 7.7** are satisfied;
- V. the erection or construction of gates, fences, walls or other means of enclosure less than 1.0 m (3.3 ft.) in height in front yard and less than 2.0 m (6.6 ft.) on side and rear yard does not require a development permit. This includes the erection or construction of gates, fences, walls or other enclosures less than 1.0 m (3.3 ft.) within 6.0 m (20.0 ft.) of the intersection of lanes, streets or a street and lane. The erection of any enclosures (fences, gates, walls) greater in height than figures alluded to in this section shall not be permitted unless a development permit is applied for and issued;
- W. landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot for the purposes of providing vehicular access from a road to an attached or detached garage or carport, provided that such hard-surfacing does not exceed 7.5 m (24.6 ft.) in width, on parcels of land under 4,645.2 sq. m (50,000 sq. ft.);
- X. an unenclosed patio that meets the minimum distance requirements outlined in **Section 6.14** of this Bylaw;
- Y. development within a basement which does not change or add to the uses within a dwelling;
- Z. trappers' cabins on Crown Land;
- AA. the erection or placement of a Communication Antenna Facility.
- BB. the repair or replacement of a building that is destroyed by an act of God or fire providing:
 - i. the original building was not a non-conforming use;
 - ii. the original building was a permitted use; and
 - iii. the replacement building will be located in the same location, same size and foot print, used for the same purposes as the original.
- CC. on parcels of land exceeding 32.38 ha (80.0 ac.), used for extensive agricultural purposes:
 - i. the carrying out of construction, excavation or other operations requisite for the continued use of that land for extensive agricultural purposes including:
 - a. the planting of shelter belts or trees;
 - b. the construction of water wells; and

the construction of farm buildings provided that the landowner certifies, in a form acceptable to the Development Authority, that the development shall be used for extensive agricultural purposes. However, the foregoing shall not apply to any building or other structure, other than a fence, to be erected within 38.1 m (125.0 ft.) of the centre line of any surveyed municipal road right-of-way or closer than the

setback requirements established in **Section 6.18** of this Bylaw, nor to the development of any dwelling or garage; nor within 121.9 m (400.0 ft.) of a river, stream, creek, or lake;

- ii. a minor home occupation;
- iii. the development of land for a confined feeding operation or a manure storage facility within the meaning of the Agricultural Operation Practices Act if the confined feeding operation or the manure storage facility is the subject of an approval, registration or authorization under the Agricultural Operation Practices Act;
- iv. personal use of tennis courts and above ground swimming pools or hot tubs, where there is an existing permanent dwelling;
- v. activities and uses associated with temporary oil and gas exploration as per the Act; or
- vi. the demolition or removal of any building or structure.

DD. on parcels larger than 0.8 ha (2.0 ac) in area in the Agriculture (AG) District and the Victoria Agriculture (A1) District, the placement of up to a maximum of two (2) shipping containers.

2.3 NON-CONFORMING BUILDINGS AND USES

1. A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the regulations of the Land Use Bylaw then in effect.
2. The 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, shall not be enlarged or added to and no structural alterations shall be made thereto or therein unless specifically authorized by the Development Authority pursuant to the Act, and in accordance with the variance provisions set forth in this Bylaw.
3. A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings shall be erected upon the parcel while the non-conforming use continues.
4. A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - A. as may be necessary to make it a conforming building; or
 - B. as the Development Authority considers necessary for the routine maintenance and ongoing use of the building;
 - C. as specifically authorized by the Development Authority pursuant to the Act, and in accordance with the variance provisions set forth in this Bylaw.
5. Pursuant to the Act, when:

- A. on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued; and
 - B. the enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building; the development permit continues in effect.
- 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 shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- 7. The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

2.4 GENERAL DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

- 1. An application for a development permit shall be made to the Development Authority in writing, on the application form provided by the municipality and shall be accompanied by:
 - A. a site plan, to scale, showing the legal description; north arrow; location and dimensions of property lines; existing utility rights-of-way and easements; fences; driveways; paved areas; proposed front, rear, and side yard setbacks, if any; any provisions for off-street loading and vehicle parking; access and egress points to the site; and any encumbrance such as rights-of-way;
 - B. existing and proposed building dimensions;
 - C. the location of abandoned wells (if applicable), location of water bodies (if applicable), and the location of developed and undeveloped roads (if applicable);
 - D. the type and location of water supply and sewage and waste water disposal facilities;
 - E. a statement of uses;
 - F. a statement of ownership of the land and the interest of the applicant therein;
 - G. the signatures of at least one of the registered landowners listed on the Certificate of Title;
 - H. the estimated commencement and completion dates;
 - I. the estimated cost of the project or contract price;
 - J. an application fee as established by resolution of Council;
 - K. a letter from the registered owner authorizing the right-of-entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed development;

- L. in the case of an application for a development permit on Crown Land Provincial authorization for the development; and
 - M. any other information as required by the Development Authority.
2. The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
- A. floor plans;
 - B. elevations and sections of any proposed buildings;
 - C. a Real Property Report, or other documentation indicating the exact location of all structures on the property (prepared within the last five (5) years), in a form that is acceptable to the Development Authority;
 - D. drainage, grading and landscaping plans which provide pre- and post-construction site elevations;
 - E. a storm water management plan approved by Alberta Environment and Sustainable Resource Development (or other appropriate provincial authority);
 - F. a geotechnical report prepared, stamped and signed by a qualified professional registered in the Province of Alberta in potentially hazardous or unstable areas;
 - G. a biophysical assessment prepared, stamped and signed by a qualified professional, registered in the Province of Alberta, on the impacts of the proposed development on wildlife habitat or natural environments;
 - H. a reclamation plan for aggregate extraction or site grading and excavation;
 - I. an environmental assessment to determine potential contamination and mitigation;
 - J. in the case of the placement of on already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located;
 - K. a hydro-geological assessment, prepared, stamped and signed by a registered professional engineer or hydro-geologist, registered in the Province of Alberta, of any potential flooding or subsidence hazard that may, in the sole opinion of the Development Authority, affect the subject site;
 - L. a site plan detailing how vegetation, topography disturbance or erosion is to be minimized;
 - M. an environmental impact assessment describing a development's potential environmental effects;
 - N. within the Garner Lake Area Structure Plan area, a landscaping plan;

- O. a Cumulative Effects Assessment;
- P. the identification of all right-of-ways and easements within or abutting the subject property; and/or

and any additional information as the Development Authority deems necessary.

3. When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. An incomplete application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.
4. The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.
5. All applications for development permits on sites adjacent to another municipality shall be submitted to the other municipality for comments prior to rendering a decision. The Development Authority shall not be bound by the recommendation of the other municipality.
6. In the case of an application for a Development Permit on Crown Land, the County will require Provincial authorization prior to the issuance of a Development Permit.

2.5 INDUSTRIAL DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

1. In addition to the information requirements indicated in **Section 2.4**, each application for industrial development shall be accompanied by the following information:
 - A. type of industry;
 - B. estimated number of employees;
 - C. estimated water demand and anticipated source;
 - D. estimated increase of noise;
 - E. estimated air emissions;
 - F. type of effluent and method of treatment;
 - G. transportation routes to be used (rail and road);
 - H. reason for specific location;
 - I. means of solid waste disposal;
 - J. any accessory works required (pipeline, railway spurs, power lines, etc.);
 - K. anticipated residence location of employees;

- L. municipal servicing costs associated with the development;
- M. physical suitability of site with respect to soils, slopes and drainage;
- N. if a subdivision is involved, the size and number of parcels and proposed phasing (if any);
- O. servicing requirements and provisions for meeting them;
- P. costs associated with providing new or upgraded municipal services associated with the development;
- Q. Heritage Resources Impact Assessment or a letter from the appropriate provincial authority indicating that a Heritage Resources Impact Assessment is not required.

and/or any other information as may be reasonably required by the Development Authority.

2. In addition to the information requirements indicated in **Section 2.4** of this Bylaw, the Development Authority may require, for a proposed industrial use, the provision of environmental assessment information, risk assessment and a cumulative effects assessment to assist the County in assessing the effect of the proposed development in relation to the working and cultural landscapes within the County and indicate both if and how any negative matters can be mitigated.
3. In addition to the information requirements indicated in **Section 2.4** and **2.5**, the Development Authority may require an applicant for a subdivision or development permit for **Cannabis Production and Distribution** to submit any or all of the following information, prepared by a qualified professional, with the application:
 - A. Waste Management Plan;
 - B. Environmental Assessment;
 - C. Traffic Impact Assessment;
 - D. Water/Wastewater Report;
 - E. Storm Water Management Plan; and/or
 - F. Any additional study or assessment necessary to address specific concerns at the discretion of the Subdivision or Development Authority.
4. In addition to the information requirements indicated in **Section 2.4** and **2.5**, the Development Authority or Subdivision Authority may require an applicant for subdivision or a development permit for the development of an **Industrial Hemp Production and Distribution Facility** to provide the following information, prepared by a qualified professional, with the application:
 - A. Waste Management Plan;
 - B. Environmental Assessment;
 - C. Traffic Impact Assessment;
 - D. Water/Wastewater Report;
 - E. Storm Water Management Plan; and
 - F. Any additional study or assessment necessary to address specific concerns identified by the Development Authority and/or Subdivision Authority in the course of their review of the application.

2.6 COMMERCIAL & RECREATION DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

1. In addition to the information requirements indicated in **Section 2.4** of this Bylaw, the Development Authority shall require each application for a commercial or recreational development to be accompanied by the following information:
 - A. physical suitability of site with respect to soils, slopes and drainage;
 - B. the size and number of parcels and proposed phasing (if any);
 - C. infrastructure and utility servicing requirements and provisions for meeting them;
 - D. potential long term costs of proposed costs associated with providing new or upgraded municipal services associated with the development;
 - E. the requirements and provisions for employee and customer parking and for site access;
 - F. a landscaping plan;
 - G. cross-sections and elevations for each building; and
 - H. a list of proposed uses.
2. In addition to the information requirements indicated in Section 2.4, the Development Authority or Subdivision Authority shall require an applicant for subdivision or a development permit for **Cannabis Retail Sales**, to include with the application the following information:
 - a. A. a map identifying the distance from the proposed development to all property boundaries of:
 - i. buildings containing a school or a boundary of a parcel of land on which a school is located;
 - ii. parcels of land that are designated as School Reserve or Municipal and School Reserve under the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - iii. provincial health care facilities or the boundary of a parcel of land on which the facilities are located; and
 - iv. any other development or land use required by the Alberta Gaming, Liquor, and Cannabis Commission;

2.7 NATURAL RESOURCE EXTRACTION DEVELOPMENT PERMIT REQUIREMENTS

1. In addition to the information requirements indicated in **Section 2.4** and **Section 7.16** of this Bylaw, the Development Authority shall require, where not required to do so by the Province, that each application be accompanied by the following information:

- A. a reclamation plan and a statement indicating the projected final use of the site. In those cases where the proponent is required to do so by the Province, the proponent shall submit a copy of the reclamation plan to the County;
- B. for Class I Pits on Private Land (5 ha. (12.5 ac.) or greater in area): proof of approval from Environment and Sustainable Resource Development;
- C. for Class II Pits on Private Land (under 5 ha. (12.5 ac.) in area): a reclamation deposit in the amount of \$2,000 per acre for each acre of land within the working pit;
- D. the developer shall be responsible to ensure compliance with all applicable federal and provincial legislation and regulations.
- E. all natural resource extraction development permits shall be considered temporary developments as specified by the Development Authority.
- F. statement indicating the number of years the pit is proposed to be in operation;
- G. anticipated generation of motor vehicle traffic estimated on a daily, weekly or monthly basis;
- H. number of vehicles that will be used in the hauling of materials and the proposed hauling route to and from the site;
- I. type and number of equipment to be used for each activity to be carried out on the site;
- J. access locations to and from the site, including roads and highways, and anticipated traffic generation on each of the roads and highways resulting from the development;
- K. dust control measures to be implemented, including the suppressant materials or methods to be used either on the pit floor and on stockpiles as well as the proposed frequency of application;
- L. projected impacts of dust or emissions (asphalt, gravel crushing, concrete or other) and the methods to be used for controlling such dust or emission;
- M. proposed frequency for cleaning settled dust from, in and around gravel crushing plants;
- N. provisions for loading and parking;
- O. descriptions of any noxious, toxic, radioactive, flammable or explosive materials to be stored or used on the site;
- P. location of garbage and storage areas and proposed fencing and screening for the same, as well as the proposed method for disposing of garbage;
- Q. provision of a written security plan that identifies potential dangerous situations, area and typical procedures to be used for monitoring the site during periods of activity and also when activity on the site is suspended;

- R. proposed methods to be used to restrict public access, protect wildlife, neighbouring livestock and domestic animals;
 - S. quality and quantity of well water and soil tests for the water systems that may be used in conjunction with the proposed development;
 - T. amount of water required for the proposed development on a daily, weekly or monthly basis and the proposed water source;
 - U. engineering studies which demonstrate the suitability of the proposed method of water supply;
 - V. engineering studies which demonstrate the suitability of the proposed method of effluent disposal;
 - W. engineering studies which demonstrate the suitability of the proposed method of surface water management;
 - X. method proposed for controlling noise, dust and drainage from the site both during and after completion of the operation;
 - Y. profiles and cross sections showing the original ground level, the proposed depth of any excavation, the finished grade elevation, the depth of the over-burden and water table elevations;
 - Z. the method intended to be used for excavation of the materials contained within the land, backfilling, terracing, compacting, leveling, reclaiming the site and equipment to be used in connection therewith;
 - AA. the method to be used for supporting pit walls;
 - BB. size, number and location of stockpiles of topsoil, overburden and gravel;
 - CC. proposed days and hours of operation for each activity and any known or regularly anticipated periods of inactivity;
 - DD. if the proposal is located within the heritage overlay area, then a Historic Resource Impact Assessment and/or clearance from the Alberta Culture and Community Spirit; and
 - EE. where an asphalt paving plant or concrete producing plant is proposed, a signed statement indicating that the proposed development conforms to the current Code of Practice for asphalt paving plants or concrete producing plants.
2. Without limiting the requirements of the Development Authority, the proponent will also be required to enter into:
- A. a haul road agreement with the County; and
 - B. a development agreement with the County.

2.8 EXCAVATION AND STRIPPING OF LAND DEVELOPMENT PERMIT REQUIREMENTS

1. In addition to the information requirements indicated in **Section 2.4** of this Bylaw, the Development Authority shall require each application for the excavation, stripping or grading of land proposed without any other development on the same land, to be accompanied by the following information:
 - A. location and area of the site where the excavation is to take place;
 - B. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
 - C. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
 - D. identification of potential for outdoor noise and the discharge of substances into the air;
 - E. a reclamation plan – including information regarding the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site; and
 - F. potential long term costs of new or upgraded municipal services associated with the development.

2.9 WIND ENERGY CONVERSION SYSTEM DEVELOPMENT PERMIT REQUIREMENTS

1. In addition to the information requirements indicated in **Section 2.4** of this Bylaw, the Development Authority shall require each application for a wind energy conversion system to be accompanied by the following information:
 - A. a fully dimensioned, scaled site plan showing and labeling the information including the location of overhead utilities on or abutting the subject site, contours of the land, and access roads;
 - B. a visual representation including scale elevations, photographs and/or digital information of the proposed wind energy conversion system showing total height, tower height, rotor diameter, colour, and the landscape;
 - C. the manufacturer's specifications for the wind energy conversion system, including:
 - i. the system's rated output in kilowatts,
 - ii. safety features and sound characteristics, and
 - iii. type of material used in tower, blade, and/or rotor construction;
 - D. an analysis of the potential for noise at:
 - i. the site of the installation,
 - ii. the boundary of the lot containing the development, and
 - iii. any habitable dwelling within 2.0 km (1.2 miles) of the subject site;

- E. a report regarding any public information meetings or other processes conducted by the developer;
- F. any impacts to the local road system including required approaches from public roads having regard to County standards;
- G a preliminary reclamation/decommissioning plan; and
- H. appropriate reports and/or approvals from:
 - i. Alberta Energy and Utilities Board,
 - ii. Transport Canada,
 - iii. NavCanada,
 - iv. Alberta Community Development, and
 - v. Alberta Environment and Alberta Sustainable Resource Development.

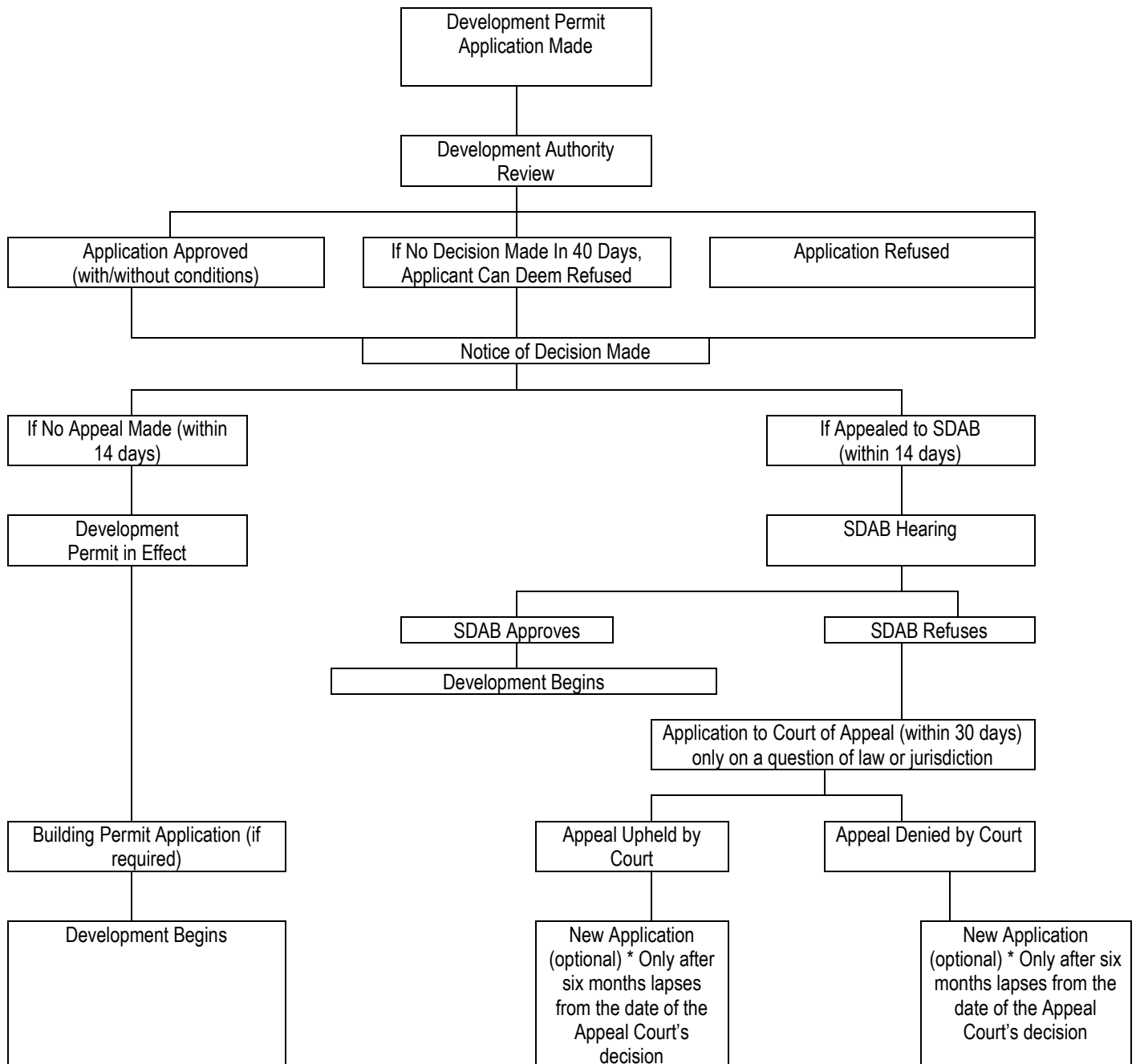


Figure 14: Development Permit Process

Note: This diagram is not adopted as part of this Bylaw.

2.10 REFERRAL OF APPLICATION

1. Historical or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with Provincial legislation and regulations.
2. In addition to any sites identified in (1) above, an application for a development permit which may, in the opinion of the Development Authority, impact on any historical or archaeological site identified pursuant to (1) above within the County will be submitted to the Smoky Lake County Regional Heritage Board and Alberta Culture and Community Spirit for comment.
3. All subdivision proposals and all applications for discretionary development permits or where a variance is provided within the Heritage Overlay shall be forwarded to the Smoky Lake County Regional Heritage Board for comment.
4. All subdivision proposals and all applications for discretionary development permits or where a variance is provided within the Heritage Overlay shall be forwarded to the Victoria Home Guard Historic Society.
5. Development permit applications within 800.0 m (2640.0 ft.) of the right-of-way of a provincial highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comment.
6. Development permit applications for uses within 3.2 km (2.0 miles) of a confined feeding operation may be referred to the County Agricultural Fieldman for comments and for assistance in calculating any necessary development setback distance.
7. All subdivision proposals and all applications for significant discretionary development permits within 3.2 km (2.0 miles) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a development permit being issued or a subdivision being approved.
8. The Development Authority may refer any application for a development permit prior to making a decision on the application to any other person, agency, or organization as deemed necessary or suitable by the Development Authority.

2.11 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

1. The Development Authority Officer shall:
 - A. receive and review all applications for development permits;
 - B. refer their recommendations to the Municipal Planning Commission for its consideration and decision regarding all applications for a discretionary use;
 - C. refer with his/her recommendations to the Municipal Planning Commission for its consideration and decision all applications for a development permit for a permitted use which do not comply with all of the regulations of this Bylaw;
 - D. refer to the Council for its consideration and decision all applications for a discretionary use or any development permit application within a Direct Control (DC District); and

- E. consider and decide on all other applications for development permits;
 - F. shall issue decisions for development applications for those uses listed in Direct Control Districts when directed to do so by Council.
2. In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions he/she considers appropriate, approve the application permanently or for a limited period of time, or refuse the application.
5. The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
6. In approving an application for a development permit, the Development Authority may impose the condition that the approved development be allowed to operate for a limited period of time, which shall be specified on the permit, and that upon the expiry of such time the use allowed shall be discontinued and any buildings that were erected as a result of the development permit shall be removed, and the site restored to its original condition prior to the issuance of the development permit.
7. The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
- A. the proposed development would not:
 - i. unduly interfere with the amenities of the neighbourhood; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - B. the proposed development conforms with the use prescribed for that land or building in this Bylaw.
8. When a development permit application is refused, the Development Authority shall not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal unless the reason(s) for the refusal have been rectified to the satisfaction of the Development Authority. However, when an application has been deemed refused as per **subsection (7)** below the Development Authority may accept a new application without waiting six (6) months after the date of the refusal.

9. An application for a development permit shall be deemed to be refused when a decision is not made by the Development Authority within forty (40) days after receipt and acceptance of the completed application by the Development Authority unless an agreement to extend the forty (40) day period is established between the applicant(s) and the Development Authority.
8. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal, the time period within which an appeal can be made, and to whom the applicant may appeal, if so desired.
9. Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has received a level of approval satisfactory to both the Subdivision Authority and the Development Authority.
10. The Development Authority may suspend or revoke a development permit:
 - A. at any time, where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant;
 - B. if the conditions of the approval of the development permit have not been complied with or cease to be complied with;
 - C. if requested to do so by the applicant; or
 - D. within 14 days of issue of the permit, where the permit was issued in error.

2.12 POWERS OF VARIANCE

1. In addition to the requirements of **Section 2.4**, when an application for a Development Permit application is submitted for a Permitted or Discretionary Use which does not comply with the provisions of the Bylaw, the Development Authority may request a statement from the applicant identifying the following:
 - A. that the applicant is aware that the proposed development requires a variance of this Land Use Bylaw; and
 - B. why the proposed development cannot satisfy the provisions of this Bylaw and therefore requires the proposed variance.
2. The Development Authority may approve or conditionally approve a permitted or discretionary use that does not conform to this Land Use Bylaw if, in the opinion of the Development Authority the proposed development would not:
 - A. unduly interfere with the amenities of the neighbourhood;
 - B. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and

- C. the proposed development conforms with the use prescribed for that land or building in this land use bylaw.
3. Development Permit applications that propose a variance from the provisions of this land use bylaw in excess of 25% will be referred by the Development Authority Officer to the Municipal Planning Commission.

Note: Use and density provisions cannot be varied by the Development Authority. If a proposed development does not conform to the use and density requirements within the applicable district then a Land Use Bylaw amendment will be required prior to development approval.

2.13 VALIDITY OF DEVELOPMENT PERMITS

1. When a development permit has been granted by the Development Authority, it shall not be valid unless and until the conditions of the permit, save those of a continuing nature, have been fulfilled and no notice of appeal has been served on the Subdivision and Development Appeal Board within the appeal period.
2. When the Subdivision and Development Appeal Board has approved a development permit, the permit shall not be valid until the decision of the Board is issued in writing.
3. If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall suspend the development permit, except where approval has been granted for a permitted use or, where a license, permit, approval or other authorization is granted by the Natural Resource Conservation Board, Energy Resources Conservation Board or Alberta Energy and Utilities Board to the extent that the application complies with the license, permit, approval or other authorization granted. The final determination of an appeal, except for those applications approved as a permitted use and/or, by the Natural Resource Conservation Board, Energy Resources Conservation Board and Alberta Energy and Utilities Board, shall validate, amend or revoke, as the case may be, a suspended development permit.

2.14 NOTICE OF DECISION

1. Within five (5) working days after a decision on a development permit application, the Development Authority Officer shall send a notice by regular mail of the decision to the applicant and post information about the development permit including the location of the effected site, to the County's public webmap. Mailing the notice shall not be required when an applicant picks up a copy of the decision.
2. In addition to **Subsection (1)**, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance has been granted, the Development Authority Officer shall:
 - A. send notice by regular mail to adjacent land owners, as identified on the Smoky Lake County Assessment Roll, to provide notice of the decision and right of appeal;

- B. publish a notice of the decision in a newspaper circulating in the municipality stating the legal description of the property, municipal address of the application, nature of the approved development and right of appeal;
3. When the Development Authority refuses a development permit application, the decision shall contain reasons for the refusal.

2.15 COMMENCEMENT AND COMPLETION

1. If the development authorized by a development permit is not commenced within 12 months from the date of its issuance and carried out with reasonable diligence within five (5) years of the date of issuance the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
2. Upon application to the Development Authority, prior to the expiry of an approved development permit application, the Development Authority may grant an extension to the effective period of a development permit for a period that shall not exceed 12 months.
3. When a development permit expires, a new application is required. The new application will be reviewed and a decision issued based on the current merits of the proposed development in relation to current municipal, provincial and federal regulations, requirements, policies and practices. The Development Authority shall not be obliged to approve a development permit based on a previous approval.
4. In cases where a use is discontinued, or intended to be discontinued for a period of six (6) months or more, any subsequent use of the land or building shall comply with this bylaw and shall require a new development permit.

2.16 DEVELOPER'S RESPONSIBILITY

1. A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, sanitary and storm water disposal, water mains, electricity, and all other permits required in connection with the proposed development.
2. The applicant shall be financially responsible during construction for any damage by the applicant, his/her servants, suppliers, agents or contractors to any public or private property.
3. The applicant shall prevent excess soil or debris from being spilled on public road allowances streets, lanes and sidewalks.
4. No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Authority, has been undertaken.

2.17 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

1. Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a developer shall not begin the work nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken according to the standards and specifications of the County.
2. No development permit shall be issued for a development to be serviced by private sewer and water systems until the systems have been approved by the appropriate agency.
3. All future development areas must be serviced to the satisfaction of the Development Authority.

As a condition of development approval, the Development Authority may require the developer to enter into a development agreement with the municipality, to do any or all of the following:

- a) to construct or pay for the construction or upgrading of:
 - i. any roads or bike pathways required to give access to the development;
 - ii. a pedestrian walkway system to serve the development or to provide pedestrian access to adjacent developments, or both;
 - iii. off-street or other parking and bicycle parking facilities; and
 - iv. loading and unloading facilities.
- b) to install or pay for the installation of any public utilities, other than telecommunications systems or works, that are necessary to serve the development;
- c) to repair or reinstate, or to pay for the repair or reinstatement of any items which may be damaged, destroyed or otherwise harmed by development or building operations, including but not limited to street furniture, curbing, sidewalk, bicycle infrastructure, boulevard landscaping and tree planting;
- d) to carry out landscaping of the site which may include the retention and/or planting of trees, noise attenuation fencing, the construction of an earth berm or other form of screening;
- e) to pay an off-site levy or redevelopment levy;
- f) to provide an irrevocable letter of credit, or other form of security in such sum specified, as the Development Authority deems appropriate to ensure compliance with the terms of the agreement and the conditions of the development permit; and
- g) such other works or other matters the Development Authority considers necessary or advisable having regard to the nature of the proposed

development.

3 APPEALS

3.1 DEVELOPMENT APPEALS AND PROCEDURES

1. An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority:
 - A. refuses or fails to make a decision on a development permit application within 40 days of receipt of a completed application or prior to the expiry date of an agreement between the applicant(s) and the Development Authority Officer to extend the 40-day period herein described; or
 - B. issues a development permit subject to conditions; or
 - C. issues a development permit for a discretionary use, or for a permitted use pursuant to this Bylaw; or
 - D. issues an order under **Section 5** of this Bylaw.
2. A person applying for the permit or affected by an order under **Section 5.1(1)**, or any other person affected by a development permit, order or decision issued/made 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 Bylaw were relaxed, varied or misinterpreted.
4. Notwithstanding **Subsections (1) and (2)** no appeal to the Subdivision and Development Appeal Board lies in respect of the issuance of a development permit by Council in the Direct Control District.
5. An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
 - A. the date on which the person is notified of the order or decision or the issuance of the development permit; or
 - B. if no decision is made with respect to the application within the 40-day period or within any extension issued under section 684 of the Act.
 - C. The written notice must contain the development permit number, the appellant's name, phone number, mailing address, and email address (if available), and at least one reason for the appeal.
6. The written notice of appeal must contain the development permit number, the name, phone number, mailing address and email address (if available) of the appellant as well as at least one (1) reason for the appeal.
7. Each notice of appeal shall be accompanied by a fee as set by Council and shall contain at least one reason for appeal.

3.2 APPEAL HEARING PROCEDURE

1. Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a hearing respecting the appeal.
2. The Subdivision and Development Appeal Board shall give at least five (5) days' notice in writing of the hearing to:
 - A. the appellant;
 - B. the Development Authority;
 - C. the applicant and/or landowner(s);
 - D. those adjacent landowners in the municipality who were notified under **Section 2.14** of this Bylaw and any other person who in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit; and
 - E. such other persons as the Subdivision and Development Appeal Board specifies.
3. The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing, all relevant documents and materials respecting the appeal including:
 - A. the application for the development permit, the decision and the notice of appeal; or
 - B. the order of the Development Authority under **Section 5** of this Bylaw or Section 645 of the Act;as the case may be.
4. At the hearing referred to in **Section 3.2(1)**, the Subdivision and Development Appeal Board shall hear:
 - A. the appellant or any person acting on his behalf;
 - B. the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - C. any other person who was served with notice of the hearing pursuant to **Section 3.2(2)** and who wishes to be heard, or a person acting on his behalf; and
 - D. any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear, or a person acting on his or her behalf.

3.3 DECISION

1. In determining an appeal, the Subdivision and Development Appeal Board:

- A. shall have due regard for any applicable statutory plans and the County's Land Use Bylaw;
 - B. shall comply with the Province's Land Use Policies and applicable regional plans;
 - 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. must have regard for, but is not bound by, the Subdivision and Development Regulation;
 - E. may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in the opinion of the Subdivision and Development Appeal Board
 - 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 properties.
 - ii. the proposed development conforms with the use prescribed for the land or building as defined in this Land Use Bylaw.
2. The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the hearing.
3. A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal to the Appellate Division of the Supreme Court of Alberta shall be made:
- A. to a judge of the Court of Appeal; and
 - B. within thirty (30) days after the issue of the order, decision, permit or approval sought to be appealed.

4 AMENDMENT TO THE LAND USE BYLAW

4.1 APPLICATION TO AMEND THE LAND USE BYLAW

1. Subject to the provisions of the Municipal Government Act, any Section or Part of this Bylaw may be amended.
2. Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority Officer to prepare an amendment application, reports and recommendations.
3. Any person applying to have this Bylaw amended shall apply in writing to the Development Authority, using the application form provided by Smoky Lake County, and request that the Development Authority submit the application to the Council.
4. An applicant proposing to amend this bylaw for a purpose of clarification of an existing provision must provide the following information:
 - A. reasons in support of the application;
 - B. drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
 - C. the program of land servicing, if applicable;
 - D. a recent title search (dated within thirty (30) days of the date the application is received) of the land affected and/or other documents satisfactory to the Development Authority showing the applicant's interest in the said land if applicable; and
 - E. where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application.
5. A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:
 - A. pay Smoky Lake County an application and advertising fee as set by Council;
 - B. undertake in writing on a form provided by Smoky Lake County to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which Smoky Lake County may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
 - C. reasons in support of the application;
 - D. drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;

- E. the program of land servicing, if applicable;
 - F. information regarding any potential impact of the development that would be allowed by the proposed amendment on the existing natural or man-made environment;
 - G. information respecting the suitability of the subject site for the development that would be allowed by the proposed amendment;
 - H. a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land if applicable;
 - I. sign a statement authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment; and
 - J. any other information deemed necessary by the Development Authority or Council.
6. Upon receipt of an application to amend the Land Use Bylaw, the Development Authority shall:
- A. initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment;
 - B. prepare a detailed report including all maps and relevant material for Council to consider.
7. In order to carry out any necessary investigation or analysis of the problems involved in or related to the amendment the Development Authority may refer the application to such agencies as they consider necessary for comment.
8. Upon receiving the preliminary advice of the Development Authority, the applicant shall advise the Development Authority if:
- A. he or she wishes the Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Council; or
 - B. he or she wishes to withdraw his application for an amendment.
9. As soon as reasonably convenient the Development Authority shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the report of the Development Authority and other relevant material, if any, and the Council shall then consider the proposed amendment.
- A. During consideration and deliberation of the proposed Bylaw amendment, Council may refer the application to such agencies as it considers necessary for comment.
10. Notwithstanding anything in this Section or this Part, a proposed amendment which has been rejected by Council within the previous twelve (12) months may not be reconsidered unless Council otherwise directs.

11. Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding the enactment of Bylaws.
12. All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the requirements of the Act regarding the notification and holding of a public hearing.

5 ENFORCEMENT, PENALTIES, AND FINES

5.1 CONTRAVENTION AND STOP ORDERS

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

- A. the Municipal Government Act or the regulations; or
- B. a development permit or subdivision approval; or
- C. the Land Use Bylaw;

the Development Authority may, in accordance with the Municipal Government Act, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

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

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

2. Where a notice is issued under **Section 5.1(1)**, the notice shall state the following and any other information considered necessary by the Development Authority:
 - A. an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
 - B. the alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
 - C. a time frame in which the contravention must be corrected prior to Smoky Lake County pursuing action; and
 - D. advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.
3. Where a person fails or refuses to comply with an order directed to him or her pursuant to **Section 5.1(1)** or an order of the Subdivision and Development Appeal Board, the Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.

4. Where the Development Authority carries out an order, the municipality shall, as part of its process ask the courts to allow it to cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
5. The municipality may register a Caveat under the Land Titles Act pursuant to the Order against the certificate of title that is subject to the Order in accordance with Section 646(2) of the Act.

5.2 ENFORCEMENT

1. This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.
2. A person who:
 - A. contravenes any provision of the Act or the regulations under the Act,
 - B. contravenes this Bylaw,
 - C. contravenes an order under **Section 5.1** of this Bylaw and/or Section 645 of the Act,
 - D. contravenes a development permit or subdivision approval or a condition attached thereto, and/or
 - E. obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylawis guilty of an offense and is liable to a fine prescribed in Section 566 of the Act.
3. If a person is found guilty of an offense under **Section 5.1** of this Bylaw (Section 557 of the Act), the court may, in addition to any other penalty imposed, order the person to comply with:
 - A. the Act and the regulations under the Act,
 - B. this Bylaw,
 - C. an order under **Section 5.1** of this Bylaw and/or Section 645 of the Act, and/or
 - D. a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
4. Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
 - A. delivered personally to the person or their agent it is directed to; or
 - B. mailed by regular mail to the last known address of the person it is directed to; or

- C. left with any agent or employee or resident at the last known address of the person to whom it is directed.

5.3 VIOLATION TICKETS AND FINES

1. In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
2. The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within twenty-one (21) days from the date of issue of the violation ticket, of a fine to the County.
3. Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$500 for a first offence and \$1000 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
4. The violation ticket shall be served upon the alleged offender personally or delivered by regular mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
5. If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
6. If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

6 GENERAL PROVISIONS

6.1 ACCESSORY BUILDINGS

1. An accessory building shall not be used as a dwelling unless it is an approved guest house, garage suite or garden suite.
2. The siting of a detached garage or other accessory building shall be in accordance with the following:

Table 1: Siting of Accessory Buildings Including Detached Garages	
Accessory Buildings (Excluding Garages)	
Side	0.9m (3.0 ft.)
Rear	0.6m (2.0 ft.)
Rear Facing Garages (doors face lane)	
Side	0.9m (3.0 ft.)
Rear	4.6m (15.0 ft.)
Side Facing Garages (doors face side yard)	
Side	0.9m (3.0 ft.)
Rear	0.6m (2.0 ft.)
Side Facing Garages (door facing road on a corner lot)	
Side	0.9m (3.0 ft.)
Rear	0.6m (2.0 ft.)
Side Yard/Front Yard	7.6m (25.0 ft.) (from internal subdivision road) 40.84m (134.0 ft.) (from a highway) 23.1m (92.0 ft.) (from a municipal road allowance)

Table 1: Siting of Accessory Building Including Attached Garages

3. In the Agriculture (AG) and Victoria Agriculture (A1) Districts an accessory building shall not:
 - A. normally be allowed in a front yard;
 - B. be within 2.0 m (6.56 ft.) of a residence;
 - C. be within the minimum yard requirements of the district in which they are located;
 - D. encroach upon an easement or right-of-way,
 - E. exceed more than 12% of the total site area.
4. Accessory buildings may be allowed in the Agriculture (AG) and Victoria Agriculture (A1) Districts where there is no main use or main building solely at the discretion of the Development Authority. The Development Authority shall only approve the development of an accessory building where there is no main use or main building if, in their sole opinion:

- A. the accessory building would become accessory to a main use or a main building in the future should such main use or main building ever be developed; and
 - B. the accessory building is sited in such a manner that it will minimize shadowing or site line obstructions from adjacent properties.
- 5. In the Multi-lot County (R1) Residential, Residential (Cluster) Conservation (R2), Victoria Residential (R3), and Hamlet General (HG) Districts an accessory building shall not:
 - A. normally be allowed in a front yard;
 - B. be within 2.0 m (6.56 ft.) of a residence;
 - C. have an eave overhang within 1.0 m (3.3 ft.) of a lot line;
 - D. encroach upon an easement or right-of-way,
 - E. normally exceed 6.1 m (20.0 ft.) or one (1) storey in height. However, the maximum height for an accessory building may be exceeded, at the sole discretion of the Development Authority, for the height of a garage in order to facilitate the development of a garage suite on a parcel of land where it can reasonably be determined by the Development Authority that the additional height will not impact the quality of life or enjoyment of adjacent properties;
 - F. exceed more than 12% of the total site area.
- 6. Accessory buildings shall normally be allowed in Residential, Commercial and Industrial Districts only where there is already a main use or building with an approved development permit, located on the site.
- 7. Notwithstanding **Subsections (5) and (6)**, where the development of a garage with a garage suite is proposed in the Multi-lot County (R1) Residential, Residential (Cluster) Conservation (R2), Victoria Residential (R3), and Hamlet General (HG) Districts the Development Authority may, at their sole discretion, approve the development of the garage suite as a temporary dwelling prior to the construction of the main use or building on the property.
- 8. Accessory buildings may be allowed in the Multi-lot County (R1) Residential, Residential (Cluster) Conservation (R2), Victoria Residential (R3), and Hamlet General (HG) Districts where there is no main use or main building solely at the discretion of the Development Authority. The Development Authority shall only approve the development of an accessory building where there is no main use or main building if, in his/her sole opinion, the accessory building would become accessory to a main use or a main building in the future should such main use or main building ever be developed.
- 9. The minimum setback requirements for a detached garage or other accessory building located on a parcel in a residential district where the parcel of land is not located adjacent to a highway or a government road allowance, shall be in accordance with **Figure 17**.

10. Where a parcel of land is located within the Agriculture (AG) and Victoria Agriculture (A1) Districts and/or adjacent to a highway or a government road allowance, the setback requirements for accessory buildings shall be the same as the setback requirements for dwellings. Refer to **Sections 6.7 and 6.8** for setback requirements for all buildings located within the Agriculture (AG) District and the Victoria Agriculture (A1) District.
11. Where a garage has vehicle doors facing onto a lane, it shall be setback a minimum of 4.5 m (15.0 ft.) from the rear line.
12. The siting of an accessory building on an irregularly shaped parcel shall be as approved by the Development Authority.
13. Development permits for non-permanent structures including but not limited to portable garage shelters shall be issued on a temporary basis for a period not to exceed three (3) years.
14. An accessory building may not be used as a dwelling unless the accessory building is an approved:
 - A. guest house;
 - B. garden suite; or
 - C. garage with an approved garage suiteand the development is located in a district which includes guest houses, garden suites or a garage suites as a permitted or discretionary use.
15. Any building attached to the main building by an open or enclosed roof structure is considered to be part of the main building and not an accessory building.

6.2 CONFINED FEEDING OPERATIONS AND MANURE STORAGE FACILITIES

1. Confined feeding operations and manure facilities for which an approval or a registration is required pursuant to the Agricultural Operations Practices Act are not regulated by this bylaw. Please refer to the Agricultural Operations Practices Act and accompanying Regulations for provincial development requirements.

6.3 CORNER AND DOUBLE FRONTING LOTS

1. In the case of double fronting lots, the front yard shall be that portion of the lot abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards facing both roads, front yards shall be considered to be on both roads and the lot may thus have no rear yard.
2. Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner lot or on a double fronting lot provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.

3. Notwithstanding any other provision of this Bylaw to the contrary, where a second minimum front yard is not required on a corner lot, the minimum required side yard on the side adjacent to the road shall not be less than 3.8 m (12.6 ft.).
4. Notwithstanding **subsection (3)**, features under 0.5 m (1.6 ft.) in height may project to the sideline where a second minimum front yard is not required on a corner lot (**see Figure 18**).

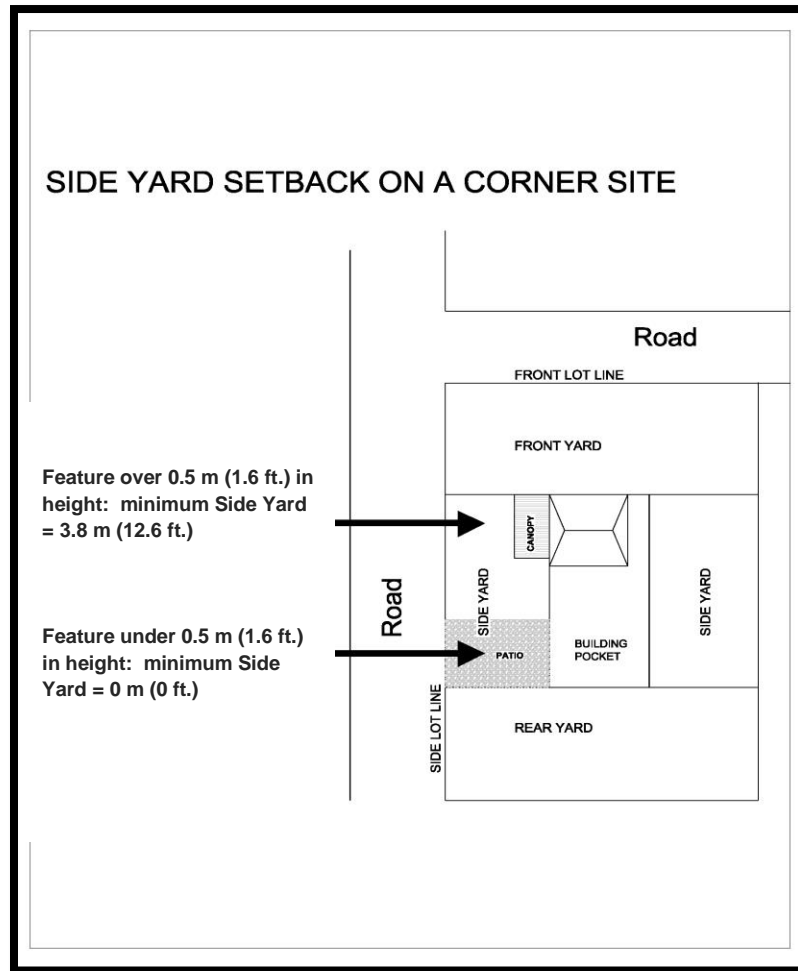


Figure 17: Side Yard Setback on Corner Lots

6.4 CORNER SITES AND SITE LINE PROTECTION

1. On corner sites, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.2 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road right-of-way lines (or their projections) or a road and a straight line joining points on the road right-of-way lines 6.0 m (19.6 ft.) from their intersection (**see Figure 19**).

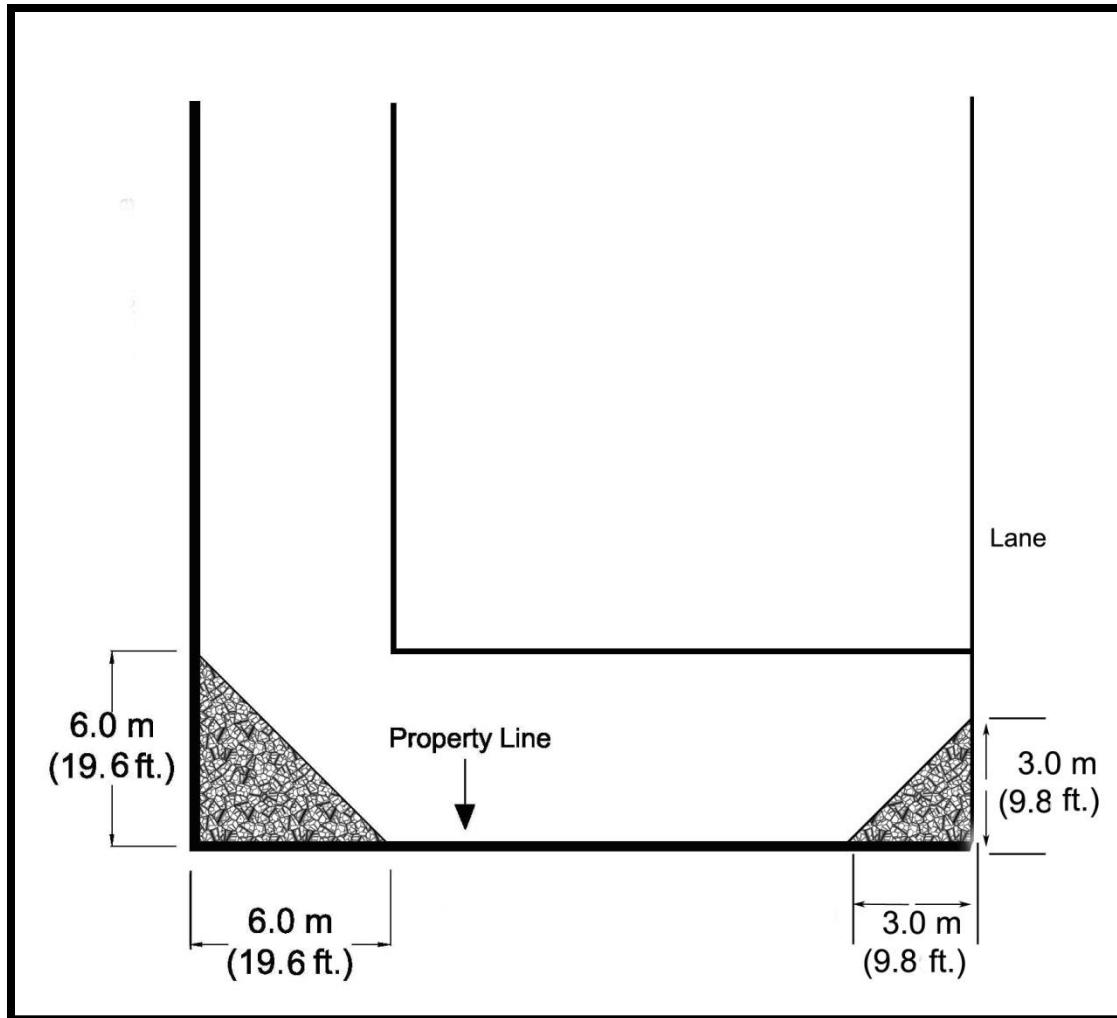


Figure 18: Corner Site Line Protection

2. At the intersection of roads and lanes, and at intersections of driveways and roads, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.2 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or lane right-of-way lines or the edge of the driveway and a straight line joining points on the road or lane right-of-way lines or the edge of the driveway 3.0 m (9.8 ft.) from their intersection.
3. This Section does not apply in the Commercial Districts, except where an existing building is set back from the property line sufficient to allow for the regulations provided by **subsections (1) and (2)**.
4. Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in **subsections (1) and (2)** such that any part of the sign is between the heights of 1.0 m (3.2 ft.) and 4.0 m (13.1 ft.) above grade.

6.5 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

1. The exterior finish on all buildings shall be of a permanent material, and be of a character and quality satisfactory to the Development Authority.
2. Pursuant to **subsection (1)**, the Development Authority may consider the following when reviewing development proposals in all districts:
 - A. the design, character and appearance of all buildings with respect to their compatibility with any other buildings existing in the vicinity;
 - B. the design of the building must be consistent with the purpose of the land use district in which it is located; and/or
 - C. the building shall comply with any provisions of any statutory plan which sets out specific guidelines as to the design, character, appearance or building materials to be used within a district or area;
3. The Development Authority shall encourage buildings to be sited and constructed so as to maximize passive solar energy gain.
4. The Subdivision Authority or the Development Authority may, where it desires to achieve a higher standard of design and appearance in a specific Area Structure Plan, Subdivision, or Development, require the developer to provide detailed architectural control guidelines.
5. The Subdivision Authority may require at the time of subdivision that the developer register a restrictive covenant against the subdivision in order to ensure ongoing conformance with the architectural control guidelines.

6.6 DEVELOPMENT AND ACCESS PERMIT REQUIREMENTS ADJACENT TO MUNICIPAL ROADS AND HIGHWAYS

1. No development permit shall be issued for development within 800.0 m (0.5 miles) of the boundary of the right-of-way of a primary highway until any necessary permits for the development have been issued by Alberta Transportation.
2. Prior to any new approach being developed, the landowner or authorized person acting on the owner's behalf shall enter into an approach agreement with the County as required by County policy.
3. Development permits are required for development within 23.1 m (92.0 ft.) from the property line of a road.

6.7 DEVELOPMENT NEAR INTERSECTIONS AND ROAD CURVES

1. No development shall be located so that the access and egress is within 90.0 m (295.28 ft) of the beginning or end of a road curve exceeding twenty (20) degrees (**See Figure 21**).

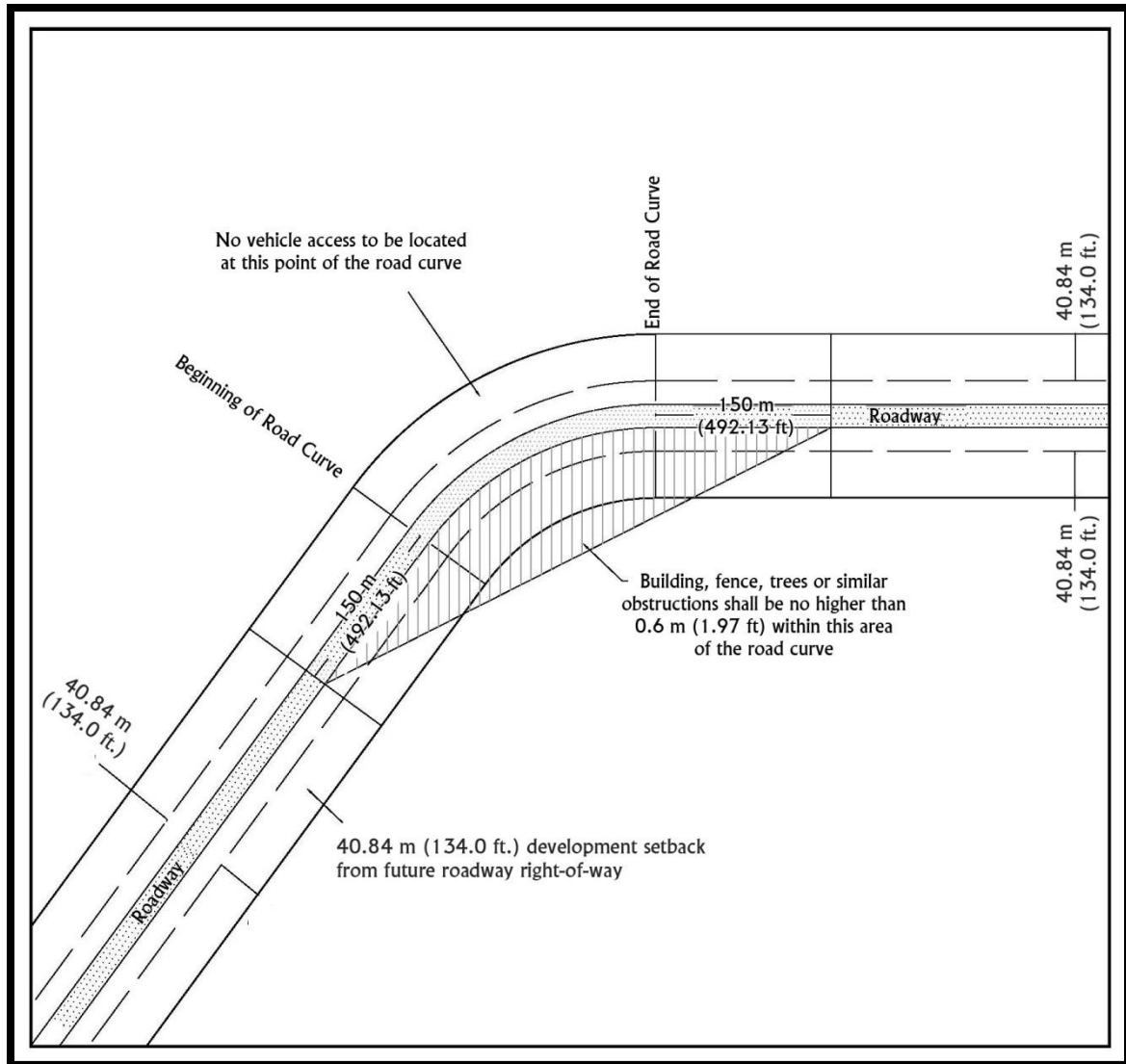
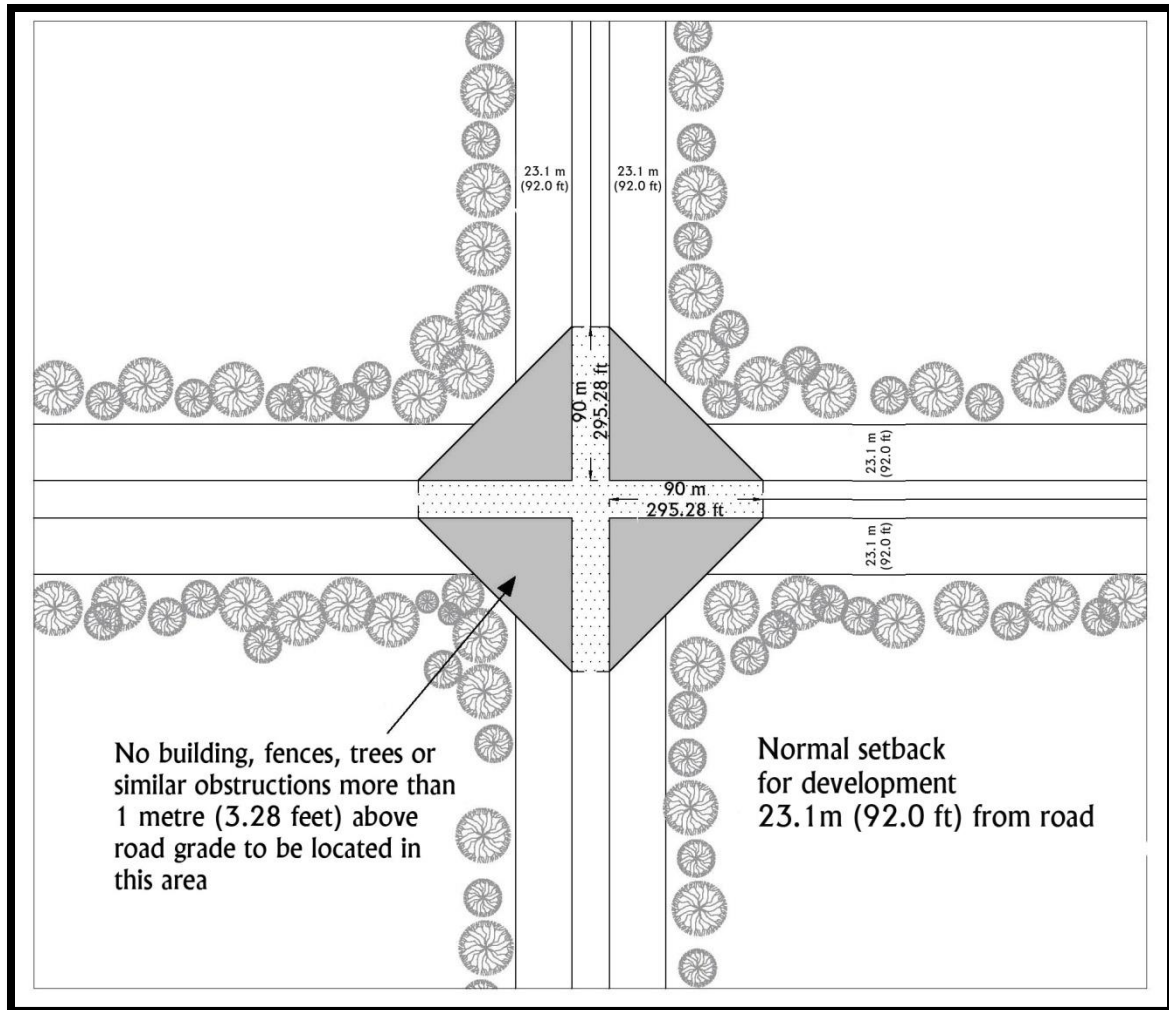


Figure 19: Building and Access Setback Requirements Near Curves

2. No dugouts will be permitted within 23.1 m (92.0 ft.) of the property line of a municipal road allowance.
3. The location and development of a dugout adjacent to a highway will be at the discretion of Alberta Transportation.
4. No buildings, fences, trees, haystacks higher than 1.0m (3.28 ft.) or other similar obstructions to visibility shall be permitted at the intersection of two local roads (see **Figure 21**).



5. Where a local road intersects a highway, the Highway Development Control Regulations shall apply to development adjacent to the highway where it intersects.

6.8 DEVELOPMENT SETBACK REQUIREMENTS

The following regulations shall apply to all buildings in all land use districts unless otherwise stated in the respective land use district or at the discretion of the Development Authority.

1. Where a lot is separated from a roadway by a buffer strip, the lot is considered adjacent to the roadway for the purpose of setbacks.
2. A municipal service road shall be treated as a municipal road allowance for the purposes of applying setback regulations.
7. The minimum separation distance between a dwelling and an accessory building in the Residential Districts shall be a minimum of 2.0 m (6.6 ft.).

6.9 DWELLING UNITS ON A PARCEL

1. The number of dwelling units allowed on a parcel of land in a residential district or in the Agriculture (AG) District shall normally not exceed one (1).
2. Notwithstanding **subsection (1)**, the Development Authority may issue a permit for the construction or location of more than one (1) dwelling unit on a parcel if additional dwelling units are permitted or discretionary within the applicable land use district and the second or additional dwelling unit:
 - A. is contained in a building that, or in buildings each of which, are designed for or divided into two (2) or more dwelling units; and/or
 - B. is a temporary building or use as defined in this bylaw; and/or
 - C. is a surveillance suite, garage suite, in-law suite, garden suite or guest house as defined in this bylaw; and/or
 - D. is a permanent building located on a parcel of land larger than 65 ac. in area and does not exceed the maximum density requirements within the district as stated in this Land Use Bylaw or any applicable statutory plan.

If the proposed dwelling would create a maximum of two (2) dwelling units on the parcel and is listed as a permitted use in the applicable district and conforms to all applicable provisions in the County's LUB then the Development Authority for the 2nd dwelling shall be the **Development Authority Officer**. For all other development permit applications for a 2nd dwelling unit on a parcel where the above noted conditions are not satisfied the Development Authority will be the **Municipal Planning Commission**.

3. Notwithstanding **subsection (1)**, at the discretion of the **Municipal Planning Commission** more than two (2) dwelling units may be allowed in the Agricultural District.
4. In consideration of a third or subsequent dwelling unit on a parcel of land the **Municipal Planning Commission** shall consider the following matters:
 - A. whether the proposed water supply and sewage disposal systems for the dwelling units are separate; and
 - B. whether there will be the need for additional access on to County roads resulting from the development; and
 - C. whether the third dwelling unit is to be a permanent or a temporary development (based on the need of the applicant); and
 - D. whether the third or additional dwelling unit is to be used as a dwelling for persons engaged in the agricultural operation being undertaken on the parcel; and
 - E. whether the third or additional dwelling unit can be positioned so that the land it is situated on can ultimately be easily subdivided from the balance of the farm site.

6.10 EXISTING SUBSTANDARD LOTS

1. Development on existing substandard lots may be considered at the discretion of the Development Authority. Compliance with any Provincial regulations regarding the disposal of sewage and setbacks from provincial highways will be required. Development on these lots should comply with the regulations of the District in which the lot is located.

6.11 LANDSCAPING

1. In all land use districts except the Agriculture (AG) District and the Victoria Agriculture (A-1) District, no person shall commence or continue the removal of topsoil without first obtaining an approved development permit.
2. Development permit applications for landscaping shall be accompanied by a general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
3. The developer shall provide upon occupancy of the development, a minimum topsoil coverage of 15.2 cm (6 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.
4. In any commercial, industrial, or residential land use district, 90% of all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.
5. Commercial buildings in residential areas must be screened by a solid or opaque fence of not less than 1.8 m (6.0 ft.) in height adjacent to residential properties.
6. In the case of car washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Authority. Solid fences shall be provided at least 1.5 m (4.9 ft.) in height and no higher than 2.1 m (6.9 ft.) adjacent to residential areas.
7. In the case of apartments or row houses all off-street parking shall include a landscaped area, and in residential areas, a wall, hedge or wooden fence of not less than 1.2 m (3.9 ft.) in height and not more than 2.1 m (6.9 ft.) in height, shall be provided along the side property lines, all to the satisfaction of the Development Authority.
8. In any residential land use district, acceptable landscaping for the front yard shall include manicured lawns, rock gardens, xeriscapes and ornamental plants, or a combination thereof.
9. In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.8 sq. m (2000.0 sq. ft.) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

10. All required landscaping and planting must be carried out to the satisfaction of the Development Authority and within 1 year (weather permitting) of occupancy or commencement of operation of the proposed development.
11. As a condition of a development permit, the Development Authority may require that the developer provide a financial guarantee, in a form acceptable to Smoky Lake County, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

6.12 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

1. No use shall be allowed which may be offensive to a neighbouring owner or municipality. The word “offensive” herein implies sight, smell and/or anything which may adversely affect a neighbouring owner or municipality.
2. No person shall keep or permit in any part of any yard in any Residential District:
 - A. any dismantled or wrecked vehicle for more than 14 successive days;
 - B. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
 - C. any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are under taken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;
3. No person shall keep or permit in any part of any front yard in any Residential District a vehicle or a vehicle with a trailer attached, loaded or unloaded, of a maximum weight in excess of 4500 kilograms (9,920.8 lbs.).
 - A. This section does not apply if the vehicle:
 - i. is a recreational vehicle and satisfies the requirements of **Section 7.23**; or
 - ii. is a commercial vehicle with the hazard warning lamps alight and in the process of loading or unloading goods.

6.13 PARKING AND LOADING REGULATIONS

1. In all Districts, vehicular entrances and exits onto roads shall only be allowed at locations approved by the Development Authority in consultation with the municipality's Public Works Department. A permit shall be obtained from Alberta Transportation for access onto all Highways.
2. In all Districts, an off-street parking space shall be provided in accordance with the minimum requirements of each use as determined by the Development Authority. The following specifications shall be adhered to:

(a) Parking Angle in Degrees	(b) Width of Stall	(c) Depth of Stall (Perpendicular to Manoeuvring Aisle)	(d) Width of Stall (Parallel to Manoeuvring Aisle)	(e) Overall Depth	(f) Width of Manoeuvring Aisle (one-way)
0	2.7 m (8.86 ft.)	2.7 m (8.86 ft.)	7.0 m (22.97 ft.)	9.1 m (29.86 ft.)	3.6 m (11.81 ft.)
30	2.7 m (8.86 ft.)	5.2 m (17.06 ft.)	5.5 m (45.87 ft.)	14.0 m (45.93 ft.)	3.6 m (11.81 ft.)
45	2.7 m (8.86 ft.)	5.8 m (19.03 ft.)	4.0 m (13.12 ft.)	15.2 m (49.87 ft.)	3.6 m (11.81 ft.)
60	2.7 m (8.86 ft.)	6.1 m (20.01 ft.)	3.1 m (10.17 ft.)	18.2 m (59.71 ft.)	6.0 m (19.69 ft.)
90	2.7 m (8.86 ft.)	6.1 m (20.01 ft.)	2.7 m (8.86 ft.)	19.5 m (63.98 ft.)	7.3 m (23.95 ft.)

Table 2: Parking Stall Requirements

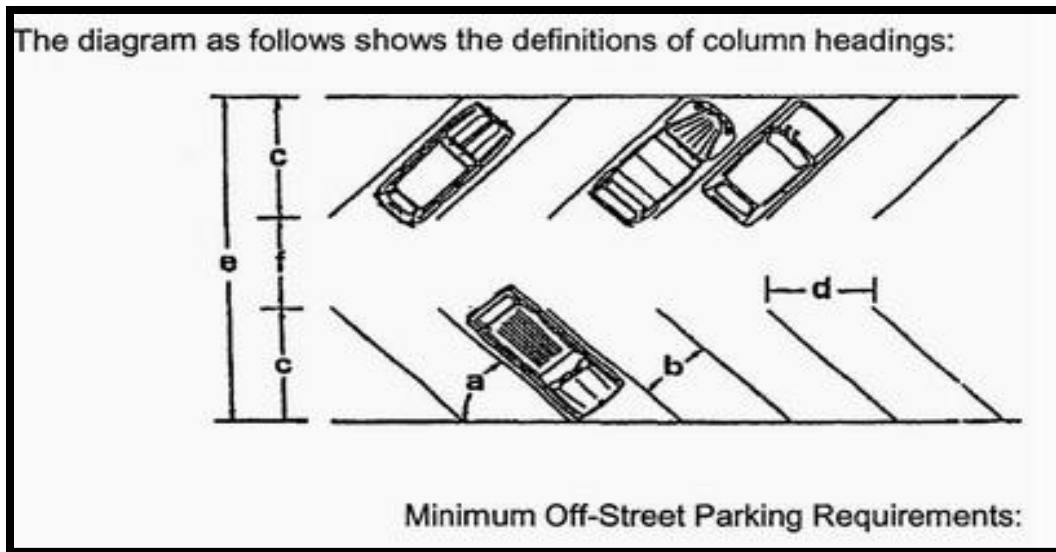


Figure 21: Minimum Off-Street Parking Requirements

- A. An off-street parking area:
 - i. shall be designed to the satisfaction of the Development Authority with regard to the dimensions, and layout of parking stalls and maneuvering aisles; and
 - ii. shall have street access and curb cuts (where required) located to the satisfaction of the Development Authority; and
 - iii. shall be graded, drained, compacted and surfaced to the satisfaction of the Development Authority.
- B. All parking areas shall conform to the minimum parking standards set out in the following pages.

3. Required Number of Off-Street Parking Spaces

All developed parcels are required to provide a minimum number of parking stalls based on the use of the parcel. In determining the parking requirement for a parcel:

- A. if a specific use is not mentioned below, the requirement shall be the same as for a similar use, as determined by the Development Authority; and
- B. if a parcel consists of multiple uses, the required parking shall be the sum of the requirements for each use, unless it is demonstrated to the satisfaction of the Development Authority that a shared parking facility with a reduced number of spaces will be sufficient. The required parking may be combined or shared parking provided that a legal agreement is entered into between the users or land owners, and further that the parking arrangements are acceptable to the Development Authority; and
- C. the minimum number of parking stalls for any development shall be as follows:

Residential Uses

One or two unit dwelling	2 per dwelling unit
Multi-unit dwelling with one bedroom or less per unit	1.5 per dwelling unit
Multi-unit dwelling with two or more bedrooms per unit	2 per dwelling unit
Dwelling with self-contained units for senior citizens only	2 for every 3 dwelling units
Secondary and surveillance suites	1 per suite

Table 3: Parking Requirements for Residential Uses

Commercial Uses

Business, administrative and professional office	1 per 45.9 sq. m (495 sq. ft.) of gross leasable area
Retail, personal service, equipment or repair shop with a gross leasable floor area of 1000 sq. m (10,764 sq. ft.) or less	1 per 30.0 sq. m (323 sq. ft.) of gross leasable floor area
Retail and personal service shop or shopping centre building with a gross leasable area over 1000 sq. m (10,764 sq. ft.)	1 per 20.0 sq. m (215 sq. ft.) of gross leasable floor area
Private liquor store	3 stalls plus 1 stall per 30.0 sq. m (323 sq. ft.) of gross leasable floor area
Restaurant, beer parlour or cocktail bar	1 for each 6.0 sq. m (65 sq. ft.) of gross floor area or 1 per 5 seating spaces and 1 per 3 employees at maximum shift, whichever is greater
Drive-in business	6 except where more are required under other requirements of this section
Car washing establishment	1 per washing stall plus 1 per three employees at maximum shift
Take-out restaurant (food exclusively taken off-parcel)	1 for each 13.0 sq. m (140.0 sq. ft.) of gross floor area plus 1 for

	each three employees on maximum shift
Hotel, motor hotel, motels or apartment hotel	1 per sleeping unit and 1 space per 3 employees on maximum shift

Table 4: Parking Requirements for Commercial Uses

Places of Public Assembly

Theatre, auditorium, hall, church or other cultural or recreational facility	1 per 7.5 seating spaces or 1 per 7 sq. m (75 sq. ft.) used by the patrons, whichever is greater
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Table 5: Parking Requirements for Public Assembly Uses

Schools

Elementary school or junior high school	2 per classroom
Senior high school (not including an associated auditorium, gymnasium or swimming pool)	4 per classroom

Table 6: Parking Requirements for Schools

Industrial Uses

Manufacturing or industrial plant, wholesale, warehousing and storage building and yard, service or repair establishment, research laboratory or public utility building	1 per employee on maximum shift. This may be varied by the Development Authority to no less than 1 per 3 employees if it can be shown that fewer stalls are needed.
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Table 7: Parking Requirements for Industrial Uses

Hospitals and Similar Uses

Hospital, sanatorium, group care facilities, nursing home, convalescent home and senior citizens lodge	1 per 100.0 sq. m (1,076.0 sq. ft.) of floor area or 1 per four beds and 1 for every two employees on maximum shift, whichever is greater.
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Table 8: Parking Requirements for Hospitals and Similar Uses

4. Off-site and Communal Parking Facilities

In districts other than a residential district, and subject to approval by the Development Authority, required parking for any development(s) may be provided on another parcel, separate from the development(s) in accordance with the following:

- A. The parking, in the opinion of the Development Authority, must be suitable, easily accessible and within a reasonable distance of the associated development(s).
- B. Future use of the parcel must be ensured to the satisfaction of the Municipal Planning Commission. This may be done by a restrictive covenant registered on the title, a suitable bond posted by the developer(s), or by any other legal method.
- C. At the option of the Development Authority, in lieu of off-street parking, a developer shall pay the County to provide equivalent public parking. The Development Authority shall determine the amount of money in lieu of parking, based on current market values, and the money shall be used only to provide off-street public parking.

5. Off-Street Loading Spaces

- A. Off-street loading spaces shall be required for all non-residential developments and apartments.
- B. A loading space shall be designed and located so vehicles using it can park and maneuver within the parcel.
- C. A loading space shall be at least 4.0 m (13.12 ft.) wide, 8.0 m (26.24 ft.) long, and 4.3 m (14.10 ft.) high.
- D. A loading area shall be graded, drained, compacted and surfaced to the satisfaction of the Development Authority.
- E. Loading spaces shall be provided in accordance with the following:

Retail, industrial and the like, under 465 sq. m (5,000 sq. ft.); and	1 space
between 465 sq. m (5,000 sq. ft.) and 2,323 sq. m (25,000 sq. ft.); and	2 spaces
each additional 2,323 sq. m. (25,000 sq. ft.) or fraction thereof;	1 space
Office, place of assembly, institution, club, school, or any other use up to 2,787 sq. m (30,000 sq. ft.); and	1 space
each additional 2,787 sq. m. (30,000 sq. ft.) or fraction thereof	1 additional space
neighbourhood commercial stores	1 loading space

Table 9: Loading Space Requirements

6. Sight line calculations shall be in accordance with the Roads and Transportation Association of Canada methods for determining crossing sight distances for roadways.

6.14 PIPELINE AND OTHER UTILITY CORRIDOR SETBACKS

1. Any development involving pipeline and/or power line rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation and regulations. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial legislation and regulations and any regulations established by the Alberta Energy and Utilities Board.

6.15 PROJECTIONS INTO YARDS

1. Projections Over Yards
 - A. In all residential districts, the distances any buildings may project into a minimum yard requirement are:
 - i. Front Yards: 1.5 m (4.9 ft.).
 - ii. Side Yards: 50% of the minimum side yard.
 - B. In all other districts, the distances which any buildings may project into minimum yard requirements are:
 - i. Front Yards: 1.5 m (4.9 ft.).
 - ii. Side Yards: 0.6 m (1.9 ft.).
 - C. No portion of a building other than an unenclosed stairway or porch, a bow, bay or box window, a chimney chase, an eave, awning or similar architectural feature shall project into a minimum yard requirement.
 - D. No portion of any building other than an eave, awning or canopy, or a permitted sign shall project into a public right-of-way.
 - E. If the development includes an unenclosed stairway or porch, a bow, bay or box window, a chimney chase, an eave, awning or similar architectural feature then the yard requirements shall be measured from the leading edge of the architectural feature.
2. Zero Side Yard Developments
 - A. In any district, if a side yard of a parcel is reduced to zero metres, the development shall be required to meet all relevant safety provisions of the Building Code.
 - B. In any district, the Development Authority may allow one side yard of a parcel to be zero metres where:
 - i. the registered owner of the parcel abutting the zero side yard agrees to an encroachment easement equivalent to two minimum side yard requirements, satisfactory to the Development Authority and registered against the title of the said parcel, and

- ii. drainage from the roof of any building is directed only onto the parcel upon which the building is situated.

6.16 SIGN REGULATIONS

1. General Sign Regulations

- A. All signs, erected on land or affixed to the exterior of a building or structure, require a development permit unless specifically exempted by this Bylaw.
- B. No sign or advertising structures, requiring a development permit, shall be erected or affixed to private property without the prior consent of the property owner or tenant.
- C. No signs, billboards or advertising structures, requiring a development permit, shall be erected or affixed to public property without the prior consent of the appropriate public body.
- D. No signs, billboards or advertising structures shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
- E. The Development Authority may order removal of any sign which, in his/her opinion, is unsightly or in such a state of disrepair as to constitute any other kind of hazard.
- F. No sign shall be of such size or design as to, in the opinion of the Development Authority, obstruct the vision of persons using roads abutting the parcel.
- G. Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority.
- H. Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 3 sq. m (32.29 sq. ft.).
- I. Where, in the opinion of the Development Authority, a proposed sign in a commercial or industrial district might be objectionable to persons living in nearby residential districts, the Development Authority may impose such other regulations as they feel would protect the interests of the residents.
- J. A flashing, animated or illuminated sign shall not be permitted where, in the opinion of the Development Authority, it might be objectionable to nearby residents or interfere with the safe movement of traffic.
- K. The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.
- L. The Development Authority may require an engineer-approved plan prior to the issuance of a permit in order to ensure that a sign does not threaten public safety.

2. Signs in Residential Districts

- A. When a person has been granted a development permit to conduct a business or professional practice in his residence, that person may place a sign, not larger than 0.2 sq. m (2.15 sq. ft.), flat against an exterior wall of the building or on the inside of a window.
- B. Name or number signs shall have a surface area of no more than 0.3 sq. m (3.23 sq. ft.).
- C. For multiple-unit and boarding houses, one identification sign not exceeding 1.0 sq. m. (10.76 sq. ft.) in area shall be allowed on each parcel.
- D. All exterior signs shall be placed flat against a building or designed as part of an architectural feature.
- E. No sign shall be permitted in a residential district except to identify a place of worship, school or other public institutions, home occupation or multiple unit residence.

3. Freestanding Signs

- A. Within all land use districts, except residential, one freestanding sign may be allowed per parcel as follows:
 - i. Where a parcel has more than 90.0 m. (295.27 ft.) of frontage, one additional freestanding sign may be erected for each additional 90.0 m. (295.27 ft.) or portion thereof.
 - ii. Where a parcel is double fronting or flanking, **subsection 5.7(3)(a)** applies to each frontage and/or flanking side.
 - iii. The height of a freestanding sign shall not exceed 9.0 m. (29.5 ft.) above grade.
 - iv. The face of a freestanding sign shall not exceed 8.0 sq. m (86.11 sq. ft.) in area.
 - v. A freestanding sign shall not project within 0.6 m (1.9 ft.) of a property line, or within 2.0 m (6.56 ft.) of overhead utility lines.
 - vi. The area around a freestanding sign shall be kept free of litter and overgrown vegetation.

4. Awning, Canopy and Projecting Signs

- A. In all non-residential districts, one awning, canopy or projecting sign shall be permitted for each side of the parcel which abuts a road.
- B. No awning, canopy or projecting sign shall extend more than 2.0 m (6.56 ft.) above the height of the building to which it is attached and no more than 9.0 m (29.5 ft.) above grade.
- C. No awning, canopy or projecting sign shall have a clearance less than 3.0 m (9.84 ft.) above a public right-of-way.

- D. No awning, canopy or projecting sign shall project within 1.0 m (3.3 ft) of a public road carriageway.
 - E. No awning, canopy or projecting sign shall be permitted where, in the opinion of the Development Authority, it obstructs free movement of pedestrians or vehicles or interferes with the repair of overhead utilities.
5. Wall, Fascia and Roof Signs
- A. Wall, fascia and roof signs shall be permitted in all land use districts, except residential, and shall indicate only the name and nature of the occupants of the development.
 - B. A wall, fascia or roof sign shall project no more than 0.3 m (0.98 ft) from the face of the building to which it is attached.
 - C. A wall, fascia or roof sign shall project no more than 2.0 m (6.56 ft) above the top of the wall to which it is attached and shall not exceed 9.0 m (29.5 ft) in height above grade.
6. Existing Signs

These regulations shall not be applied to signs legally in existence at the date of the adoption of this Bylaw.

6.17 SITE CONDITIONS & BUFFERING REQUIREMENTS

- 1. The proponent for a development may be required to submit a site drainage plan and/or elevation plan to ensure that finished grades on the site shall prevent drainage from one site to adjacent sites except where drainage conforms to an acceptable local standard or a subdivision drainage plan.
- 2. The Development Authority may prescribe setback and/or buffering requirements for uses, which may be physically or visually incompatible with nearby land uses.
- 3. The Development Authority may require or approve screening for uses, which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar materials.
- 4. In considering the approval of an application, the Development Authority may require the retention of trees or additional planting of such type and extent as considered necessary for the purpose of ensuring buffering, erosion and/or dust control.
- 5. The County will require Environmental Reserves, an Environmental Reserve Easement or a combination thereof adjacent to bodies of water and lands containing significant environmental features.

6. The amount of Reserves/Easement lands shall be at the discretion of the County and the Subdivision Authority who will normally base environmental reserve and environmental reserve easement requirements on the following:
 - A. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (See **Appendix A**); or
 - B. If this reserve/easement amount is disputed by the proponent of a development or subdivision then the developer may provide the County and the Subdivision Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative reserve/easement amount is appropriate for the subject site. If the report from the engineer indicates that a lesser reserve/easement would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser reserve/easement area then the Approving Authority may, at their sole discretion, approve a subdivision with a lesser reserve/easement area.
7. Notwithstanding **Subsection (6)**, additional reserves/easements may be required by the County based on the recommendations of any engineering and/or geotechnical study provided for the subject site.
8. The County will require development setbacks adjacent to bodies of water and lands containing significant environmental features.
9. Normally, no buildings of any kind shall be allowed within required setback areas.
10. However, notwithstanding (10) the width of the required development setback shall be at the sole discretion of the Development Authority who will normally base setback requirements on the following:
 - A. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (**See Appendix A**); or
 - B. If this setback amount is disputed by the proponent of a development then the developer may provide the approving Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative setback amount is appropriate for the subject site. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Approving Authority may, at their sole discretion, approve the development with a lesser reserve/easement area.
11. The Development Authority may require the applicant to submit as part of a development permit application an assessment by a registered professional engineer practicing in Alberta indicating the stability of the soils and slopes for the development proposed, and how sufficient stability for the development can be ensured in order to determine the appropriate setback distance and/or site specific building requirements.

12. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Development Authority may, at their sole discretion, approve a development with a lesser setback.
13. If the development is approved with the lesser setback, the Development Authority may require, as a condition of the approval of the permit, that the developer construct those works or abide by those conditions necessary to ensure the stability of the soils and slopes as determined in the assessment.
14. If any development is damaged or threatened with damage from flooding from a water body, a river, creek or watercourse, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
15. If any development is damaged or threatened with damage from erosion or the effects of erosion, or from flooding or the effects of flooding, whether or not a development permit has been issued in respect of the development, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
16. The Development Authority will not approve a development permit application for the development or placement of permanent buildings within the 1:100 year flood way of any lake, river, creek, watercourse or water body.
17. Development shall not be permitted on steep slopes (in excess of 15%), on unstable slopes or land characterized by soil instability, or on lands exhibiting evidence of poor drainage or flooding unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise by providing a geotechnical report provided by a professional engineer registered in the Province of Alberta.

6.18 SITE PROTECTION FROM EXPOSURE HAZARDS

1. The location of an anhydrous ammonia or liquefied petroleum gas (AA or LPG) storage tank with a water capacity exceeding 7570.8 litres (2000 gal.) shall be in accordance with the requirements of the Development Authority but in no case shall be less than 121.9 m (400 ft.) from adjacent to institutional, commercial or residential uses.
2. Setbacks from sour gas facilities shall be in accordance with Provincial legislation and regulations.

6.19 SUBDIVISION OF LAND

1. Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has received a level of approval satisfactory to both the Subdivision Authority and the Development Authority.
2. Development agreements shall be required as the condition of the approval of the subdivision of land within the County.
3. Property taxes must be up to date prior to final endorsement of any subdivision within the County.

4. A private sewage inspection will be required, at no cost to the County, prior to endorsement for all subdivisions within the County where the site is affected by a private sewage disposal system.

6.20 WATER SUPPLY/SANITARY FACILITIES AND NATURAL GAS

1. All development within the County shall be provided, at no cost to the County, with sanitary facilities to the satisfaction of the Plumbing and Drainage Regulations and any other Provincial legislation or regulations.
2. A development permit shall not be issued for residential, commercial, industrial or recreational uses unless the Development Authority is satisfied that water supplies of sufficient quality and quantity are or will be made available to support the proposed development.

7 SPECIAL PROVISIONS

7.1 BARE LAND CONDOMINIUMS

1. A Bare Land Condominium development must comply with the County's Bare Land Condominium Policy, as amended, along with all the general regulations of this Bylaw, including the regulations of the applicable Land Use District.
2. An application for a Bare Land Condominium development shall include a comprehensive site plan, in accordance with **Section 2.4** of this Bylaw.
3. For the purposes of this Bylaw, a Bare Land Condominium Plan is a plan of subdivision and a unit on a Bare Land Condominium Plan is a lot.

7.2 CAMPGROUNDS

1. A comprehensive site plan shall be provided to the satisfaction of the Development Authority that shows the location, design standards and site requirements of any common accessory uses and services, such as washrooms, laundromat, recreational buildings, retail store, food concession, fire pits, fire wood storage, lighting, water supply, wastewater disposal facilities, solid waste collection facilities and any other similar uses or services that may be associated with or required within a campground. The following regulations shall be applied in designing the campground site plan:

- (a) a minimum site area of 0.40 ha (1 ac);
- (b) a minimum of 10% of the total site shall be set aside in a location acceptable to the Development Authority as a common open space recreation area;
- (c) each stall shall be accessed by an internal road;
- (d) the road system shall be properly signed for users and for emergency response vehicles, and shall be sensitive to the topography and environmental characteristics of the site;

- (e) walkways with a minimum width of 1.62 m (4 ft) surfaced to the satisfaction of the Development Authority shall be provided from all stalls to all service buildings and facilities, refuse areas and recreation areas;
- (f) roads shall be hard surfaced or surfaced to the satisfaction of the Development Authority and shall be:
 - (i) 3.05 m (10 ft) in width for one-way traffic; and
 - (ii) 6.10 m (20 ft) in width for two-way traffic;
- (g) fires will be permitted only in designated fire pits or other such facilities;
- (h) potable water and wastewater disposal facilities are required to the satisfaction of the Development Authority;
- (i) all utility services and all utility wires and conduits shall be provided as required by the Development Authority and the utility companies;
- (j) fences shall be allowed within the recreational vehicle park only if they are erected and maintained by the park operator to a uniform standard throughout the park;
- (k) all stall boundaries shall be clearly defined on the ground by permanent flush stakes or markers, with a stall number or other identification system;
- (l) suitable ground cover and a flat area for each stall shall be provided;
- (m) minimum camping stall size shall be:
 - (i) 6.10 m (20 ft) in width;
 - (ii) 18.29 m (60 ft) in depth; and
 - (iii) 111.48 m² (1,200 ft²) in area;
- (n) minimum distance between camping stalls shall be 3.05 m (10 ft);
- (o) minimum campground front, side and rear yards shall be 3.05 m (10 ft) from all site boundaries;
- (p) one (1) parking stall per camping stall; and
- (q) visitor parking shall be provided in a common area to the satisfaction of the Development Authority

2. A landscaping plan that retains natural vegetation shall be provided to the satisfaction of the Development Authority.

3. Campgrounds are considered temporary occupancies.
4. One on-site security/operator suite may be permitted.

7.3 CANNABIS PRODUCTION AND DISTRIBUTION

Regulations within this section apply to the production and development of licensed cannabis for medical and non-medical purposes.

1. Cannabis production and distribution developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
2. A copy of the current license(s) and/or approvals for a proposed cannabis production and distribution development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
3. The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
4. Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
5. The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
6. The minimum required lot size shall be at the discretion of the Development Authority.
7. Parking and loading requirements for cannabis production and distribution facilities shall be provided based on the requirements for an industrial use in Section 6.13 of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
8. Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
9. Applications for subdivision of land for this use may be required to include the information required by the Development Authority in Section 2.5(1).
10. Landscaping requirements shall be at the discretion of the Development Authority.

11. On site buffering measures may be required for all cannabis production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
12. The minimum required setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
13. The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
14. A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks in the applicable district.
15. No outdoor storage of goods, material, or supplies shall be permitted.
16. Cannabis production and distribution developments shall meet security and premises requirements as required under provincial and federal legislation.
17. All activities related to the cannabis production and distribution shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.

7.4 CANNABIS RETAIL SALES ESTABLISHMENTS

1. Cannabis retail sales developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
2. A copy of the current license(s) and/or approvals for a proposed cannabis retail sales development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
3. The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
4. Hours of operation may be restricted as a condition of the development permit issued by Development Authority.

5. The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
6. The minimum required lot size shall be at the discretion of the Development Authority.
7. Parking and loading requirements for cannabis retail sales shall be provided based on the requirements for a commercial use in Section 6.13 of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
8. Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
9. Applications for subdivision of land for this use may be required to include the information required by the Development Authority in Section 2.5(2).
10. Landscaping requirements shall be at the discretion of the Development Authority.
11. No outdoor storage of goods, material, or supplies shall be permitted.
12. Cannabis retail sales developments shall meet security and premises requirements as required under provincial and federal legislation.
13. Cannabis retail sales establishments, as defined in this Bylaw, shall be prohibited from locating within 100.0 m (328.1 ft.) of a public education facility, a provincial health care facility, or a parcel of land that is designated School Reserve, or Municipal and School Reserve.
14. A public education facility, a provincial health care facility, or a parcel of land that is designated as School Reserve, or Municipal and School Reserve shall not be approved within 100.0 m (328.1 ft.) of an approved cannabis retail sales establishment.
15. The separation distance between the cannabis retail sales establishment and the uses listed in subsections 7.3(2)(13) and 7.3(2)(14) shall be determined by measuring a straight line from the outer wall of the proposed cannabis retail sales establishment to the closest point on the lot containing the sensitive use.

7.5 BED AND BREAKFAST OPERATIONS

1. A bed and breakfast establishment or a guest ranch, which shall be considered to be a major home occupation, shall, in addition to the regulations for major home occupations, comply with the following regulations:

- A. A bed and breakfast establishment or guest ranch shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of ten (10) sleeping units.
- B. Cooking facilities shall not be located within the sleeping units. All facilities shall meet public health regulations.
- C. In addition to any other parking requirements of this Bylaw, one (1) additional parking space shall be provided for each sleeping unit.
- D. A bed and breakfast establishment or guest ranch shall comply with all of the other requirements for a home occupation described in this Bylaw.
- E. A bed and breakfast establishment and a guest ranch shall be operated by a live-in owner(s) and shall not change the character of the surrounding area.

7.6 COMMERCIAL DEVELOPMENT IN THE AGRICULTURE (AG) DISTRICT

- 1. A development permit for a commercial use within the Agriculture (AG) District may be issued if, in the opinion of the Development Authority:
 - A. it directly serves the agricultural community; and/or
 - B. it will not conflict with surrounding land uses.
- 2. All site regulations and development requirements, including any requirements for buffers, shall be based upon the type of development proposed and shall be at the discretion of the Development Authority.
- 3. At the time of the development permit application, the proponent of a commercial or an industrial development shall identify all municipal servicing costs associated with the proposed development.

7.7 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- 1. During the review of a Development Permit, the Development Authority may consider the following Crime Prevention Through Environmental Design (CPTED) principles, and make recommendations for the proposed development:
 - A. the reduction of concealment opportunities;
 - B. The provision of lighting to minimize unlit areas;
 - C. the placement of windows to maximize informal surveillance; and
 - D. easily-identified street addresses.

7.8 DAY USE AND PICNIC AREAS

1. A sufficient number of picnic tables, fire pits and garbage cans shall be provided to accommodate the design capacity of the site. Exact numbers shall be at the discretion of the Development Authority.
2. The facility shall be designed and landscaped in order to minimize disturbance to the natural environment and to protect heavy use areas from damage.
3. Where the day use area directly adjoins a residential development, adequate screening or fencing, to the satisfaction of the Development Authority, will be required between the uses.
4. Parking areas should be physically separated from the rest of the day use or picnic areas.

7.9 FENCES/WALLS/HEDGES

1. Within the Residential Districts, except as herein provided, no fence, wall or hedge shall be constructed that is:
 - A. higher than 2.0 m (6.6 ft.) for that portion of the fence, wall or hedge that does not extend beyond the foremost portion of the main building on the site into the front yard;
or
 - B. higher than 1.0 m (3.3 ft.) for that portion of the fence, wall or hedge that extends beyond the foremost portion of the main building on the site.
2. In the case of drive-in businesses, service stations and gas bars, solid fences shall be provided at least 2.0m. (6.6 ft.) in height adjacent to any dwelling on any adjacent lot.
3. Where lots have both their front and rear yards facing onto a street, approval of the Development Authority must be obtained prior to the erection of any fence. The size and specifications for fences in these areas must conform to the overall standard set for the area by the County.
4. Fences shall be constructed of materials which are to the satisfaction of the Development Authority. The electrification of fences shall not be allowed in any Residential Districts without the specific approval of the Development Authority.

7.10 GARAGE SUITES

1. A garage suite shall be restricted to a site occupied by a single detached dwelling.
2. A garage suite is prohibited from being constructed on a lot with a Duplex, Multi-attached dwelling or Apartment Housing.
3. A maximum of one (1) garage suite is permitted on any single detached dwelling or semidetached lot.
4. A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 sq. m (861.1 sq. ft.).

5. A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage suite.
6. The minimum floor area for an at grade garage suite is 30.0 sq. m (322.9 sq. ft.).
7. The minimum floor area for an above grade garage suite is 30.0 sq. m (322.9 sq. ft.).
8. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
9. A garage suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
10. A garage suite has an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
11. At grade garage suites have a maximum height of 4.5 m (14.8 ft.).
12. Above grade suites have a maximum height of 5.5 m (18.0 ft.) for suites with a flat roof, and 7.3 m (24.0 ft.) for suites with a sloped roof, provided that the maximum height is not higher than the height of the main dwelling.
13. A minimum of three (3) onsite parking spaces are required. Tandem parking may be permitted at the discretion of the Development Authority.

7.11 HOME OCCUPATIONS

1. All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in his/her opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.
2. A permit issued for a home occupation is valid for one year or longer as determined by the Development Authority. It is the obligation of the developer to seek renewal of a development permit prior to the expiry of the time period for which the initial permit was issued. The Development Authority shall consider the renewal on its merits.
3. A stop order may be issued at any time if, in the opinion of the Development Authority, the operator of the home occupation has violated any provisions of this Bylaw or conditions of the approval of the development permit.
4. General Regulations

All home occupations shall comply with the following requirements:

- A. In addition to a development permit application, each application for a home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.

- B. When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
 - C. Home occupations shall not involve:
 - i. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - ii. any use that would, in the opinion of the development authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
 - D. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the minor home occupation is located shall be produced by the home occupation.
 - E. There shall be no exterior signage, display or advertisement other than a business identification sign which shall not exceed 1.0 sq. m (10.8 sq. ft.) in size unless otherwise granted in a separate development permit.
 - F. In the Residential Districts, no more than one (1) commercial vehicle, up to the size of a tandem truck, to be used in conjunction with the home occupation, shall be parked or maintained on the site. The parking space of the commercial vehicle shall be either within a garage or adequately screened and sited behind the main building to the satisfaction of the Development Authority.
 - G. In the Agriculture Districts, not more than four (4) commercial vehicles, each with one (1) accessory trailer, to be used in conjunction with the major home occupation, shall be parked or maintained on the site.
5. Additional Regulations Affecting Minor Home Occupations
- A. In addition to the requirements of **subsection (4)** above, a minor home occupation shall comply with the following regulations:
 - i. A minor home occupation shall not occupy more than 30% of the gross floor area of the main dwelling.
 - ii. Except in the Agriculture (AG) District, there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed in either the dwelling or accessory buildings.
 - iii. Up to two (2) business visits per day are allowed.
 - iv. Exterior alterations or additions to accommodate a minor home occupation shall not be allowed.
 - v. A minor home occupation shall not employ any person on-site other than the occupants of the dwelling.

6. Additional Regulations Affecting Major Home Occupations

- A. In addition to the requirements of **Subsection (5)** above, a major home occupation shall comply with the following regulations:
 - i. The number of non-resident employees working on-site shall not exceed two (2) on-site.
 - ii. Up to 8 business visits per day are allowed in the Agriculture (AG) District. In all other Districts, up to four (4) business visits per day are allowed.
 - iii. Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as long as such alterations comply with this Bylaw and the Alberta Safety Codes thereunder.

7.12 INDUSTRIAL DEVELOPMENTS

1. The Development Authority may request advisory comment from various departments within the Provincial and Federal Government and/or from the Health Authority when considering an application for the establishment of a rural industrial use or an industrial use in an Agriculture (AG) District.
2. All site regulations and development requirements, including any requirement for buffers, shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority.
3. A development permit for an industrial use in the Agriculture (AG) District may only be issued if, in the opinion of the Development Authority:
 - A. the applicant can satisfy the Development Authority with respect to any concerns about:
 - i. the type and level of exhaust that may be emitted into the atmosphere;
 - ii. servicing requirements and provisions for meeting them; and
 - iii. any costs associated with providing new or upgraded municipal services associated with the development

7.12.1 INDUSTRIAL HEMP PRODUCTION FACILITY

1. Industrial hemp production and distribution facilities shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
2. A copy of the current license(s) and/or approvals for a proposed industrial hemp production and distribution facility, as issued by the federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
3. The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.

4. Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
5. The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
6. The minimum required lot size shall be at the discretion of the Development Authority.
7. Parking and loading requirements for an industrial hemp production and distribution facility shall be provided based on the requirements for an industrial use in Section 6.13 of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
8. Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
9. Applications for subdivision of land for this use may be required to include the information required by the Development Authority in Section 2.5(3).
10. Landscaping requirements shall be at the discretion of the Development Authority.
11. On site buffering measures may be required for all industrial hemp production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
12. Minimum setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
13. The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
14. A building or structure used for security purposes for a hemp production and distribution facility may be located in the front yard and must comply with the required minimum setbacks in the applicable district.

7.13 IN-LAW SUITE

15. An in-law suite shall be restricted to a site occupied by a single detached dwelling or a semi-detached dwelling.
16. An in-law suite is prohibited from being constructed within a Duplex, Multi-attached dwelling or Apartment Housing.
17. A maximum of one in-law suite is permitted on any single detached dwelling or semi-detached lot.
18. An in-law suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 sq. m (861.1 sq. ft.).

19. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite.
20. An in-law suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
21. An in-law suite does not have an entrance separate from the entrance to the main dwelling.
22. The minimum floor area for an in-law suite is 30.0 sq. m (322.9 sq. ft.).

7.14 MANUFACTURED HOME PARKS

1. The stalls shall be located a minimum of 3.0 m (10.0 ft.) from the park boundary. The setback strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
2. The minimum size for a manufactured home stall shall be 464.5 sq. m (5000.0 sq. ft.)
3. All roads shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.14 m (30.0 ft.).
4. There shall be safe, convenient, all-season pedestrian access of not less than 1.0 m (3.2 ft.) in width for intended use between individual manufactured homes, the park streets and all community facilities provided for park residents.
5. Visitor parking space shall be provided as required by the Development Authority, and shall not be used for the storage of boats, trailers, etc.
6. Two (2) off-street parking space shall be provided on or adjacent to each manufactured home stall.
7. A minimum of 10% of the gross site area shall be devoted to recreational use or recreational space as required by the Development Authority.
8. All areas not occupied by manufactured homes and their additions, internal roads, footpaths, driveways, permanent buildings and any other developed facilities, shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around laundry yards, refuse collection points and playgrounds.
9. No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well-being of the park residents and for the management and maintenance of the park.
10. Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
11. Street lighting shall be to the same standard as that in a conventional residential neighbourhood.

12. Manufactured homes shall be separated from each other by at least 6.1 m (20.0 ft.) side-to-side and at least 3.0 m (10.0 ft.) from either front or rear stall line, provided further that any porch or addition to the manufactured home is regarded as part of the manufactured home for the purpose of spacing. Notwithstanding the above, the minimum side yard requirements shall be 3.0 m (10.0 ft.).
13. The minimum site area shall be 2.0 ha (5.0 ac).
14. The maximum permissible density shall be six (6) manufactured home spaces per gross developable acre (15/ha) of the area actually being developed at each stage of the development.

7.15 MANUFACTURED HOMES

1. Before a development permit is issued for a manufactured home, the development authority shall normally receive verification that the home fully complies with both the CSA Z240 MH National Manufactured Home Standard and the Alberta Building Code (ABC). If the CSA Z240 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.
2. Should an inspection by an Alberta Safety Codes officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA Z240 standard or the ABC, all required upgrades shall be made before the issuance of a development permit.
3. In addition to the requirements of **subsection (1)**, a manufactured home located within a Hamlet or a multi-lot residential development must meet the following aesthetic regulations:
 - A. The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area.
 - B. The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area.
 - C. Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition.
 - D. Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate and general area.
 - E. The design of each manufactured home shall ensure the side or end facing the street on which the home fronts contains a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area.
 - F. Every manufactured home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed.

- G. The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.
- H. All accessory structures, such as patios, porches, additions and skirting, shall be:
 - i. factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes, and
 - ii. considered as part of the main building, and
 - iii. erected only after obtaining a development permit.
- I. The floor area of porches and additions shall be proportionate to the floor area of the manufactured home unit and this relationship shall be determined by the Development Authority.
- J. No accessory building, use or parking: space shall be located in the front yard of a manufactured home use.
- K. For the purposes of storage, any furniture, domestic equipment or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally which shall conform to the Alberta Building Codes (ABC) standards.
- L. The following regulations also apply to manufactured home uses located in residential subdivisions and manufactured home subdivisions:
 - i. The hitch and wheels are to be removed from the manufactured home.
 - ii. All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
 - iii. The property is to be grassed and landscaped within one year from the date of issue of the development permit.
 - iv. Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.
- 4. Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.
- 5. In the Agriculture Districts all accessory structures, such as patios, porches, additions and skirtings shall be:
 - A. factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home units;
 - B. considered as part of the main building; and

- C. erected only after obtaining a development permit.
- 6. In the Agriculture (AG) and Victoria Agriculture (A1) Districts:
 - A. The hitch and wheels should be removed from the manufactured home unit;
 - B. All manufactured homes shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed; and
 - C. The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.
- 7. With the exception of driveways, no accessory building or use shall be located in the front yard of a manufactured home park or in the Hamlet General (HG) District.

7.16 MOTELS

- 1. A person applying to develop a site as a motel where permitted under this bylaw shall comply with the following provisions of this section.
- 2. Interpretation

For the purposes of this subsection, a rentable unit means a separate unit on a motel site used or intended to be used for the dwelling accommodation of one or more persons.
- 3. Site Requirements for Motels. Please refer to the following table:

MINIMUM SITE	YARDS	MINIMUM FLOOR AREA / UNIT
One Storey		
139.3 sq. m (1500 sq. ft.)	Front 7.6 m (25.0 ft.)	26.4 sq. m. (285.0 sq. ft.)
	Side 3.0 m (10.0 ft.)	
	Rear 3.0 m (10.0 ft.)	
Two Storey		
93 sq. m (1,000 sq. ft.) per floor	Front 7.6 m (25.0 ft.)	26.4 sq. m (285.0 sq. ft.)
	Side 3.0 m (10.0 ft.)	
	Rear 3.0 m (10.0ft.)	

Table 10: Site Requirements for Motels

4. Space Between Buildings

Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.6 m (12.0 ft.) of clear and unoccupied space shall be provided between each rentable unit and any other building on the site.

5. Driveways

Each rentable unit shall face onto or abut a driveway not less than 6.0 m (20.0 ft.) in width and shall have unobstructed access thereto.

6. Entrances and Exits

Not more than one major vehicle entrance and one motor vehicle exit to a street, each of a minimum width of 7.6 m (25.0 ft.) measured at its minimum dimension shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.1 m. (30.0 ft.) in width.

7. Maintenance of Site and Buildings and Business

The owner, tenant, operator or person in charge of a motel shall at all times:

- A. Maintain the site and the buildings, structures and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris.
- B. Maintain garbage and / or incineration facilities to the satisfaction of the Development Authority.
- C. Maintain an appropriate fence where required, not less than 1.5 m (5.0 ft.) in height around the boundaries of the site and shall landscape and keep the site landscaped.

7.17 MULTI-DWELLING DEVELOPMENTS

1. The following application procedure applies to apartments and duplex development:

- A. Before any application can be considered the applicant must submit:
 - i. design plans and working drawings including elevations which have been done or endorsed by a registered architect.
 - ii. site plans showing the proposed:
 - a. location and position of structures on the site, including any "For Rent" or identification signs;
 - b. location and number of parking spaces, exits, entries and drives from public thoroughfares;
 - c. location of an access to garbage storage areas and incinerators and the fencing and landscaping of these facilities; and

- d. landscape plan of the entire site which shall also show intended surfacing for drives and parking areas.
 - B. The aforementioned plans will append the application and once approved shall be deemed conditions of approval. The Development Authority may require a performance bond from the developer if deemed necessary.
- 2. In the case of all buildings and relationship of the building to each other and the total relationship of the land on which they are constructed, in particular respect to such matters as architectural appearance, the provision of adequate light, air, privacy and landscaping shall be fully shown upon the site plans of the whole development, and all the foregoing shall be to the satisfaction of the Development Authority.

7.18 NATURAL RESOURCE EXTRACTION INDUSTRIES

- 1. In accordance with in **Sections 2.4 and 2.7** of this Bylaw, a development permit will be required for natural resource extraction developments including but not limited to: borrow pits, sand, gravel, clay, top soil, gypsum, granite, salt or any other mineral extraction operation.
- 2. A development permit shall not be issued for a sand, gravel, clay, coal, limestone, gypsum, granite, salt or a mineral extraction operation until any necessary reclamation plan and permit/license is approved by the Provincial Government.
- 3. Where not required to do so by Provincial agencies, the proponent of a natural resource extraction industry shall be required to submit a reclamation plan to the Development Authority for their approval prior to the issuance of a development permit.
- 4. Where not required to do so by the Province, the proponent of a natural resource extraction industry shall, at the discretion of the Development Authority, be required to post with the County security in the form of either, cash or an irrevocable letter of credit to ensure that reclamation will be completed.
- 5. A disturbed area shall be reclaimed to:
 - A. at least its former capability for agriculture; or
 - B. any other use which the Development Authority feels will be beneficial to the County.
- 6. The following conditions of approval may be included when processing an application for a natural resource extraction industry:
 - A. limitation of hours of operation;
 - B. requirement to enter into a Road Use Agreement with the County for the provision of dust control and maintenance/upgrading of roads used in direct relation to the operation;
 - C. posting of adequate signage, including company name and emergency telephone numbers, to warn of possible site or operational hazards and dangers;

- D. methods of minimizing noise in relation to the activities of the operation; and
 - E. payment of an aggregate levy to the County as outlined by the County's Community Aggregate Payment Levy bylaw.
7. Extraction operations, such as sand, gravel and other mineral resource workings shall be permitted to proceed only after the issuance of proper licenses that indicate compliance with the appropriate provincial and federal legislation and regulations.
 8. The County should not allow residential, commercial, or industrial development to occur on known commercial deposits of sand and gravel or other mineral resources if that development will prevent the future extraction of the resource.
 9. Council shall urge the provincial and federal agencies to comply with the policies of this section and the overall intent of the Plan when developing natural resource extraction activities that are exempt from control under the Municipal Government Act.
 10. Resource processing should be handled as a form of industrial development, and be subject to the industrial regulations contained in **Section 7.1** of this Bylaw.

7.19 PET KEEPING, LIVESTOCK AND KENNELS

1. The total number of domestic pets shall be in conformity with the County's Animal Control Bylaw.
2. **No animals** other than domestic pets shall be allowed:
 - A. on lots located within the Multi-lot Country Residential (R1) and Residential (Cluster) Conservation (R2) Districts, located within the Garner Lake, Mons Lake, Bonnie Lake, Whitefish Lake and/or Hanmore Lake Area Structure Plan Areas on parcels less than or equal to 2.03 ha (5.0 ac.) in area; and
 - B. on lots located within Hamlet General (HG) District on parcels less than or equal to 2.03 ha (5.0 ac.) in area.
3. Additional livestock units shall be allowed:
 - A. on lots located within the Multi-lot Country Residential (R1) and Residential (Cluster) Conservation (R2) Districts, located within the Garner Lake, Mons Lake, Bonnie Lake, Whitefish Lake and/or Hanmore Lake Area Structure Plan Areas on parcels greater than 2.03 ha (5.0 ac.) in area; and
 - B. on lots located within Hamlet General (HG) District on parcels greater than or equal to 2.03 ha (5.0 ac.) in area

In accordance with the following:

*Plus - the number of animal units permitted for that portion of the parcel in excess of 4.05 hectares (10.0 acres).

Animal Unit Calculation		
* Effecting lots in the HG District and lots within the R1 and R2 Districts located within the Garner Lake, Mons Lake, Bonnie Lake, Whitefish Lake and/or Hanmore Lake Area Structure Plan Areas		
Residential Parcel Size		Allowable Number of Animal Units
Residential Parcel Size Requirements		Allowable Number of Animal Units
0-2.05 hectares	(0 – 5.0 ac.)	0
2.06 - 2.42 hectares	(5.1 - 5.99 acres)	1
2.43 - 4.04 hectares	(6.0 - 9.99 acres)	2
4.05 hectares or greater	(10.0 acres or greater)	3*

Example: 8.08 hectares (20.0 acres) = 3+3=6 total animal units.

4. The keeping of animals not in accordance with **Section 6.20(3)** shall only be allowed upon issuance of an approved development permit, in those circumstances considered exceptional or unique by the Municipal Planning Commission.
5. For the purposes of this Section, “one animal unit” means the following:
 - (A) 1 horse, donkey, mule or ass (over one year old);
 - (B) 2 colts up to one year old;
 - (C) 1 llama, alpaca;
 - (D) 2 ostrich, emu, or other ratite;
 - (E) 1 cow or steer (over one year old);
 - (F) 2 calves up to one year old;
 - (G) 3 pigs;
 - (H) 15 chickens;
 - (I) 10 ducks, turkeys, pheasants, geese or other similar fowl;
 - (J) 3 sheep or goats; or

- (K) 20 rabbits or other similar rodents.
6. The keeping of more than two (2) dogs on any lot, whether the dogs are being bred or boarded, shall be allowed at the discretion of the Development Authority only in those Districts where kennels are listed as a discretionary use in this Bylaw.
 7. The maximum number of dogs to be kept on-site in each of the above Districts shall be at the discretion of the Development Authority.
 8. In determining the number of dogs, pups less than six months of age shall not be included.
 9. An exercise area shall be provided for each dog as follows:
 - A. breeds weighing 16 kg (35 lbs.) or less - at least 2.3 sq. m. (25.0 sq. ft.) per dog; and
 - B. breeds weighing more than 16 kg (35 lbs.) - at least 4.6 sq. m. (50.0 sq. ft.) per dog.
 10. No building or exterior exercise area to be used to accommodate the dogs shall be allowed within 25.0 m (82.0 ft.) of any lot line of the lot for which an application is made.
 11. All exterior exercise areas (runs) shall be enclosed with an acceptable fence with a minimum height of 1.8 m (6.0 ft.).
 12. All dogs in kennels shall be kept within buildings or a fenced area at all times when not leashed.
 13. All dog facilities shall be cleaned on a daily basis, and all feces shall be stored in an enclosed container and disposed of in a sanitary manner.
 14. Pens, rooms, exercise runs, and holding stalls shall be soundproofed where possible to the satisfaction of the Development Authority.
 15. A separate air extractor system shall be provided in the animal shelter or holding area where heating and air conditioning is necessary.
 16. All facilities and kennel operations shall be in compliance with the applicable Provincial regulations.
 17. All development permits issued shall be subject to cancellation if any of the above requirements, or any other condition of the development permit, is not followed.

7.20 PLACES OF WORSHIP

1. The site on which a place of worship is situated shall have a frontage of not less than 30.4 m (100.0 ft.) and an area of not less than 929 sq. m (10,000 sq. ft.) except in the case where a building for a clergyman's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1393.5 sq. m (15,000 sq. ft.).
2. Front, side and rear yards shall be those permitted within the district in which the church site is located.

7.21 PRIVATE LIQUOR STORE AND STORAGE FACILITIES

1. A person applying to develop a site as a private liquor store and storage facility where allowed under this bylaw shall comply with the following provisions:
 - A. Store size limitation - the retail and storage space shall be a minimum of 56.0 sq. m (600.0 sq. ft.).

7.22 RECREATIONAL USES

1. Recreational development shall be required to:
 - A. maintain an open space buffer of sufficient size and composition to act as a visual and noise barrier from adjacent uses which may be incompatible; and
 - B. install, when necessary, adequate on-site water supply and sewage disposal systems which have been approved by the authority having jurisdiction.

7.23 RECREATIONAL VEHICLE CAMPGROUNDS

1. Development of roads, facilities, and recreational vehicle sites shall occupy no more than two-thirds of the proposed site, leaving a minimum of one-third of the site in its natural state (or landscaping one-third to the satisfaction of the Development Authority).
2. Campgrounds should be designed and landscaped to minimize disturbance to the natural environment and to protect heavy use areas from damage.
3. The entire site design shall be at the discretion of the Development Authority.
4. Where the campground directly adjoins a residential area, adequate screening or fencing shall be provided, to the satisfaction of the Development Authority.
5. A sufficient number of picnic tables, fire pits, and garbage cans shall be provided to accommodate the design capacity of the campground. Exact numbers shall be at the discretion of the Development Authority.
6. On recreational vehicle campgrounds located next to a lake, if boat launching and swimming facilities are not provided, alternative locations for same should be indicated on a map or sign on the site.
7. An adequate potable water supply and sewage disposal facilities shall be provided, in accordance with Provincial regulations and/or the Safety Codes Act, as applicable.
8. A portion of the campsites should be serviced by electrical, water or sewage disposal hookups.

7.24 RECREATIONAL VEHICLE PARKS

1. Each recreational vehicle parking stall be a minimum width of 10.0 m (32.8 ft.) and a minimum area of 250.0 sq. m (2691.0 sq. ft.).
2. As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction,

including any necessary approvals pursuant to the Alberta Safety Codes Act that may be applicable.

3. As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
4. All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m. (20.0 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.7 m. (12.0 ft.) usable top.
5. The developer shall provide on-site potable water supply which meets all applicable provincial water requirements.
6. The developer shall provide sewage disposal facilities in accordance with the County's servicing requirements as well as all applicable provincial regulations.
7. As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction over this type of development.
8. The developer shall be required to enter into a development agreement with the County as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary County roads to access the development when determined necessary by the Development Authority.
9. The developer shall designate an area equivalent to ten (10%) percent of the total recreational vehicle campground area as a playground. This area is to be clearly marked and free from all traffic hazards.
10. All stalls shall maintain a minimum set back of 30.0 m (98.4 ft.) from the shoreline of any body of water.
11. The maximum number of recreational vehicles permitted per stall shall be one (1).
12. A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
13. Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked and constructed to the satisfaction of the Development Authority.
14. All other site requirements shall be as required by the Development Authority.
15. Minimum Yard Setbacks:
 - A. Front, side, corner and rear yard setbacks shall be 7.6 m (25.0 ft.) or 10% of the lot width, whichever is lesser.

7.25 RECREATIONAL VEHICLES

1. The year round placement of 2 (two) recreational vehicles on a parcel in Multi-lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential(R3) or Hamlet General (HG) Districts is allowed without a development permit.
2. Additional recreational vehicles shall be permitted within the Multi-lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential (R3) or Hamlet General (HG) Districts for a maximum of four (4) consecutive days.
3. No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply, or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park.
4. This section **does not** apply to the placement of recreational vehicles in the Agriculture District (AG), Victoria Agriculture District (A1), Highway Commercial District (C1), Victoria Commercial District (C2), Industrial District (M1), Rural Industrial District (M2), Institutional & Community District (P), Direct Control District (DC), and Direct Control Landfill District (DC1).

7.26 RECREATIONAL VEHICLES LOCATED IN RECREATIONAL VEHICLE CAMPGROUNDS

1. No recreational vehicle, whether located within a recreational trailer park or on a lot, may have associated with it any more than two (2) accessory structures, buildings, or other paraphernalia, in addition to fences, benches, fire pits, and picnic tables. A small shed with a maximum size of 18.58 sq. m (200 sq. ft.), and a screened or roofed patio around or beside the recreational vehicle is permitted.
2. No structure accessory to a recreational vehicle shall be used as sleeping quarters.
3. Except for a recreational vehicle on a lot, the total gross floor area or ground area covered by all accessory structures, buildings or other paraphernalia (other than those indicated in **subsection 6.16(1)**) shall not exceed 50% of the RV lot size.

7.27 RELOCATION OF BUILDINGS OTHER THAN MANUFACTURED HOMES

1. No person shall alter the location on a parcel of a building already constructed on that parcel, unless a development permit has been issued.
2. No person shall place on a parcel of land within the Highway Commercial (C1) District, Victoria Commercial (C2) District or Hamlet General (HG) District a building formerly erected or placed on a different parcel, including portable pre-fabricated buildings, without an approved development permit.
3. Any application for a "moved-in building" considered by the Development Authority shall:
 - A. be accompanied by recent colour photographs of the structure; and
 - B. indicate if the building will meet current requirements of the Alberta Building Code (ABC), and if it does not, how the building will be brought up to these requirements; and

- C. meet all other requirements or conditions as required by the Development Authority Officer.
- 4. The Development Authority may, at his/her discretion, require, prior to the approval of a development permit for a relocated building, that an inspection of the proposed relocated building be completed by the Development Authority or a designated officer to determine its suitability for relocation in the County.

7.28 RESIDENTIAL CLUSTER CONSERVATION DESIGN REQUIREMENTS

- 1. A land suitability analysis (LSA) 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;

must be included with all Area Structure Plans and Development Concept Plans for Multi-lot Residential (Cluster) Conservation Developments if the proposed development would exceed the maximum density of 1.54 dwellings per net ha (0.6 dwellings per net ac.) or where the development proposed is:

- i. not located within a Hamlet area; and
- ii. the developer proposed lots which are smaller than 0.3 ha (0.74 ac.) 0.75 ac. (0.303 ha) in area.

The purpose of the LSA 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.

- 2. The LSA 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 3.0 m (10.0 ft.) intervals;
 - D. all environmentally sensitive areas as identified by Alberta Environment and Sustainable Resource Development;
 - E. general vegetation characteristics;
 - F. soil drainage;
 - G. soils information including farmland assessment information and soil suitability for private sewage disposal;

- 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.

3. Normally, at least 50% of the gross developable area shall be left as Open Space in Cluster Residential Developments. However, at the discretion of the Development Authority and the Subdivision Authority this percentage may be reduced based on the results of the biophysical analysis submitted with the application.
4. The location and percentage of open space in the development must be illustrated on the development concept.
5. 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. water features and buffer zones which meet the minimum ER width requirements identified in the Sustainable Resource Development Guidelines for Minimum Environmental Reserve/Easement Width;
 - C. slopes greater than 15%;
 - D. populations of endangered or threatened species, or habitat for such species;
 - E. hazard lands and the environmental reserve modifier areas identified in the Sustainable Resource Development Guidelines for Minimum Environmental Reserve/Easement Widths (see appendix A);
 - F. environmentally sensitive areas (ESAs), as identified by Alberta Environment or Alberta Sustainable Resource Development; and
 - G. Heritage resources such as municipal, provincial and nationally identified heritage sites as well as: archaeological sites, cemeteries, burial grounds, and other historical sites.
6. 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 (10.0 ac.) contiguous area;
 - B. other significant natural features and scenic view sheds 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 (5.0 ac.) contiguous area; and
 - D. existing trails that connect to neighbouring areas.

7. All remaining lands will be considered Low Priority Conservation areas. These areas are not required to be included within the Open Space areas.
8. 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.
9. 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 including at the discretion of the Development Authority, recreational vehicle storage or over flow parking and small group campsites, 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.
10. 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.

11. 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.
12. Since such Open Space Areas are not developable, their value will be reduced for assessment and municipal taxation purposes.
13. Private recreation facilities shall be encouraged within the residential conservation (cluster) area in order to provide residential recreational amenity that are not lake intensive. Public recreation facilities (facilities open to the general public) shall be considered discretionary developments and shall only be developed if they are compatible with the environment and with nearby uses and developments.
14. 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.
15. 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.
16. Any changes to the Area Structure Plan or 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.
17. 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.
18. The Development Authority may require the Open Space 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 which 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 favouring Smoky Lake County shall be included in the easement.
19. The instrument for permanent protection shall include clear restriction on the use of Open Space. There 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.
20. The Development Authority may require the Open Space 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 which 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 favouring Smoky Lake County shall be included in the easement.
21. The instrument for permanent protection shall include clear restriction on the use of Open Space. There 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.

7.29 RESIDENTIAL CLUSTER CONSERVATION USES

- 1. Residential (cluster) conservation uses must conform to provisions in applicable statutory plans, development concept plans and/or regional plans effecting the subject lands.
- 2. A subdivision to create a multi-lot residential development within the Residential (Cluster) Conservation District will not be considered for approval until an Area Structure Plan affecting the subject site is submitted by the developer and approved by Council. At the discretion of the

Development Authority a Development Concept Plan may be accepted instead of an Area Structure Plan.

3. A Land Use Bylaw amendment to re-district land to the Residential (Cluster) Conservation District will not be considered for approval until an Area Structure Plan affecting the subject site is submitted by the developer and approved by Council. At the discretion of Council, a Development Concept Plan may be accepted instead of an Area Structure Plan.
4. The Area Structure Plan or Development Concept Plan submitted as a requirement for the approval of a re-districting application or a multi-lot country residential subdivision for a residential (cluster) conservation use shall include a land suitability assessment, which provides information about the environmental features of the site both in map form and with some text describing the features of the map (or maps). The site design of the development must reflect the findings of the LSA and be designed to ensure that the development has a Low Net Environmental Impact.
5. The purpose of the LSA is to ensure that the important site features have been identified. The LSA should include:
 - A. site and property boundaries;
 - B. all streams, rivers, lakes, wetlands, and other hydro-geological features (including seasonal water flow and ponding areas) within and adjacent to the site;
 - C. topographic contours of no less than 30.0 m (98.4 ft.) intervals;
 - D. all environmentally sensitive areas which have been or may be identified by Alberta Environment and Sustainable Resource Development;
 - E. general vegetation characteristics;
 - F. soil drainage;
 - G. soils information including farmland assessment information and soil suitability for private sewage disposal for the site;
 - H. existing roads and road structures;
 - I. potential connections of open space, green spaces, and trails (if applicable);
 - J. Environmentally Significant Areas (ESAs); and
 - K. Heritage Resources including municipally, provincially and nationally recognized heritage sites as well as any additional resources identified as a result of a Heritage Resource Impact Assessment.
6. The LSA may be used to determine primary, secondary, and low priority conservation areas if the developer applies for density bonusing.

7. 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.
 - D. Development shall also be prohibited in areas subject to periodic flooding or on soils which become saturated due to flooding.
 - E. Development maybe prohibited on soils which have extremely fast percolation rates (2 min./1 inch or faster) and/or would promote the possibility of groundwater contamination.
8. Development for multi-lot residential (cluster) conservation purposes shall be prohibited:
 - A. on sites where adequate year-round access is not available by paved roads in good condition, developed to current County standards;
 - B. on sites where necessary services are not provided at the sole expense of the developer;
 - C. within 30.0 m (98.4 ft.) of a lake.
9. The natural topography and vegetation of the development area shall be conserved wherever possible as illustrated in **Figures 24 and 25**.
10. Development will be directed to lands that are identified to be of lesser environmental significance, such as those areas which may be identified as low priority conservation areas.
11. Wildlife corridors or connections between all conservation areas shall be maintained wherever possible.
12. The natural landscape and topography shall be considered and incorporated into the overall design of the development.
13. Internal road access shall be provided to each residential parcel, though the roads may be private in accordance with the policies of this area.
14. The Municipality will require hard surfaced roads in all new multi-lot country residential developments developed to current County standards.

15. All new developments shall provide and pay for infrastructure and servicing improvements, as well as the extension of services to facilitate the development.
16. Transportation, communication, and public utility uses shall be considered discretionary. Such uses shall only be developed in such a manner as shall not adversely affect the environment, surface or ground water quality, or existing developments.
17. All development shall be required to install sewage disposal systems which have been approved by the authority having jurisdiction.
18. No development shall be permitted on Reserve lands if the development does not serve the interests of the general public.
19. 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.
20. 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.
21. 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.
22. The clearing of vegetation shall be minimized to lessen the impact of the development on sensitive riparian areas and encourage biodiversity.

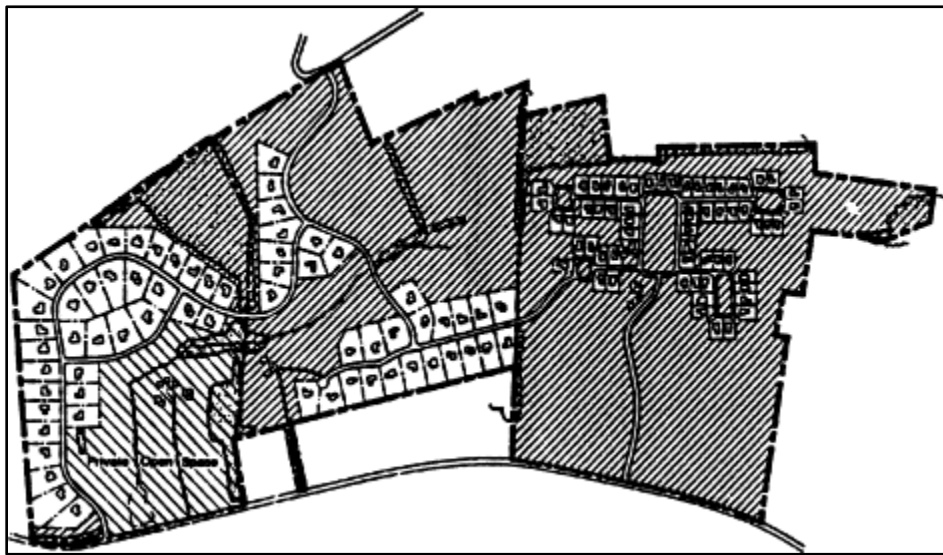


Figure 22: Cluster Conservation Subdivision Example #1



Figure 23: Cluster Conservation Subdivision Example #2

23. 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.
24. Further information may be obtained from appropriate Provincial government offices.
25. All multi-lot residential developments in the Residential (Cluster) Conservation District shall be either:
 - A. low density multi-lot residential developments, with a maximum density 1.54 dwellings per net ha (0.6 dwellings per net ac) The minimum lot area is 0.3 ha (0.74 ac.) and the maximum lot area is 4.04 ha (10.0 ac.); or
 - B. cluster residential developments, with a maximum density 2.47 dwellings per net ha (1.0 dwelling per net ac.). The minimum lot area shall be at the discretion of the Development Authority and the maximum lot area shall normally be 0.2 ha (0.5 ac.). In order to qualify for this type of residential development the design of the development must conform to the requirements for density bonusing outlined in **Section 7.26**.

26. The maximum density of **low density multi-lot residential developments** within areas identified as residential (cluster) conservation areas shall be determined by the Subdivision Authority and the Development Authority on a site by site basis. The maximum residential density shall be based on:
- A. the land suitability assessment (LSA) undertaken for the site. Residential density will be determined on a site by site basis having regard for site conditions, environmental considerations and impacts, and other factors that may be considered in the design of the proposal;
 - B. the maximum number of allowed dwelling units will normally be determined by dividing net developable area of the site by the minimum residential parcel size of 0.3 ha (0.74 ac.);
 - C. the net developable area shall be the total gross area of the site, less the area of:
 - i. bodies of open water over 500.0 sq. m (5382.0 sq. ft.) in area or greater;
 - ii. anticipated rights-of-way for roads and utilities;
 - iii. Environmental Reserve and/or Environmental Reserve Easement areas (if applicable); and
 - iv. Municipal Reserve areas (if applicable);
 - D. the suitability and availability of municipal services and infrastructure necessary to support the proposal; and
 - E. the compatibility of the proposed density with that of the surrounding area and the character of the existing community (if applicable).
27. The maximum density for **cluster residential developments** within areas identified as residential (cluster) conservation areas or on sites where a developer wishes to qualify for density bonusing, shall be determined by the Subdivision Authority and the Development Authority on a site by site basis. The maximum residential density shall be based on the design requirements for cluster residential developments identified in the following section.

7.30 RESIDENTIAL USES

1. In all residential districts, residential development shall not be allowed on land having critical development constraints. The following list of development criteria shall be used in determining the suitability of land for seasonal/permanent residential development:
- A. Groundwater of sufficient quantity and quality shall be available to support the proposed development. No development shall be permitted in areas where reserves of potable water are inadequate in the opinion of the Development Authority.
 - B. Development shall be prohibited on slopes in excess of 15% or unstable slopes subject to soil slippage or other mass movement.

- C. Development shall be prohibited in areas characterized by wetlands, swamps, muskeg, or saturated soils. Development shall also be prohibited in areas subject to periodic flooding or on soils which become saturated due to flooding.
 - D. Development shall be prohibited on soils which have extremely fast percolation rates (2 min./1 inch or faster) and/or would promote the possibility of groundwater contamination.
- 2. Development for multi-lot country residential purposes shall be prohibited:
 - A. on sites where adequate year-round access is not available by either a paved or graveled all-weather road in good condition;
 - B. on sites where necessary services are not provided at the sole expense of the developer;
 - C. within 30.5 m. (100.0 ft) of a lake or the North Saskatchewan River. If the developer disputes the required setback then the developer may provide the Development Authority with a biophysical study which indicates that an alternative setback area is appropriate for the subject site. The Development Authority will then carefully consider the additional information and make a determination regarding the most appropriate setback area for the site.
- 3. All development shall be located on lots large enough to support on-site water supply and sewage disposal systems. All development shall be required to install sewage disposal systems which have been approved by the authority having jurisdiction.
- 4. 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.
- 5. The clearing of vegetation shall be minimized and occur only after obtaining a development permit.
- 6. 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.
- 7. Further information may be obtained from appropriate Provincial government offices.
- 8. Where there is an approved Area Structure Plan, Intermunicipal Development Plan or Outline Plan regulations in that Plan will apply.

7.31 SATELLITE DISH ANTENNAS AND COMMUNICATION TOWERS

- (a) Smoky Lake County is not the approving authority for telecommunication antenna systems or structures.
- (b) The federal Minister of Industry (or the equivalent) is the approving authority for the development and operation of radiocommunication in Canada, including telecommunication antenna structures, pursuant to the *Radiocommunication Act*.
- (c) To this end, Industry Canada requires in certain cases that the local land use authority and the public must be consulted for input regarding the proposed placement of a telecommunication facility.
- (d) In those cases, all applications for the development of a communication tower should meet the rules and follow the procedures of the **Smoky Lake County Telecommunication Policy Statement No. 61-22** (or its equivalent).
- (e) The County will encourage developers of wireless communications facilities to demonstrate good planning and design with foremost regard to safety of the general public; adherence to established construction standards in industry; minimizing impacts to the natural environment; minimizing the visual impacts on nearby residents; and ensuring public consultation in the early development stages.
- (f) The application for development of a wireless communications facility is encouraged to engage existing owner/operators of these structures for co-location opportunities.
- (g) The following rules apply to satellite dish antennas:
 - i. a satellite dish antenna is an accessory use, which requires an approved development permit, unless the satellite antenna has a dish diameter of less than 1m;
 - ii. a satellite dish antenna should be placed in the rear or side yard but may be placed in the front yard if the diameter is less than 1m and subject to this section;
 - iii. a satellite dish antenna shall be situated so that no part of the antenna is closer than 0.6 m from the side or rear boundaries of the parcel;
 - iv. no advertising other than the manufacture's name/logo shall be allowed on a satellite dish antenna; and
 - v. the illumination of a satellite dish antenna is prohibited.

7.32 SECONDARY SUITES

1. A secondary suite shall be restricted to a site occupied by a single detached dwelling or a semi-detached dwelling.
2. A secondary suite is prohibited from being constructed within a duplex, multi-attached dwelling or apartment housing.
3. A maximum of one secondary suite is permitted on any single detached dwelling or semi-detached lot.
4. A secondary suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 8.0 sq. m (860.0 sq. ft.).
5. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
6. A secondary suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
7. A secondary suite has an entrance separate from the entrance to the main dwelling, either from a common indoor landing or directly from the exterior of the structure.
8. A secondary suite may include the conversion of a portion of existing space in the main dwelling, the addition of new floor space to an existing dwelling.
9. The minimum parcel size for a secondary suite is 360.0 sq. m (3875.0 sq. ft.) in size.
10. The minimum lot width requirement for secondary suites is 12.2 m (40.0 ft.).
11. The minimum area for a secondary suite is 30.0 sq. m (322.9 sq. ft.).
12. A secondary suite cannot exceed the maximum height of the main dwelling.
13. Prior to development permit approval the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
14. One on-site parking stall shall be provided for the secondary suite, in addition to the parking requirements for the main dwelling pursuant to **Section 6.13** of this Bylaw. Tandem parking may be permitted at the discretion of the Development Authority.

7.33 SERVICE STATIONS AND GAS STATIONS

1. A person applying to develop a site as a service station or gas station establishment where allowed under this bylaw shall comply with the following provisions of this section.
2. Service and gas stations shall be located in such a manner that:
 - A. No entrance or exit thereto for motor vehicles shall be within 60.9 m (200.0 ft.) of an entrance to or exit from a public or quasi-public use.

- B. No part of a service station or gas station building or of any pump or other accessory building shall be within 6.0 m (20.0 ft.) of a side or rear property line.
- C. Service stations shall have a front yard of not less than 12.2 m (40.0 ft.), and no gasoline pump shall be located closer than 6.1 m (20 ft.) to the front property line.
- D. Storage tanks shall be set back from adjacent buildings in accordance with applicable Provincial requirements.

3. Site Area and Coverage

- A. The minimum site area shall be 743.2 sq. m (8,000.0 sq. ft.) and the maximum building coverage shall be 25% of the site area. For service stations including car washes the minimum site area shall be 1,114.8 sq. m (12,000 .0 sq. ft.).
- B. In the case of a service station designed and built as part of a shopping centre the ratio of building space to parking space shall be as determined by the Development Authority.

4. Surfacing

- A. All parts of the site to which vehicles may have access shall have the surface completed to the satisfaction of the Development Authority.

5. Lighting

- A. Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjoining properties.

6. Use and Maintenance of Service Station Site and Building

The owner, tenant, operator or person in charge of a service station shall at all times:

- A. Be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available on any authorized service station for storage) or of any business or activity which is; obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the site of a service station by reason of dust, noise, gases, odour smoke or vibration.
- B. Be responsible for the proper, safe and orderly operation thereof and of motor vehicles using said service station or when repaired or serviced thereat, and without restricting the generality of the foregoing shall see:
 - i. that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service stations, and

- ii. that operators of motor vehicles enter and leave the service station only at the entrances and exits provided for such purposes and not elsewhere.
- C. Maintain on the boundaries of the site, where required by the Development Authority, an appropriate fence not less than 1.5 m (5.0 ft.) in height.

7.34 SHIPPING CONTAINERS

1. The placement of a shipping container on any parcel located within the Multi-Lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential (R3), Hamlet General (HG), Highway Commercial (C1), Victoria Commercial (C2), Industrial (M1) and Rural Industrial (M2) Districts shall require a development permit.
2. A maximum of two (2) shipping containers may be placed on any parcel located within the Agriculture (AG) District without obtaining a development permit. The placement of a third or subsequent shipping container on a parcel located within the Agriculture (AG) District shall require a development permit.
3. A shipping container may be allowed, at the discretion of the Development Authority, on any parcel located within the Multi-Lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential (R3) and Hamlet General (HG) Districts.
4. The maximum number of shipping containers that may be located on a parcel located within the Agriculture (AG), Victoria Agriculture (A1), Highway Commercial (C1), Victoria Commercial (C2), Industrial (M1) and Rural Industrial (M2) Districts is at the discretion of the Development Authority.
5. The location of shipping container placement on any property is at the discretion of the Development Authority.
6. The maximum length for shipping containers located within the Multi-Lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential (R3) and Hamlet General (HG), Highway Commercial (C1) and Victoria Commercial (C2) Districts shall be twenty feet (20.0'). The maximum length for shipping containers located within the Agricultural General (AG), Industrial (M1) and Rural Industrial (M2) Districts shall be at the discretion of the Development Authority.
7. If a temporary development permit for a shipping container has been approved by the Development Authority, then the shipping container may be placed on a site for a period of six (6) months. After that period has expired the developer will be required to apply to the County for an extension for the permit. Extensions may be issued for up to six (6) month intervals at the discretion of the Development Authority.
8. The exterior finish of a shipping container sited on a parcel located within the Multi-Lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential (R3), Hamlet General (HG), Highway Commercial (C1) and Victoria Commercial (C2) Districts must be complimentary with the finish of the primary building. The finish shall be made to consistent with the finish of the primary building within two (2) years of the placement of the shipping container.
9. No human or animal habitation will be permitted within a shipping container.

10. Shipping containers cannot be used as a dwelling, bunk house or a guest house within the County.

11. The maximum height for a shipping container allowed on a parcel is 3.0 m (10.0 ft.). Stacking of shipping containers which are used as building material may be permitted, at the discretion of the Development Authority.

7.35 SOLAR ENERGY COLLECTION SYSTEMS

1. Location
 - A. Ground mounted solar collectors shall be located in a side or rear yard only.
2. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:
 - A. is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 12-foot obstruction located on the lot line; and,
 - B. has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.
3. **Subsection (2)** above does not apply to structures or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or the effective date of this bylaw, whichever is later. Said subsection controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

7.36 SURVEILLANCE SUITES

1. The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
 - A. A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the main use of the subject parcel. Moreover, in the opinion of the Development Authority, the placement of a surveillance suite shall be compatible with all existing, main development/land uses on adjacent properties and shall not interfere with future main development/land uses of adjacent properties.
 - B. Where a surveillance suite is allowed in accordance with this Bylaw, the Development Authority may issue a development permit for one surveillance suite per associated development or parcel.
 - C. Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
 - i. a minimum of 1.8 m (6.0 ft.) from any buildings; and

- ii. a minimum of 1.8 m (6.0 ft.) from the rear and side property lines; and
 - iii. no closer than the front line of main building.
- D. The maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.5 sq. m (500.0 sq. ft.).
- E. The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Authority, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

7.37 VEHICLE WASHING ESTABLISHMENTS

1. A person applying to develop a site as a car washing establishment where allowed under this bylaw shall comply with the following provisions of this section.

2. Site Location

In addition to those locations permitted in this Schedule, a car washing establishment may be allowed as a discretionary use as part of a shopping center if the Development Officer is satisfied that it will not adversely affect an adjoining and use or the function of the shopping centre in relation to traffic circulation.

3. Site Area

The minimum site area shall be 557.4 sq. m (6,000.0 sq. ft.) and shall contain storage space for 10 vehicles prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations including car washes, minimum site area shall be 111.5 sq. m. (1,200.0 sq. ft.).

4. Site and Building Requirements

All site and building requirements shall be to the satisfaction of the Development Officer.

7.38 WIND CONVERSION SYSTEMS, LARGE

1. Prior to making a decision on an application for a development permit for a large wind energy conversion system, the Development Authority shall consider input from:
 - A. any adjacent municipality should the proposed development be located within 2 kilometres (1.2 miles) of the municipality; and
 - B. landowners within 2 kilometres (1.2 miles) of the proposed development.
2. Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned.

Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of **Section 5** of this Bylaw.

3. Property line setbacks

- A. A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the main use in the District in which it is located.
- B. Where, in the opinion of the Development Authority, the setbacks referred to in **Section 6.8** above are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.
- C. The turbine base shall be no closer to the property line than four times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.

4. Minimum Vertical Blade Clearance

The minimum vertical blade clearance from grade shall be 7.4 m (24.6 ft.) for a wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.

5. Public Safety Requirements

To ensure public safety, the Development Authority may require that:

- A. a secure fence not less than 1.8 m (5.9 ft.) in height with a lockable gate surround a wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;
- B. no ladder or permanent tower access device be located less than 3.7 m (12.1 ft.) from grade;
- C. a locked device be installed on the tower to preclude access to the top of the tower; and
- D. such additional safety mechanisms or procedures be provided as the Development Authority Officer may consider reasonable and appropriate.

The use of tubular towers, with locked door access, may, at the discretion of the Development Authority, make unnecessary the above requirements.

6. All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.

7. Appearance

- A. Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a system to the requirements of the Development Authority.
 - B. No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the discretion of the Development Authority.
- 8. The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:
 - A. information provided in the application;
 - B. the proximity of the proposed development to other land uses;
 - C. the cumulative effect of all wind energy conversion systems approved or proposed in the area;
 - D. underlying utilities; and
 - E. information received from the circulation of the application and from the public.
- 9. Traffic Safety Regulations
 - A. Large wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Navigation Canada.

7.39 WIND CONVERSION SYSTEMS, MICRO

- 1. Notwithstanding any other provisions in this Land Use Bylaw, Micro Wind Energy Conversion Systems, which are systems which have a rated capacity of less than 0.5 KW, may only be roof mounted or ground mounted within a side or rear yard.
- 2. Micro Wind Conversion Systems shall be required to conform to set back requirements for accessory buildings.
- 3. Maximum height shall be the maximum height provisions that apply within the district in which the Micro Wind Conversion System is located.
- 4. One Micro Wind Energy Conversion System is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

7.40 WIND CONVERSION SYSTEMS, SMALL

1. Wind Turbine Tower Height
 - A. For property sizes between 0.1 ha (0.25 ac.) and 0.2 ha (0.5 ac.) the wind turbine tower height shall be limited to 8.0 m (25.0 ft.). For property sizes of 0.2 ha (0.5 ac.) or more, there is no limitation on wind turbine tower height, subject to the set-back requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.
2. Property line setbacks in the Urban Reserve District
 - A. The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3.0 m (10.0 ft.) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 1.8 m (6.0 ft.) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.
3. Property line setbacks in the Residential, Commercial, and Semi-Public Districts
 - A. The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure may extend closer than 3.0 m (10.0 ft.) to the property boundaries of the installation site. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners. Mounting using guy wires shall not be permitted in Residential, Commercial semi-Public Districts.
 - B. The applicant will be required to provide the Development Authority with information regarding the proposed means of mounting the turbine prior to development approval.
4. Noise
 - A. The mean value of the sound pressure level from small wind energy systems shall not exceed more than six (6) decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 22 mph (10 m/s) and except during short-term events such as utility outages and/or severe wind storms.
5. Compliance with Building Code
 - A. Development permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine

tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.

6. Compliance with Air Traffic Safety Regulations

- A. Small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Navigation Canada.

7. Compliance with Existing Electric Codes

- A. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.

8. Utility Notification

- A. No small wind energy system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

9. Number per lot

- A. One Small Wind Energy System is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

7.41 WORKCAMPS

1. All workcamps shall be considered temporary developments.
2. All workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
3. No development permit for a workcamp shall be approved unless:
 - A. it is for a temporary period of time as specified by the Development Authority;
 - B. all required access provisions are provided to the satisfaction of the Development Authority at the sole cost to the developer;

- C. the developer provides undertakings and guarantees acceptable to the Development Authority, that the workcamp will be removed and the subject site returned to its state before the workcamp was developed after the workcamp is removed; and
 - D. it is an accessory development to an approved industrial or commercial development for construction employees and located on the site of that industrial or commercial development.
- 4. The Development Authority may establish whatever conditions for the approval of a work camp or a temporary work camp that it, at its sole discretion, deems reasonable to ensure that the workcamp will be a temporary development.
- 5. The Development Authority may, at its sole discretion, establish any conditions of approval for a workcamp to ensure that the site of the development will be restored to its previous situation after the development ceases operations.
- 6. Workcamps shall not be allowed in close proximity to residential developments, determined at the sole discretion of the Development Authority.
- 7. All parking must be provided on the lot and areas for parking developed to the satisfaction of the Development Authority.
- 8. All points of access and egress shall be located to the satisfaction of the Development Authority.
- 9. Maximum parcel coverage shall be such that space is available for all the parking on the lot, together with the applicable setback and such area as required for landscaping as determined by the Development Authority.
- 10. Adjacent buildings in workcamps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Alberta Safety Codes Act and by the Development Authority.
- 11. Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.

8 LAND USE DISTRICTS

8.1 ESTABLISHMENT OF DISTRICTS AND LAND USE DISTRICT MAP

1. For the purpose of this bylaw, the Smoky Lake County is divided into the following districts:

Short Form	District Designation
AG	Agriculture
A1	Victoria Agriculture
R1	Multi-Lot Country Residential
R2	Residential (Cluster) Conservation
R3	Victoria Residential
HG	Hamlet General
C1	Highway Commercial
C2	Victoria Commercial
M1	Industrial
M2	Rural Industrial
P	Community & Institutional
DC	Direct Control
DC1	Direct Control Landfill

2. The boundaries of the districts listed in this section are as delineated on the Land Use District Map located in **Section 11** of this Bylaw.
3. Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:
 - A. Rule 1: Where a boundary is shown as following a street, lane or stream, it shall be deemed to follow the centreline thereof.
 - B. Rule 2: Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 - C. Rule 3: In circumstances not covered in Rules 1 and 2, the location of the district boundary shall be determined by:
 - i. Where dimensions are set out on the Land Use District Map, the dimensions so set; or

- ii. Where dimensions are set out in the Land Use District with respect to such boundary, measurement of and use of the scale shown on the Land Use District Map.
- 4. If the foregoing rules cannot resolve a question regarding the exact location of a district boundary, Council shall determine the location to the degree of detail as circumstances require.
- 5. When Council has fixed a district boundary pursuant to **subsection 8.1(4)**, the location of that boundary shall not be altered except by an amendment to this bylaw.
- 6. Council shall maintain a list of its decisions with respect to district boundaries.

8.2 AGRICULTURE (AG) DISTRICT

1. Purpose

The general purpose of this District is to allow a range of activities associated with working landscapes including agricultural uses and resource extraction uses that support the rural economy, rural lifestyle and discourage the fragmentation of the County's land base.

2. Permitted Uses

- A. Art, Craft and Photographic Studios
- B. Agricultural Support Service
- C. Basement Suite
- D. Bed and Breakfast Establishment
- E. Buildings and Uses Accessory to Permitted Uses
- F. Community Hall
- G. Day Home
- H. Dwelling, Single Detached
- I. Dwelling, single detached, tiny
- J. Extensive Agriculture
- K. Garage Suite
- L. Garden Suite
- M. Guest House
- N. Home Occupation, Major
- O. Home Occupation, Minor
- P. In-law Suite
- Q. Manufactured Home
- R. Modular Home
- S. Natural Area
- T. Public Utility
- U. Secondary Suite
- V. Shipping Container
- W. Solar Energy Collection Systems
- X. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Animal Breeding and/or Boarding Facility
- B. Animal Clinic
- C. Animal Hospital
- D. Animal Hospital, Large
- E. Boarding Facility
- F. Buildings and Uses Accessory to Discretionary Uses
- G. Campground, minor
- H. Campground, intermediate
- I. Campground, major
- J. Cemetery
- K. Child Care Facility
- L. Day Care Facility

- M. Duplex (Vertical and Side-by-Side)
- N. Family Care Facility
- O. Intensive Agriculture
- P. Kennel
- Q. Natural Resource Extraction Industry
- R. Place of Worship
- S. Public and Quasi-Public Building and Use
- T. Public Utility
- U. Recreational Use
- V. Recreational vehicle park
- W. Relocated Building
- X. Secondary Commercial
- Y. Sign
- Z. Surveillance Suite
- AA. Transfer Station
- BB. Utility Building
- CC. Wind Energy Conversion System, Small
- DD. Wind Energy Conversion System, Large
- EE. Workcamp, Short-Term
- FF. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

A maximum of five (5) parcels per quarter section may be subdivided for agricultural, or residential uses including the subdivision of fragments. The following chart presents information by use type regarding the maximum number of parcels allowed per quarter section.

	Maximum Parcel Density Per Quarter Section By Use Type	Minimum Parcel Size	Maximum Parcel Size
Agricultural Use	2 parcels per quarter section	Normally 32.0 ha (80.0 ac.) however a single 16.0 ha (40.0 ac.) parcel may be subdivided if the proposed parcel conforms to 4(A)(ii)	At the Discretion of the Subdivision Authority
Residential Use	4 parcels per quarter section	0.8 ha (2.0 ac.)	8.0 ha (20.0 ac.)
Commercial Use	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority
Community/ Institutional Use	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority
Industrial Use	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority

A. Lot Area – Agricultural Use

- i. The **minimum** parcel size for extensive agricultural uses shall normally be 32.0 ha (80.0 ac.) less any approved subdivisions.
- ii. Notwithstanding (A)(i) above, the subdivision of a single 16.0 ha (40.0 ac.) parcel for agricultural use may be permitted out of an **un-subdivided** quarter section if the following criteria are met to the satisfaction of the County:
 - a. Legal and year round physical access to the proposed parcel and the remainder are developed to County standards;
 - b. The proposed use of the parcel will not adversely impact adjacent agricultural uses;
 - c. The parcel is should normally be located:
 - I. adjacent to or near quarter section boundaries;
 - II. in close proximity to existing residential parcels or farmsteads on adjacent quarter sections;
 - III. along a designated rural residential collector road;
 - d. The applicant demonstrates that the parcel can be serviced on-site as per provincial regulations;
 - e. If the parcel is to be used for an intensive agricultural operation or a value added agricultural industry¹, the use and size of the parcel is supported by a business plan that may include:
 - I. a financial plan to the satisfaction of the County;
 - II. a detailed site plan of the proposed operation including the required land area, expansion possibilities and possible effects on adjacent landowners, uses and municipal infrastructure;
 - III. information regarding potential traffic generation which may include a Traffic Impact Assessment;
 - IV. potential nuisance factors and any mitigation measures necessary to reduce nuisance factors; and
 - V. where necessary, a detailed site assessment which indicates the

¹ Value added industry in this context means: an industry which economically adds value to a product by changing it from its current state to a more valuable state.

location, character and parcel coverage percentages of the environmentally sensitive areas and/or heritage features on the site.

B. Lot Area – Residential Use

- i. Normally, a **maximum** of 8.0 ha (20.0 ac.) per quarter section will be allowed for residential subdivisions.
- ii. Normally, the minimum lot area allowed for vacant residential parcels or for farmstead separations will be 0.8 ha (2.0 ac.) and the maximum lot area will be 8.0 ha (20.0 ac.).

C. Lot Area - Other Uses

The minimum parcel size for other uses shall be as provided for elsewhere in this Bylaw, in the County's Municipal Development Plan, in any relevant Area Structure Plan, or as required by the Subdivision Authority.

5. Development Regulations

A. Minimum Yard Dimensions

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

i. Minimum Front Yards

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line

ii. Minimum Side Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line

Adjacent to Another Parcel	18.3 m (60.0 ft.) from the property line
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iii. Minimum Rear Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line
Adjacent to Another Parcel	18.3 m (60.0 ft.) from the property line

- iv. Notwithstanding **subsections (A), (B), and (C)** above, where there is an intersection or sharp curve, the minimum yard requirements shown on **Figures 20 and 21** of this Bylaw shall apply.

B. Minimum Floor Area

- i. Single detached dwellings – 69.7 sq. m (750.0 sq. ft.)
- ii. Manufactured and modular home units – 65.0 sq. m (700.0 sq. ft.)
- iii. All others uses at the discretion of the Development Authority

C. Maximum Site Coverage - 45%

Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings

D. Maximum Height

- i. 11.0 m (36.1 ft.)
- ii. In the case of buildings which are accessory to extensive agriculture and for discretionary uses, the maximum height shall be at the discretion of the Development Authority.

6. Other Regulations

A. Residential parcels in the Agriculture District will not be allowed:

- i. within required setbacks from a sewage treatment plant or lagoon or solid waste

- disposal site as specified by the appropriate guidelines or authority;
 - ii. within required setbacks from sour gas wells, pipelines and ancillary facilities;
 - iii. within an area likely to be subject to high levels of noise or emissions from industry, transportation facilities, or other sources; or
 - iv. within a 1 in 100 year flood plain.
- B. A development permit for a dwelling shall be issued only on condition that approval of the proposed sewage disposal system is received in accordance with provincial regulations.
- C. Development proposals adjacent to a primary highway shall comply with any relevant provincial regulations.
- D. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.
- E. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw.
- F. The keeping of recreational vehicles shall be provided in accordance with **Section 7.23** of this Bylaw.
- G. Shipping containers shall be developed in accordance with **Section 7.31** of this Bylaw
- H. Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.

8.3 VICTORIA AGRICULTURE (A1) DISTRICT

1. Purpose

The general purpose of this District is to recognize the historic value of the area near the Victoria Trail within the County. Subdivision and development proposals within this use area must be compatible with and/or increase the historic value of the Victoria Trail.

2. Permitted Uses

- A. Art, Craft and Photography Studios
- B. Basement Suite
- C. Bed and Breakfast Establishment
- D. Buildings and Uses Accessory to Permitted Uses
- E. Community Hall
- F. Day Home
- G. Dwelling, Single Detached
- H. Dwelling, single detached, tiny
- I. Extensive Agriculture
- J. Garage Suite
- K. Garden Suite
- L. Guest House
- M. Home Occupation, Major
- N. Home Occupation, Minor
- O. In-law Suite
- P. Manufactured Home
- Q. Modular Home
- R. Natural Area
- S. Public Utility
- T. Secondary Suite
- U. Shipping Container
- V. Solar Energy Collection Systems
- W. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Agricultural Support Services
- B. Animal Breeding and/or Boarding Facility
- C. Animal Clinic
- D. Animal Hospital
- E. Animal Hospital, Large
- F. Boarding Facility
- G. Buildings and Uses Accessory to Discretionary Uses
- H. Campground, minor
- I. Campground, intermediate
- J. Campground, major
- K. Cemetery
- L. Child Care Facility
- M. Day Care Facility
- N. Duplex (Vertical and Side-by-Side)

- O. Family Care Facility
- P. Intensive Agriculture
- Q. Kennel
- R. Natural Resource Extraction Industry
- S. Place of Worship
- T. Public and Quasi-Public Building and Uses
- U. Public Utility
- V. Recreational Uses
- W. Recreational vehicle park
- X. Relocated Building
- Y. Secondary Commercial
- Z. Sign
- AA. Surveillance Suite
- BB. Transfer Station
- CC. Utility building
- DD. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

A. General

- i. All residential subdivisions in environmentally sensitive areas and significant cultural landscapes, including but not limited to the Victoria District, must be designed to retain historically significant patterns of spatial organization and significant environmental features.
- ii. The County considers river lots to be historically significant patterns of spatial organization. Therefore multi-lot country residential subdivisions within existing river lots must be designed in such a manner that the original river lot pattern is retained.
- iii. The County will normally require that new developments in areas identified as containing significant cultural landscapes preserve a minimum of 50% of the existing vegetation on each site.
- iv. New developments within the Victoria Agriculture District should also be required to maintain, as much as possible, the current land form and to be sited in such a manner as to ensure that the current viewsapes of the area from the Trail are maintained within the nationally recognized Victoria Trail Heritage Site.

- B. A maximum of four (4) parcels per quarter section may be subdivided for agricultural or residential uses including the subdivision of fragments. The following chart presents information by use type regarding the maximum number of parcels allowed per quarter section.

	Maximum Parcel Density Per Quarter Section By Use Type	Minimum Parcel Size	Maximum Parcel Size
Agricultural Use	2 parcels per quarter section	Normally 32.0 ha (80.0 ac.) however a single 16.0 ha (40.0 ac.) parcel may be subdivided if the proposed parcel conforms to 4(A)(ii)	At the Discretion of the Subdivision Authority
Residential Use	3 parcels per quarter section	0.8 ha (2.0 ac.)	8.0 ha (20.0 ac.)
Commercial Use	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority
Community/ Institutional Use	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority
Industrial Use	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority	At the Discretion of the Subdivision Authority

C. Lot Area – Agricultural Use

- i. The **minimum** parcel size for extensive agricultural uses shall normally be 32.0 ha (80.0 ac.) less any approved subdivisions.
- ii. Notwithstanding (C)(i) above, the subdivision of a single 16.0 ha (40.0 ac.) parcel for agricultural use may be permitted out of an **un-subdivided** quarter section or river lot if the following criteria are met to the satisfaction of the County:
 - a. Legal and year round physical access to the proposed parcel and the remainder are developed to County standards;
 - b. The proposed use of the parcel will not adversely impact adjacent agricultural uses;
 - c. The parcel should normally be located:
 - I. adjacent to or near quarter section boundaries;
 - II. in close proximity to existing residential parcels or farmsteads on adjacent quarter sections;
 - III. along a designated rural residential collector road;

- d. The applicant demonstrates that the parcel can be serviced on-site as per provincial regulations;
- e. If the parcel is to be used for an intensive agricultural operation or a value added agricultural industry², the use and size of the parcel is supported by a business plan that may include:
 - I. a financial plan to the satisfaction of the County;
 - II. a detailed site plan of the proposed operation including the required land area, expansion possibilities and possible effects on adjacent landowners, uses and municipal infrastructure;
 - III. information regarding potential traffic generation which may include a Traffic Impact Assessment;
 - IV. potential nuisance factors and any mitigation measures necessary to reduce nuisance factors; and
 - V. where necessary, a detailed site assessment which indicates the location, character and parcel coverage percentages of the environmentally sensitive areas and/or heritage features on the site.

D. Lot Area – Residential Use

- i. Normally, a **maximum** of 8.0 ha (20.0 ac.) per quarter section will be allowed for residential subdivisions.
- ii. Normally, the minimum lot area allowed for vacant residential parcels or for farmstead separations will be 0.8 (2.0 ac.) and the maximum lot area will be 8.0 ha (20.0 ac.).

E. Lot Area - Other Uses

The minimum parcel size for other uses shall be as provided for elsewhere in this Bylaw, in the County's Municipal Development Plan, in any relevant Area Structure Plan, or as required by the Subdivision Authority.

² Value added industry in this context means: an industry which economically adds value to a product by changing it from its current state to a more valuable state.

5. Development Regulations

A. Minimum Yard Dimensions

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

i. Minimum Front Yards

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line

ii. Minimum Side Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line
Adjacent to Another Parcel	18.3 m (60.0 ft.) from the property line

iii. Minimum Rear Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line
Adjacent to Another Parcel	18.3 m (60.0 ft.) from the property line

- iv. Notwithstanding **subsections (i), (ii), and (iii) above**, where there is an intersection or sharp curve, the minimum yard requirements shown on **Figures 20 and 21** of this Bylaw shall apply.

- B. Minimum Floor Area
 - i. Single detached dwellings – 69.7 sq. m (750.0 sq. ft.)
 - ii. Manufactured and modular home units – 65.0 sq. m (700.0 sq. ft.)
 - iii. All others uses at the discretion of the Development Authority
 - C. Maximum Site Coverage - 45%

Of the 45% site coverage a maximum of 15% of the total site may be covered by accessory buildings.
 - D. Maximum Height
 - i. 11.0 m (36.1 ft.)
 - ii. In the case of buildings which are accessory to extensive agriculture and for discretionary uses, the maximum height shall be at the discretion of the Development Authority.
6. Other Regulations
- A. Residential parcels in the Victoria Agriculture District will not be allowed:
 - i. within required setbacks from a sewage treatment plant or lagoon or solid waste disposal site as specified by the appropriate guidelines or authority;
 - ii. within required setbacks from sour gas wells, pipelines and ancillary facilities;
 - iii. within an area likely to be subject to high levels of noise or emissions from industry, transportation facilities, or other sources; or
 - iv. within a 1 in 100 year flood plain.
 - B. A development permit for a dwelling shall be issued only on condition that approval of the proposed sewage disposal system is received in accordance with provincial regulations.
 - C. Development proposals adjacent to a primary highway shall comply with any relevant provincial regulations.
 - D. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.
 - E. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw.
 - F. The keeping of recreational vehicles shall be provided in accordance with **Section 7.23** of this Bylaw.
 - G. Shipping containers shall be developed in accordance with **Section 7.31** of this Bylaw

- H. Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.

8.4 MULTI-LOT COUNTRY RESIDENTIAL (R1) DISTRICT

1. Purpose

The general purpose of this District is to provide opportunities for the development of a variety of multi-lot country residential subdivisions and bareland condominiums.

2. Permitted Uses

- A. Accessory Buildings and Uses
- B. Basement Suite
- C. Buildings and Uses Accessory to Permitted Uses
- D. Cottage
- E. Day Home
- F. Dwelling - Single Detached
- G. Dwelling, single detached, tiny
- H. Extensive Agriculture
- I. Home Occupation, Minor
- J. Home Occupation, Major
- K. Secondary Suite
- L. Solar Energy Conversion System
- M. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Bed & Breakfast Establishments
- B. Buildings and Uses Accessory to Discretionary Uses
- C. Day Care Facility
- D. Duplexes (Side-By-Side and Vertical)
- E. Family Care Facility
- F. Garage Suite
- G. Garden Suite
- H. Group Care Facility
- I. Guest House
- J. In law Suite
- K. Manufactured Home
- L. Modular Home
- M. Multi-Unit Dwelling
- N. Natural Area
- O. Neighbourhood Convenience Store
- P. Neighbourhood Park
- Q. Places of Worship
- R. Public Park
- S. Public and Quasi-Public Services
- T. Public Utilities
- U. Recreational Buildings and use
- V. Shipping Container
- W. Wind Energy Conversion System, Small

- X. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

A. Minimum & Maximum Lot Area for Residential Uses

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum and maximum lot dimensions for residential uses shall be as follows:

	Minimum Lot Area	Maximum Lot Area
Within 304.8 m (1,000 ft.) of a lake	1860.0 sq. m (20,000.0 sq. ft.)	1.21 ha (3.0 ac.)
All other parcels (excluding fragments)	0.4 ha (1.0 ac.)	1.21 ha (3.0 ac.)
Fragmented parcels	0.4 ha (1.0 ac.)	At the Discretion of the Subdivision Authority

- B. Minimum & Maximum Lot Dimensions for Other Uses – As required by the Subdivision Authority

- C. Minimum Frontage Requirement – 30.5 m (100.0 ft) or as required by the Development and Subdivision Authority

5. Development Regulations

A. Minimum Ground Floor Area for Residential Uses

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum ground floor area for residential developments shall be as follows:

	Minimum Ground Floor Area
Within 304.8 m (1000 ft.) of a lake	55.7 sq. m (600.0 sq. ft.)
All other parcels – for single detached dwellings	69.7 sq. m (750.0 sq. ft.)
All other parcels – for manufactured	65.0 sq. m (700.0 sq. ft.)

and modular home units	
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B. Minimum Floor Area for Other Uses – At the discretion of the Development Authority.

C. Minimum Yard Setback Requirements

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

i. Minimum Front Yard Setback

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line

ii. Minimum Side Yard Setback

From municipal road allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an Internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to another Parcel	1.5 m (5.0 ft.) from the property line

iii. Minimum Rear Yard Setback

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to another parcel	7.6 m (25.0 ft.) from the property line

- iv. Notwithstanding **subsections (i), (ii), and (iii) above**, where there is an intersection or sharp curve, the minimum yard requirements shown on **Figures 20 and 21** of this Bylaw shall apply.
- v. Notwithstanding any other provision in **subsection (C)**, within the Hillside Acres subdivision, located within SW 9-62-13-W4 on the following lots:

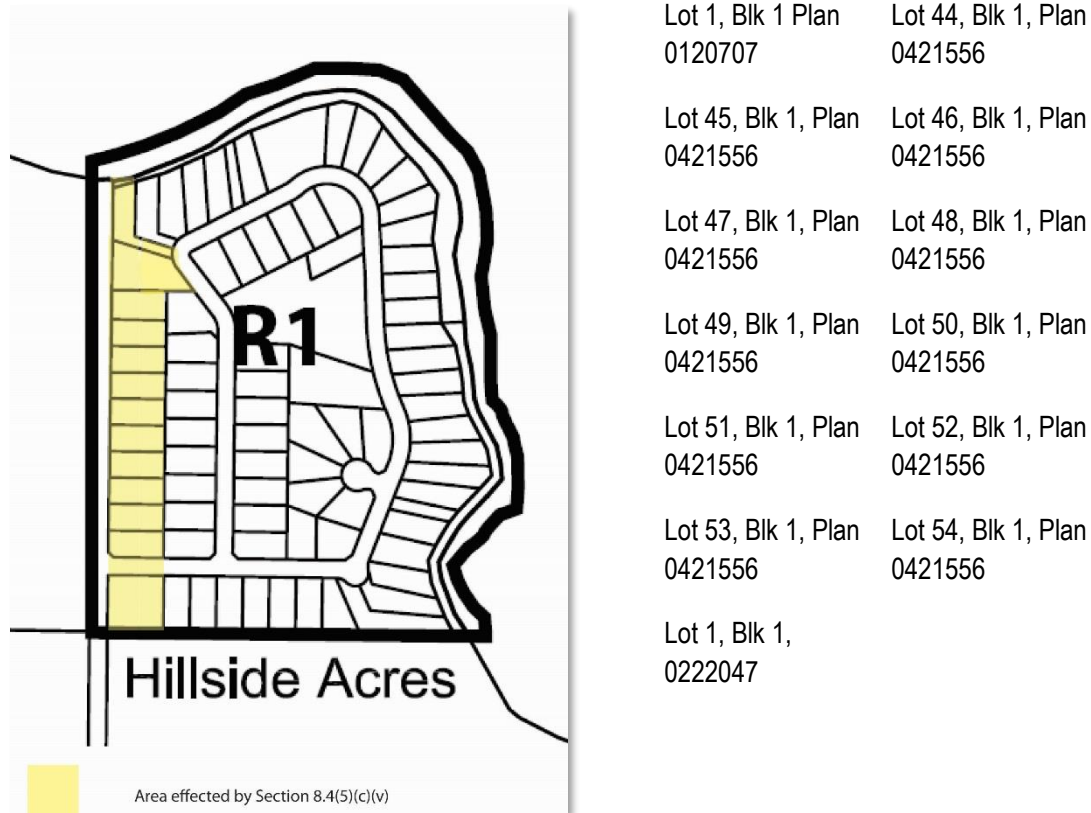


Figure 24: side and Rear Yard Setbacks in Hillside Acres

the following front and rear yard setbacks shall apply:

From Municipal Road Allowances	7.6 m (25.0 ft.) from the property line
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line

- D. Maximum Site Coverage – 45%.

Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.

- E. Maximum Height
 - i. 10.0 m (33.0 ft.)
 - ii. In the case of buildings which are accessory to discretionary uses, the maximum height shall be at the discretion of the Development Authority.
6. Other Regulations
- A. Residential parcels will not be allowed:
 - i. within required setbacks from a sewage treatment plant or lagoon or solid waste disposal site as specified by the appropriate guidelines or authority;
 - ii. within required setbacks from sour gas wells, pipelines and ancillary facilities;
 - iii. within an area likely to be subject to high levels of noise or emissions from industry, transportation facilities, or other sources; or
 - iv. within a 1 in 100 year flood plain;
 - B. A development permit for a dwelling shall be issued only on condition that approval of the proposed sewage disposal system is received in accordance with provincial regulations.
 - C. Development proposals adjacent to a primary highway shall comply with any relevant provincial regulations.
 - D. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.
 - E. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw.
 - F. The keeping of recreational vehicles shall be provided in accordance with **Section 7.23** of this Bylaw.
 - G. Shipping containers shall be developed in accordance with **Section 7.31** of this Bylaw
 - H. Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.

8.5 RESIDENTIAL (CLUSTER) CONSERVATION (R2) DISTRICT

1. Purpose

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 multi-lot residential developments and residential (cluster) conservation developments.

2. Permitted Uses

- A. Accessory Buildings and Uses
- B. Basement Suite
- C. Buildings and Uses Accessory to Permitted Uses
- D. Cottage
- E. Day Home
- F. Dwelling - Single Detached
- G. Dwelling, single detached, tiny
- H. Extensive Agriculture
- I. Home Occupation, Minor
- J. Home Occupation, Major
- K. Secondary Suite
- L. Solar Energy Conversion System
- M. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Apartment
- B. Bed & Breakfast Establishments
- C. Buildings and Uses Accessory to Discretionary Uses
- D. Day Care Facility
- E. Duplexes (Side-By-Side and Vertical)
- F. Family Care Facility
- G. Garage Suite
- H. Garden Suite
- I. Group Care Facility
- J. Guest House
- K. In law Suite
- L. Manufactured Home
- M. Modular Home
- N. Multi-Unit Dwelling
- O. Natural Area
- P. Neighbourhood Convenience Store
- Q. Neighbourhood Park
- R. Places of Worship
- S. Public Park

- T. Public and Quasi-Public Services
- U. Public Utilities
- V. Shipping Container
- W. Wind Energy Conversion System, Small
- X. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

A. Minimum & Maximum Lot Area for Residential Uses

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum and maximum lot dimensions for residential uses shall be as follows:

	Maximum Density	Minimum Lot Area	Maximum Lot Area
Single Detached Residential	1.54 dwellings per net ha (0.6 dwellings per net ac)	0.303 ha (0.75 ac.)	4.04 ha (10.0 ac.)
Single Detached Cluster Residential Development	2.47 dwellings per net ha (1.0 dwelling per net ac.)	At the discretion of the Subdivision Authority	0.2 ha (0.5 ac.)
For Other Uses	At the discretion of the Subdivision Authority	At the discretion of the Subdivision Authority	At the discretion of the Subdivision Authority

- B. Minimum Frontage Requirement – 30.5 m (100.0 ft.) or as required by the Development and Subdivision Authority.

5. Development Regulations

A. Minimum Ground Floor Area for Residential Uses

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum ground floor area for residential developments shall be as follows:

	Minimum Ground Floor Area
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Within 304.8 m (1,000.0 ft.) of a lake	55.7 sq. m (600.0 sq. ft.)
All other parcels – for single detached dwellings	69.7 sq. m (750.0 sq. ft.)
All other parcels – for manufactured and modular home units	65.0 sq. m (700.0 sq. ft.)

B. Minimum Floor Area for Other Uses - At the discretion of the Development Authority

C. Minimum Yard Dimensions

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

i. Minimum Front Yards

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 (25.0 ft.) from the property line

ii. Minimum Side Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an Internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to another Parcel	1.5 m (5.0 ft.) from the property line

iii. Minimum Rear Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to another parcel	7.6 m (25.0 ft.) from the property line

- iv. Notwithstanding **subsections (i), (ii), and (iii)** above, where there is an intersection or sharp curve, the minimum yard requirements shown on **Figures 20 and 21** of this Bylaw shall apply.

D. Maximum Site Coverage - 45%

Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.

E. Maximum Height

- i. 10.0 m (33.0 ft.)
- ii. In the case of buildings which are accessory to discretionary uses, the maximum height shall be at the discretion of the Development Authority.

6. Other Regulations

A Residential parcels will not be allowed:

- i. within required setbacks from a sewage treatment plant or lagoon or solid waste disposal site as specified by the appropriate guidelines or authority;
- ii. within required setbacks from sour gas wells, pipelines and ancillary facilities;
- iii. within an area likely to be subject to high levels of noise or emissions from industry, transportation facilities, or other sources; or
- iv. within a 1 in 100 year flood plain.

B. A development permit for a dwelling shall be issued only on condition that approval of the proposed sewage disposal system is received in accordance with provincial regulations.

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

- D. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.
- E. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw.
- F. Grading and drainage of the site shall be provided in accordance with **Section 6.11** of this Bylaw.
- G. Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
- H. Private swimming pools and hot tubs shall be developed in accordance with **Section 2.2** of this Bylaw.

8.6 VICTORIA RESIDENTIAL (R3) DISTRICT

1. Purpose

The general purpose of this district is to regulate residential development within Victoria Trail area which is a special area within the County that includes significant cultural landscapes and environmentally significant areas.

The Victoria Residential District may only apply to land located near or adjacent to the Victoria Trail.

2. Permitted Uses

- A. Accessory Buildings and Uses
- B. Basement Suite
- C. Buildings and Uses Accessory to Permitted Uses
- D. Cottage
- E. Day Home
- F. Dwelling - Single Detached
- G. Dwelling, single detached, tiny
- H. Extensive Agriculture
- I. Home Occupation, Minor
- J. Home Occupation, Major
- K. Secondary Suite
- L. Solar Energy Conversion System
- M. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Apartment
- B. Bed & Breakfast Establishments
- C. Buildings and Uses Accessory to Discretionary Uses
- D. Day Care Facility
- E. Duplexes (Side-By-Side and Vertical)
- F. Family Care Facility
- G. Garage Suite
- H. Garden Suite
- I. Group Care Facility
- J. Guest House
- K. In law Suite
- L. Manufactured Home
- M. Modular Home
- N. Multi-Unit Dwelling
- O. Natural Area
- P. Neighbourhood Convenience Store
- Q. Neighbourhood Park
- R. Places of Worship
- S. Public Park
- T. Public and Quasi-Public Services

U. Public Utilities

V. Shipping Container

W. Wind Energy Conversion System, Small

X. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

A. General

- i. All residential subdivisions in environmentally sensitive areas and significant cultural landscapes, including but not limited to the Victoria District, must be designed to retain historically significant patterns of spatial organization and significant environmental features.
- ii. The County considers river lots to be historically significant patterns of spatial organization. Therefore multi-lot country residential subdivisions within existing river lots must be designed in such a manner that the original river lot pattern is retained.
- iii. The County will normally require that new developments in areas identified as containing significant cultural landscapes preserve a minimum of 50% of the existing vegetation on each site.
- iv. New developments within the Victoria Residential District should will also be required to maintain, as much as possible, the current land form and to be sited in such as manner as to ensure that the current viewscape of the area from the trail is not negatively impacted.
- v. Two types of residential subdivision are permitted within the Victoria Residential District. They are: low density multi-lot residential developments and cluster residential developments.

B. Minimum & Maximum Lot Area for Residential Uses

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum and maximum lot dimensions for residential uses shall be as follows:

	Maximum Density	Minimum Lot Area	Maximum Lot Area
Single Detached Residential	1.54 dwellings per net ha (0.6 dwellings per net ac.)	0.303 ha (0.75 ac.)	4.04 ha (10.0 ac.)
Single Detached Cluster Residential Development	2.47 dwellings per net ha (1.0 dwelling per net ac.)	At the discretion of the Subdivision Authority	0.2 ha (0.5 ac.)
For Other Uses	At the discretion of the Subdivision Authority	At the discretion of the Subdivision Authority	At the discretion of the Subdivision Authority

- C. Minimum Frontage Requirement – 30.5 m (100.0 ft) or as required by the Development and Subdivision Authority
5. Development Regulations
- A. Minimum Ground Floor Area for Residential Uses

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum ground floor area for residential developments shall be as follows:

	Minimum Ground Floor Area
Within 304.8 m (1000.0 ft.) of a lake	55.7 sq. m (600.0 sq. ft.)
All other parcels – for single detached dwellings	69.7 sq. m (750.0 sq. ft.)
All other parcels – for manufactured and modular home units	65.0 sq. m (700.0 sq. ft.)

- B. Minimum Floor Area for Other Uses - At the discretion of the Development Authority.

C. Minimum Yard Dimensions

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

i. Minimum Front Yards

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property line

ii. Minimum Side Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an Internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to another Parcel	1.5 m (5.0 ft.) from the property line

iii. Minimum Rear Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to another parcel	7.6 m (25.0 ft.) from the property line

iv. Notwithstanding **subsections (i), (ii) and (iii)** above, where there is an

intersection or sharp curve, the minimum yard requirements shown on **Figures 20 and 214** of this Bylaw shall apply.

D. Maximum Site Coverage – 45%

Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.

E. Maximum Height

i.. 10.0 m (33.0 ft.)

ii. In the case of buildings which are accessory to discretionary uses, the maximum height shall be at the discretion of the Development Authority.

6. Other Regulations

A. Residential parcels will not be allowed:

- i. within required setbacks from a sewage treatment plant or lagoon or solid waste disposal site as specified by the appropriate guidelines or authority;
- ii. within required setbacks from sour gas wells, pipelines and ancillary facilities;
- iii. within an area likely to be subject to high levels of noise or emissions from industry, transportation facilities, or other sources; or
- iv. within a 1 in 100 year flood plain.

B. A development permit for a dwelling shall be issued only on condition that approval of the proposed sewage disposal system is received in accordance with provincial regulations.

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

D. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.

E. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw.

F. Grading and drainage of the site shall be provided in accordance with **Section 6.11** of this Bylaw.

G. Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.

H. Private swimming pools and hot tubs shall be developed in accordance with **Section 2.2** of this Bylaw.

8.7 HAMLET GENERAL (HG) DISTRICT

1. Purpose

The general purpose of this district is to permit and regulate development within the Hamlets of Bellis, Edwand, Spedden and Warspite.

2. Permitted Uses

- A. Agricultural Support Service
- B. Automobile Repair Shop, Major
- C. Automobile Repair Shop, Minor
- D. Automobile Sales
- E. Bakery
- F. Bank
- G. Basement Suites
- H. Bed and Breakfast Establishment
- I. Buildings and Uses Accessory to Permitted Uses
- J. Business Office
- K. Child Care Facility
- L. Clinic
- M. Club or Lodge
- N. Community Hall
- O. Commercial Uses
- P. Convenience Retail Service
- Q. Day Care Facility
- R. Day Home
- S. Dwelling, Single Detached
- T. Dwelling, single detached, tiny
- U. Drive-in Business
- V. Eating and Drinking Establishment
- W. Extensive Agriculture
- X. Home Occupation, Minor
- Y. Home Occupation, Major
- Z. In-law Suite
- AA. Neighbourhood Park
- BB. Protective or Emergency Services
- CC. Public or Quasi-Public Services
- DD. Public Park
- EE. Retail Store
- FF. Secondary Suite
- GG. Solar Energy Conversion System
- HH. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Amusement Establishment, Indoor
- B. Amusement Establishment, Outdoor
- C. Animal Clinic

- D. Animal Hospital
- E. Animal Hospital, Large
- F. Apartment
- G. Auctioneering Facility
- H. Bakery, Large
- I. Bed and Breakfast Establishments
- J. Boutique Accommodation
- K. Buildings and Uses Accessory to Discretionary Uses
- L. Building Supply and Lumber Outlet
- M. Bulk Fuel Storage and Sales
- N. Day Care Facility
- O. Duplex (Side-by-side and vertical)
- P. Campground, minor
- Q. Recreational vehicle park
- R. Cannabis accessory retail sales
- S. Cannabis retail sales
- T. Car wash Establishment
- U. Cemetery
- V. Drinking Establishment
- W. Drive-in Business
- X. Dwellings within buildings in which the predominant use is one or more of the listed permitted or discretionary uses, provided, however, that the dwellings have direct access to the outside of the building
- Y. Entertainment Establishment
- Z. Family Care Facility
- AA. Garage Suite
- BB. Garden Suite
- CC. Group Care Facility
- DD. Guest House
- EE. Hotel
- FF. Liquor sales/distribution Service
- GG. Manufactured Home
- HH. Modular Home
- II. Motel
- JJ. Multi-Unit Dwelling
- KK. Multi-Use Development
- LL. Natural Area
- MM. Neighborhood Convenience (or retail) Store
- NN. Outdoor Eating Establishment
- OO. Places of Worship
- PP. Private Club or Lodge
- QQ. Public Utilities
- RR. Public Utility building
- SS. Rural Commercial
- TT. Servicing Establishment
- UU. Shipping Container
- VV. Shopping Centre
- WW. Surveillance Suite
- XX. Transfer Station

YY. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

A. Minimum Lot Area for Low Density Residential Uses (Single Detached Dwellings, Manufactured and Modular Homes)

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum and maximum lot dimensions for residential uses shall be as follows:

		Minimum Lot Frontage	Minimum Lot Area
i.	Un-serviced	30.5 m (100.0 ft.)	1858.0 sq. m (20,000 sq. ft.)
ii.	Serviced (Municipal Sewer & Water)	15.2 m (50.0 ft.)	557.4 sq. m (6,000 sq. ft.)
iii.	Municipal Sewer Only	30. m (100.0 ft.)	929.0 sq. m (10,000 sq. ft.)
iv.	Municipal Water Only	30.5 m (100.0 ft.)	1393.5 sq. m.(15,000 sq. ft.)

B. Minimum Site Area for Medium Density Residential Uses and High Density Residential Uses – as required by the Subdivision Authority

C. Minimum Site Area for all other uses – as required by the Development Authority

- i. Where shopping centres or groups of shops are to be built on a site, developers shall provide a Development Concept Plan identifying the proposed parcel boundaries, location(s) of building(s), access, parking and specific commercial uses, and any other matter required by the Development Authority, to the satisfaction of the Development Authority.

5. Development Regulations

A. Minimum Ground Floor Area

Unless otherwise stated in an approved Development Concept Plan or Area Structure Plan the minimum ground floor area for residential and non-residential developments shall be as follows:

Minimum Ground Floor Area		
i.	Single Detached Residential	69.7 sq. m (750.0 sq. ft.)
ii.	Duplexes (side-by-side and vertical)	55.7 sq. m (600.0 sq. ft.) for each dwelling unit
iii.	Manufactured Home	55.7 sq. m (600.0 sq. ft.)
iv.	Modular Home	65.0 sq. m (700.0 sq. ft.)
v.	All other residential uses	As required by the Development Authority
vi.	All other non-residential uses	As required by the Development Authority

B. Minimum Yard Requirements

i. Minimum Yards – Single Detached Dwellings, Manufactured and Modular Homes

Minimum Yard Requirements - Single Detached Dwellings, Manufactured and Modular Homes	
Front	7.6 m (25.0 ft.)
Rear	7.6 m (25.0 ft.)
Side	10% of the lot width but not less than 1.5 m (5.0 ft.)

- ii. Minimum Yards - All other residential uses – as required by the development authority
- iii. Notwithstanding **subsections (i), and (ii)** above, where there is an intersection or sharp curve, the minimum yard requirements shown on **Figures 20 and 21** of this Bylaw shall apply.

iv. Minimum Yards – Commercial Uses

Minimum Yard Requirements – Commercial Uses	
Front	No front yard setback is required except where the Development Authority may deem it necessary to conform to existing development setbacks.
Rear	Minimum 7.6 m (25.0 ft.) or as required by the Development Authority.
Side	10% of the lot width but not less than 1.5 m (5.0 ft.)
When bounded by Commercial Lots and a lane	No setback is required
When bounded by Commercial Lots and no lane	4.5 m (15.0 ft.)
When adjacent to a residential lot	1.5 m (5.0 ft.)

v. Minimum Yard Requirements - All Other Non-Residential Uses – As required by the Development Authority

C. Maximum Site Coverage –

Maximum Site Coverage		
i.	Residential Uses	45% Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.
ii.	Commercial Uses	80% provided that provisions have been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority.
iii.	All other uses	At the discretion of the Development Authority

D. Maximum Height

Maximum Height		
i.	Single Detached Dwellings and Modular Homes	Maximum 10.0 m (33.0 ft.)
ii.	Manufactured Homes	Maximum 10.0 m (33.0 ft.)
iii.	Buildings Which are Accessory to Single Family Dwellings, Modular Homes and Manufactured Homes	Maximum 10.0 m (33.0 ft.)
iv.	Uses All Other Uses	At the discretion of the Development Authority
v.	Buildings Which are Accessory to Discretionary	At the discretion of the Development Authority

6. Other Regulations

A. Residential parcels will not be allowed:

- i. within required setbacks from a sewage treatment plant or lagoon or solid waste disposal site as specified by the appropriate guidelines or authority;
- ii. within required setbacks from sour gas wells, pipelines and ancillary facilities;
- iii. within an area likely to be subject to high levels of noise or emissions from industry, transportation facilities, or other sources; or
- iv. within a 1 in 100 year flood plain.

B. A development permit for a dwelling shall be issued only on condition that approval of the proposed sewage disposal system is received in accordance with provincial regulations.

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

D. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.

- E. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw.
- F. Grading and drainage of the site shall be provided in accordance with **Section 6.11** of this Bylaw.
- G. Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
- H. Motels shall be developed in accordance with **Section 6.22** of this Bylaw.
- I. Vehicle Washing Establishments (carwashes) shall be developed in accordance with **Section 7.35** of this Bylaw.
- J. Places of Worship shall be developed in accordance with **Section 6.29** of this Bylaw.
- K. Private Liquor Stores and Storage Facilities shall be developed in accordance with **Section 7.19** of this Bylaw.
- L. Private swimming pools and hot tubs shall be developed in accordance with **Section 2.2** of this Bylaw.
- M. Service Stations and Gas Stations shall be developed in accordance with **Section 7.30** of this Bylaw.
- N. Shipping Containers shall be developed in accordance with **Section 7.31** of this Bylaw.
- P. Solar Energy Conversion Systems shall be developed in accordance with **Section 7.33** of this Bylaw.
- Q. Wind Energy Conversion Systems shall be developed in accordance with **Section 2.9** of this Bylaw.

8.8 HIGHWAY COMMERCIAL (C1) DISTRICT

1. Purpose

The general purpose of this District is to control development in the vicinity of Provincial Highways. Development should be restricted to that which is generally required to serve the motoring public.

2. Permitted Uses

- A. Agricultural Support Service
- B. Automobile Repair Shop, Major
- C. Automobile Repair Shop Minor
- D. Automobile Sales
- E. Bed and Breakfast Establishment
- F. Buildings and Uses Accessory to Permitted Uses
- G. Community Hall
- H. Convenience Retail Service
- I. Drive-in Business
- J. Eating and Drinking Establishment
- K. Extensive Agriculture
- L. Highway Commercial Use
- M. Home Occupation, Minor
- N. Home Occupation, Major
- O. Natural Area
- P. Protective or Emergency Services
- Q. Public or Quasi-Public Services
- R. Public Park
- S. Solar Energy Conversion System
- T. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Amusement Establishment, Indoor
- B. Amusement Establishment, Outdoor
- C. Auctioneering Facility
- D. Campground, minor
- E. Campground, intermediate
- F. Campground, major
- G. Boutique Accommodation
- H. Buildings and Uses Accessory to Discretionary Uses
- I. Bulk Fuel Storage and Sales
- J. Cannabis accessory retail sales

- K. Cannabis retail sales
- L. Car wash Establishment
- M. Cemetery
- N. Commercial Use
- O. Dwelling, Single Detached
- P. Dwelling, single detached, tiny
- Q. Duplexes (Vertical and Side-By-Side)
- R. Highway Commercial
- S. Hotel
- T. Liquor Sales/Distribution Service
- U. Manufactured Home
- V. Modular Home
- W. Motel
- X. Natural Resource Extraction
- Y. Outdoor Eating Establishment
- Z. Places of worship
- AA. Public Utilities
- BB. Recreational vehicle park
- CC. Rural Commercial
- DD. Rural Industries
- EE. Secondary Suite
- FF. Shipping Container
- GG. Surveillance Suite
- HH. Transfer Station
- II. Wind Energy Conversion System, Small
- JJ. Workcamp
- KK. Workcamp, Short Term
- LL. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

- A. Minimum Lot Area – As determined by the Subdivision Authority

5. Development Regulations

- A. Minimum Yard Setback Requirements

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

i. Minimum Front Yards

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Roads	7.6 m (25.0 ft.) from the property line

ii. Minimum Side Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an Internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to Another Parcel	7.6 m (25.0 ft.) from the property line

iii. Minimum Rear Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to another parcel	7.6 m (25.0 ft.) from the property line

iv. Notwithstanding **subsections (i), (ii), and (iii)** above, where there is an intersection or sharp curve, the minimum yard requirements shown on **Figures 20 and 21** of this Bylaw shall apply.

6. Other Regulations

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

- B. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.
- C. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw.
- D. Grading and drainage of the site shall be provided in accordance with **Section 6.11** of this Bylaw.
- E. Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
- F. Motels shall be developed in accordance with **Section 7.4** of this Bylaw.
- G. Vehicle Washing Establishments (carwashes) shall be developed in accordance with **Section 6.24** of this Bylaw.
- H. Places of Worship shall be developed in accordance with **Section 6.29** of this Bylaw.
- I. Private Liquor Stores and Storage Facilities shall be developed in accordance with **Section 7.19** of this Bylaw.
- J. Natural Resource Extraction Industries shall be developed in accordance with **Section 6.22** of this Bylaw.
- K. Service Stations and Gas Stations shall be developed in accordance with **Section 6.22** of this Bylaw.
- L. Shipping Containers shall be developed in accordance with **Section 7.31** of this Bylaw.
- N. Solar Energy Conversion Systems shall be developed in accordance with **Section 7.33** of this Bylaw.
- O. Wind Energy Conversion Systems shall be developed in accordance with **Section 2.9** of this Bylaw.

8.9 VICTORIA COMMERCIAL (C2) DISTRICT

1. Purpose

The general purpose of this District is to control development in the vicinity of the Victoria Trail in order to ensure that future commercial development in this area is compatible with significant cultural landscapes in the Victoria Trail area.

2. Permitted Uses

- A. Art, Craft, and Photography Studios
- B. Bed and Breakfast Establishment
- C. Boutique Accommodation
- D. Buildings and Uses Accessory to Permitted Uses
- E. Campground, basic,
- F. Community Hall
- G. Convenience Retail Service
- H. Cultural Facility
- I. Drive-in Business
- J. Eating and Drinking Establishment
- K. Eco-Cabin/Star-gazing Units
- L. Extensive Agriculture
- M. Home Occupation, Minor
- N. Home Occupation, Major
- O. Natural Area
- P. Protective or Emergency Services
- Q. Public or Quasi-Public Services
- R. Public Park
- S. Secondary Suite
- T. Solar Energy Conversion System
- U. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Amusement Establishment, Indoor
- B. Amusement Establishment, Outdoor
- C. Buildings and Uses Accessory to Discretionary Uses
- D. Campground, minor
- E. Campground, intermediate
- F. Campground, major
- G. Cemetery
- H. Commercial Uses

- I. Dwelling, Single Detached
- J. Dwelling, single detached, tiny
- K. Duplexes (Vertical and Side-By-Side)
- L. Hotel
- M. Manufactured Home
- N. Modular Home
- O. Motel
- P. Natural Resource Extraction
- Q. Outdoor Eating Establishment
- R. Places of Worship
- S. Public Utilities
- T. Recreational vehicle park
- U. Shipping Container
- V. Surveillance Suite
- W. Transfer Station
- X. Wind Energy Conversion System, Small
- Y. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

A. General

- i. All subdivisions in environmentally sensitive areas and significant cultural landscapes, including but not limited to the Victoria Commercial District, must be designed to retain historically significant patterns of spatial organization and significant environmental features.
- ii. The County considers river lots to be historically significant patterns of spatial organization. Therefore subdivisions within existing river lots must be designed in such a manner that the original river lot pattern is still retained.
- iii. The County will normally require new developments in areas identified as containing significant cultural landscapes, preserve a minimum of 50% of the existing vegetation on each site.
- iv. New developments will also be required to maintain, as much as possible, the current land form and to be sited in such a manner as to ensure that the current viewscape of the areas from the Trail is maintained within the nationally recognized Victoria Trail Heritage Site.

B. Minimum Lot Area – As determined by the Subdivision Authority

5. Development Regulations

A. Minimum Yard Setback Requirements

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

i. Minimum Front Yards

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Roads	7.6 m (25.0 ft.) from the property line

ii. Minimum Side Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an Internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to Another Parcel	7.6 m (25.0 ft.) from the property line

iii. Minimum Rear Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
When adjacent to an internal subdivision road	7.6 m (25.0 ft.) from the property line
When adjacent to another parcel	7.6 m (25.0 ft.) from the property line

iv. Notwithstanding **subsections (i), (ii), and (iii)** above, where there is an intersection or sharp curve, the minimum yard requirements shown on **Figures**

20 and 21 of this Bylaw shall apply.

6. Other Regulations

- A. Development proposals adjacent to a primary highway shall comply with any relevant provincial regulations.
- B. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.
- C. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw. Additionally the Development Authority may require the submission of additional information regarding the appearance or the proposed development with any application for development permits in this District in order to ensure that:
 - i. That the development is similar in character in appearance to development on adjacent sites; and
 - ii. That the development will be buffered, to the satisfaction of the Development Authority from the Victoria Trail and adjacent properties.
- D. Grading and drainage of the site shall be provided in accordance with **Section 7.17** of this Bylaw.
- E. Accessory buildings shall be developed in accordance with **Section 8.2** of this Bylaw.
- F. Motels shall be developed in accordance with **Section 6.22** of this Bylaw.
- G. Places of Worship shall be developed in accordance with **Section 6.29** of this Bylaw.
- H. Natural Resource Extraction Industries shall be developed in accordance with **Section 7.16** of this Bylaw.
- I. Shipping Containers shall be developed in accordance with **Section 7.31** of this Bylaw.
- K. Solar Energy Conversion Systems shall be developed in accordance with **Section 7.33** of this Bylaw.
- L. Wind Energy Conversion Systems shall be developed in accordance with **Section 2.9** of this Bylaw.

8.10 INDUSTRIAL (M1) DISTRICT

1. Purpose

The general purpose of this district is to provide opportunities for light industrial and manufacturing uses, with heavier industry permitted in approved locations at the discretion of the Development Authority.

2. Permitted Uses

- A. Agricultural Support Services
- B. Buildings and Uses Accessory to Permitted Uses
- C. Animal Breeding and/or Boarding Facility
- D. Animal Clinic
- E. Animal Hospital, Large
- F. Assembly Plant
- G. Automobile Repair Shops, Major and Minor
- H. Building Supply and Lumber Outlet
- I. Bulk Fuel Storage and Sales
- J. Business Office
- K. Car Wash Establishment
- L. Extensive Agriculture
- M. Greenhouse
- N. Heavy Equipment Sales and Service, Repair or Storage
- O. Light Industrial
- P. Manufacturing
- Q. Public or Quasi-Public Services
- R. Public Utility
- S. Shipping Container
- T. Solar Energy Collection System
- U. Transfer Station
- V. Warehouse
- W. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Auctioneering Facility
- B. Buildings and Uses Accessory to Discretionary Uses
- C. Cannabis production and distribution; and
- D. Heavy Equipment Sales, Service and Repair
- E. Heavy Industrial
- F. Industrial hemp production and distribution
- G. Landfill

- H. Medium Industrial
- I. Natural Resource Extraction/Processing Facility
- J. Public Park
- K. Recreational Uses
- L. Rural Industrial
- M. Surveillance Suite
- N. Wind Energy Conversion System, Small
- O. Wind Energy Conversion System, Large
- P. Workcamps
- Q. Workcamps, Short Term
- R. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

- A. Minimum Site Area – at the discretion of the Subdivision Authority

5. Development Regulations

- A. Minimum Yard Dimensions

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

- i. Minimum Front Yards

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property boundary

- ii. Minimum Side Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property boundary

iii. Minimum Rear Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property boundary

- iv. Notwithstanding **subsections (i), (ii), and (iii)** above, where there is an intersection or sharp curve, the minimum yard requirements shown on **Figures 20 and 21** of this Bylaw shall apply.

B. Maximum Site Coverage - 45%.

Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.

C. Maximum Height – At the Discretion of the Development Authority

D. Landscaping

The Development Authority may require landscaping, to his satisfaction, in the form of fences, berms, vegetation, or any other material at their sole discretion that they deem reasonable, between any development in this District and any adjacent development.

6. Other Regulations

- A. Development proposals adjacent to a primary highway shall comply with any relevant provincial regulations.
- B. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.
- C. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw.
- D. Grading and drainage of the site shall be provided in accordance with **Section 6.11** of this Bylaw.
- E. Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
- F. Vehicle Washing Establishments (carwashes) shall be developed in accordance with **Section 7.35** of this Bylaw.
- G. Service Stations and Gas Stations shall be developed in accordance with **Section 7.30** of this Bylaw.

- H. Shipping Containers shall be developed in accordance with **Section 7.31** of this Bylaw.
- J. Solar Energy Conversion Systems shall be developed in accordance with **Section 7.33** of this Bylaw
- K. Wind Energy Conversion Systems shall be developed in accordance with **Section 2.9** of this Bylaw.

8.11 RURAL INDUSTRIAL (M2) DISTRICT

1. Purpose

The purpose of the Rural Industrial District is to provide land for rural industries in locations which can be serviced efficiently and which will not conflict with agriculture or residential land uses.

2. Permitted Uses

- A. Agricultural Support Services
- B. Buildings and Uses Accessory to Permitted Uses
- C. Animal Breeding and/or Boarding Facility
- D. Animal Clinic
- E. Animal Hospital, Large
- F. Automobile Repair Shops, Major and Minor
- G. Business Office
- H. Extensive Agriculture
- I. Greenhouse
- J. Heavy Equipment Sales and Service, Repair or Storage
- K. Light Industrial
- L. Public or Quasi-Public Services
- M. Public Utility
- N. Shipping Container
- O. Solar Energy Collection System
- P. Transfer Station
- Q. Warehouse
- R. Wind Energy Conversion System, Micro

3. Discretionary Uses

- A. Auctioneering Facility
- B. Buildings and Uses Accessory to Discretionary Uses
- C. Bulk Fuel Storage and Sales
- D. Heavy Equipment Sales, Service and Repair
- E. Industrial hemp production and distribution;
- F. Medium Industrial
- G. Natural Resource Extraction/Processing Facility
- H. Public Park
- I. Recreational Uses
- J. Rural Industrial
- K. Surveillance Suite
- L. Wind Energy Conversion System, Small
- M. Wind Energy Conversion System, Large

- N. Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses

4. Subdivision Regulations

- A. Minimum Site Area – at the discretion of the Subdivision Authority

5. Development Regulations

- A. Minimum Yard Dimensions

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

i. Minimum Front Yards

From Municipal Road Allowances	23.1 m (92.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property boundary

ii. Minimum Side Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property boundary

iii. Minimum Rear Yards

From Municipal Road Allowances	18.3 m (60.0 ft.) from the property line
From Highways	40.8 m (134.0 ft.) from the boundary of the right-of-way or as required by Alberta Transportation
Internal Subdivision Road	7.6 m (25.0 ft.) from the property boundary

- iv. Notwithstanding **subsections (i), (ii), and (iii)** above, where there is an intersection or sharp curve, the minimum yard requirements shown on **Figures 20 and 21** of this Bylaw shall apply.

B. Maximum Site Coverage – 45%

Of the 45% site coverage, a maximum of 15% of the total site may be covered by accessory buildings.

C. Maximum Height – At the Discretion of the Development Authority

D. Landscaping

The Development Authority may require landscaping, to their satisfaction, in the form of fences, berms, vegetation, or any other material at their sole discretion that they deem reasonable, between any development in this District and any adjacent development.

6. Other Regulations

- A. Development proposals adjacent to a primary highway shall comply with any relevant provincial regulations.
- B. Fences shall be developed in accordance with **Section 7.7** of this Bylaw.
- C. Landscaping shall be provided in accordance with **Section 6.11** of this Bylaw. The Development Authority may require landscaping, to their satisfaction, in the form of fences, berms, vegetation, or any other material, at their discretion, between any development in this District and any adjacent development.
- D. Grading and drainage of the site shall be provided in accordance with **Section 6.11** of this Bylaw.
- E. Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
- F. Vehicle Washing Establishments (carwashes) shall be developed in accordance with **Section 7.35** of this Bylaw.
- G. Service Stations and Gas Stations shall be developed in accordance with **Section 7.30** of this Bylaw.
- H. Shipping Containers shall be developed in accordance with **Section 7.31** of this Bylaw.
- J. Solar Energy Conversion Systems shall be developed in accordance with **Section 7.33** of this Bylaw.
- K. Wind Energy Conversion Systems shall be developed in accordance with **Section 2.9** of this Bylaw.

8.12 COMMUNITY AND INSTITUTIONAL (P) DISTRICT

1. Purpose

The general purpose of this district is to permit development of uses of either a public or private nature that provide services and recreational opportunities to the community.

2. Permitted Uses

- A. Buildings and Uses Accessory to Permitted Uses
- B. Cemeteries
- C. Clinics (including Hospitals and Nursing Homes)
- D. Community Halls
- E. Places of Worship
- F. Public or Quasi-Public Services
- G. Recreational Uses
- H. Public and Private Schools
- I. Other uses that in the opinion of the Development Authority, are similar to the above mentioned Uses

3. Discretionary Uses

- A. Buildings and Uses Accessory to Accessory Uses
- B. Club or Lodge
- C. Extensive Agriculture
- D. Health Services
- E. Institutional Uses
- F. Neighbourhood Park
- G. Public Utility
- H. Public Utility Building
- I. Transfer Station
- J. Other uses that, in the opinion of the Development Authority, are similar to the above mentioned uses

4. Subdivision Regulations

- A. Minimum Lot Area – at the discretion of the Subdivision Authority

5. Development Regulations

- A. All site requirements shall be as required by the Development Authority.

8.13 DIRECT CONTROL (DC) DISTRICT

1. Purpose

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

2. Permitted Uses

- A. None

3. Discretionary Uses

- A. Buildings and Uses Accessory to Discretionary Uses
- B. Extensive Agriculture
- C. Public Utilities
- D. Recreational uses

4. Regulations

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

- A. the objectives and policies of an applicable Area Structure Plan;
- B. the regulations of this Bylaw; and
- C. the regulations of adjacent Districts.

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

8.14 DIRECT CONTROL LANDFILL (DC1) DISTRICT

1. Purpose

The general purpose of this District is to provide Council with direct control over the use and design of development in landfill areas.

2. Permitted Uses

- A. None

3. Discretionary Uses

- A. Buildings and Uses Accessory to Discretionary Uses
- B. Extensive Agriculture
- C. Landfill
- D. Transfer Station
- E. Public Utility

4. Regulations

- A. All regulations shall be established by Council, who shall evaluate any proposal for development with respect to its compliance with:
 - (i) the objectives and policies of an applicable Statutory Plan;
 - (ii) the regulations of this Bylaw;
 - (iii) the regulations of adjacent Districts; and
 - (iv) the satisfaction of any Provincial regulations or requirements.However, Council shall not be bound by any of these matters.
- B. Council may establish as a condition of a development permit that all provincial requirements and regulations be observed.

9 OVERLAYS

9.1 ENVIRONMENTALLY SENSITIVE AREAS OVERLAY

1. Purpose

The Environmentally Sensitive Areas Overlay is not a District. Rather, it provides regulations in addition to the requirements of the underlying Land Use Districts within this Bylaw.

The Purpose of the Environmentally Sensitive Area overlay is to identify areas in the County where either:

- i. the physical characteristics of the land may make development difficult or unfeasible, or
- ii. the land has been designated as environmentally sensitive or significant.

Development in these areas may require additional information to be submitted by the applicant in order to ensure the suitability of potential development sites.

2. Applicability

Within the Environmentally Sensitive Areas Overlay identified on the Land Use District Map the regulations of this Section apply in addition to the other regulations of this Bylaw.

3. Uses

- i. Within the Environmentally Sensitive Areas Overlay, the uses listed as Permitted Uses and as Discretionary Uses within the underlying District may be allowed, in accordance with the regulations of those Districts and of this Bylaw.

4. Regulations

- i. The Development Authority shall require that any proposal for development within the Environmentally Sensitive Areas Overlay area be accompanied, by either or both, of a flood susceptibility analysis or a bank stability analysis by registered professional engineers that assess the suitability of the subject site and the proposed development from the points of view of flood susceptibility and/or bank stability. Further, if a development is approved after such an analysis is provided, the Development Authority shall require that any recommendations of the analysis be implemented by the landowner/ developer and registered against the title of the subject lands so as to warn future landowners of the engineering requirements for development.

9.2 HERITAGE AREA OVERLAY

1. Purpose

The Heritage Area Overlay is not a District. Rather, it provides regulations in addition to the requirements of the underlying Land Use Districts within this Bylaw.

The Purpose of the Heritage Area Overlay is to identify culturally significant landscapes within the County where either: there are federally, provincially or municipally recognized landscapes, structures and/or special patterns of organization

Development in these areas may require additional information to be submitted by the applicant in order to ensure the suitability of potential development sites.

2. Applicability

Within the Heritage Area Overlay identified on the Land Use District Map the regulations of this Section apply in addition to the other regulations of this Bylaw.

3. Uses

- i. Within the Heritage Area Overlay, the uses listed as Permitted Uses and as Discretionary Uses within the underlying District may be allowed, in accordance with the regulations of those Districts and of this Bylaw.

4. Regulations

- i. Application requirements

The Development Authority may require that any proposal for development within the Heritage Area Overlay area be accompanied by:

- a. A Historical Resources Impact Assessment (HRIA) The HRIA and/or mitigative studies will be paid for by the developer undertaking or proposing to undertake the activity. The HRIA must be undertaken by professional private-sector historians, archaeologists or paleontologists and must be reviewed by Alberta Culture and Community Spirit.

If a HRIA is required, a development permit will not be approved until the Development Authority receives comments from Alberta Culture and Community Spirit indicating that, in their opinion, an activity will or will likely result in the alteration, damage or destruction of an historic resource.

- b. If the development is adjacent to the North Saskatchewan River other significant body of water, then a flood susceptibility analysis, a bank stability analysis or both, prepared by registered professional engineers may be required.

The reports should assess the suitability of the subject site and the proposed development from the points of view of flood susceptibility and/or bank stability. Further, if a development is approved after such an analysis is provided, the Development Authority shall require that any recommendations of the analysis be implemented by the landowner/ developer and registered

against the title of the subject lands so as to warn future landowners of the engineering requirements for development.

5. When considering an application for a development permit for new construction of a principle building in the Heritage Overlay Area the Development Authority will consider the following:
 - i. The architectural compatibility of a new development with neighbouring properties;
 - ii. The compatibility of the development with the Victoria Trail or another affected streetscape;
 - iii. The adequacy of buffering and/or landscaping as required between new development, abutting properties and the Victoria Trail or another effected streetscape;
 - iv. Any other matter Council feels is necessary to ensure the overall compatibility of the structure with adjacent properties; and
 - v. Advice of the Smoky Lake County Regional Heritage Board.
6. When reviewing an application for a development permit for a demolition, or removal of a principle building, in the Heritage Overlay Area, the Development Authority may consider any or all of the following:
 - i. The structural condition of the building as determined by a qualified professional;
 - ii. The reasons for the proposed demolition;
 - iii. The proposed new development for the site (if applicable);
 - iv. The historical significance of the building;
 - v. The architectural significance of the building;
 - vi. The potential negative effects on the recognize Heritage Sites and/or the impacted streetscape; and
 - vii. Referral comments from the Smoky Lake County Regional Heritage Board.

10 APPENDIX A SRD Recommended Guidelines for Minimum ER

Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.

Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.

Water Feature	Minimum ER Width ²	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland ¹	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River (≥ 15 m width)	30+ m	See additional requirements for hazardous lands.
Small River/Large Stream (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream (≤ 3 m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use bylaw to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	

¹ Sustainable Resource Development views the term "swamp" to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands).

² In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

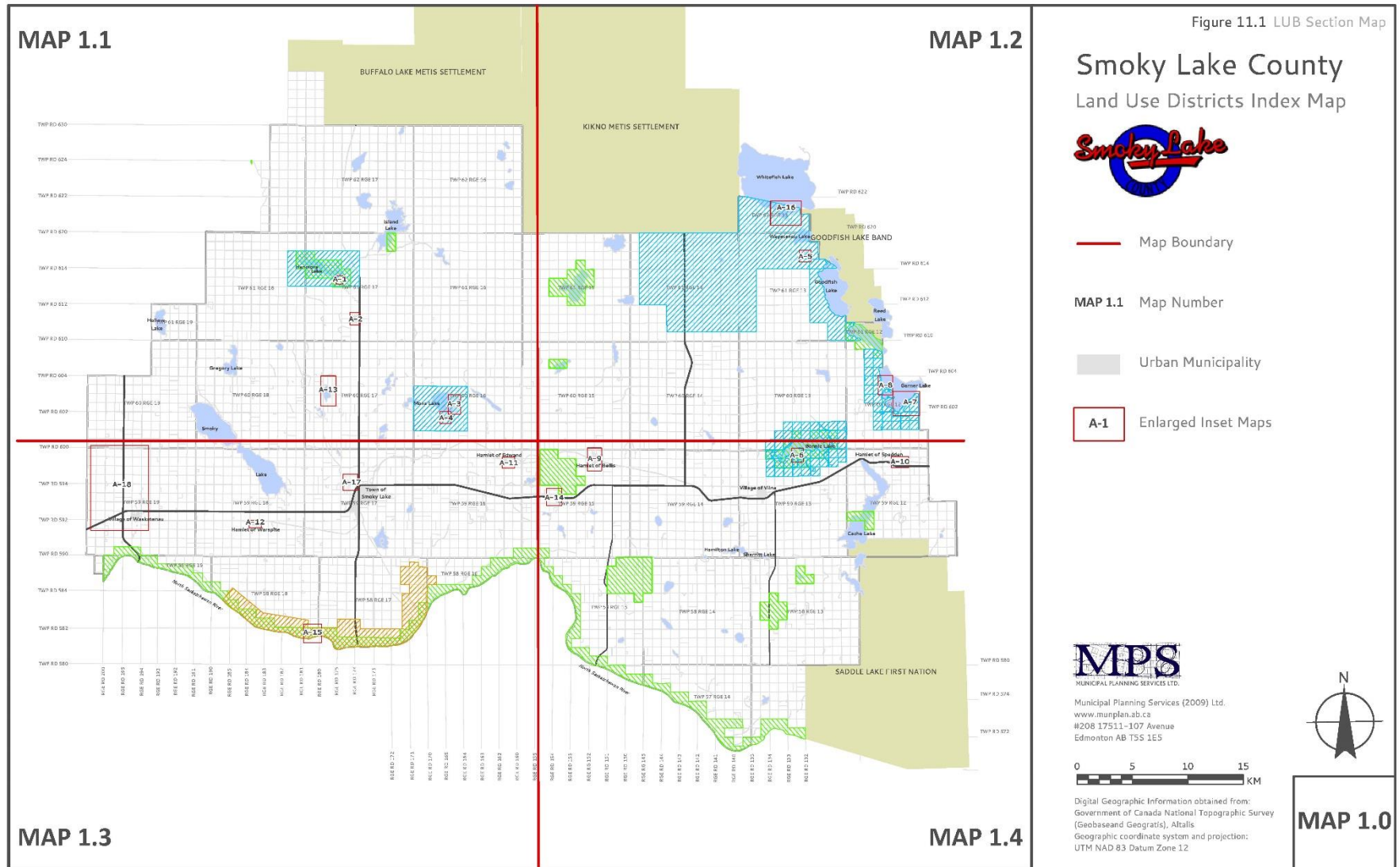
For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.

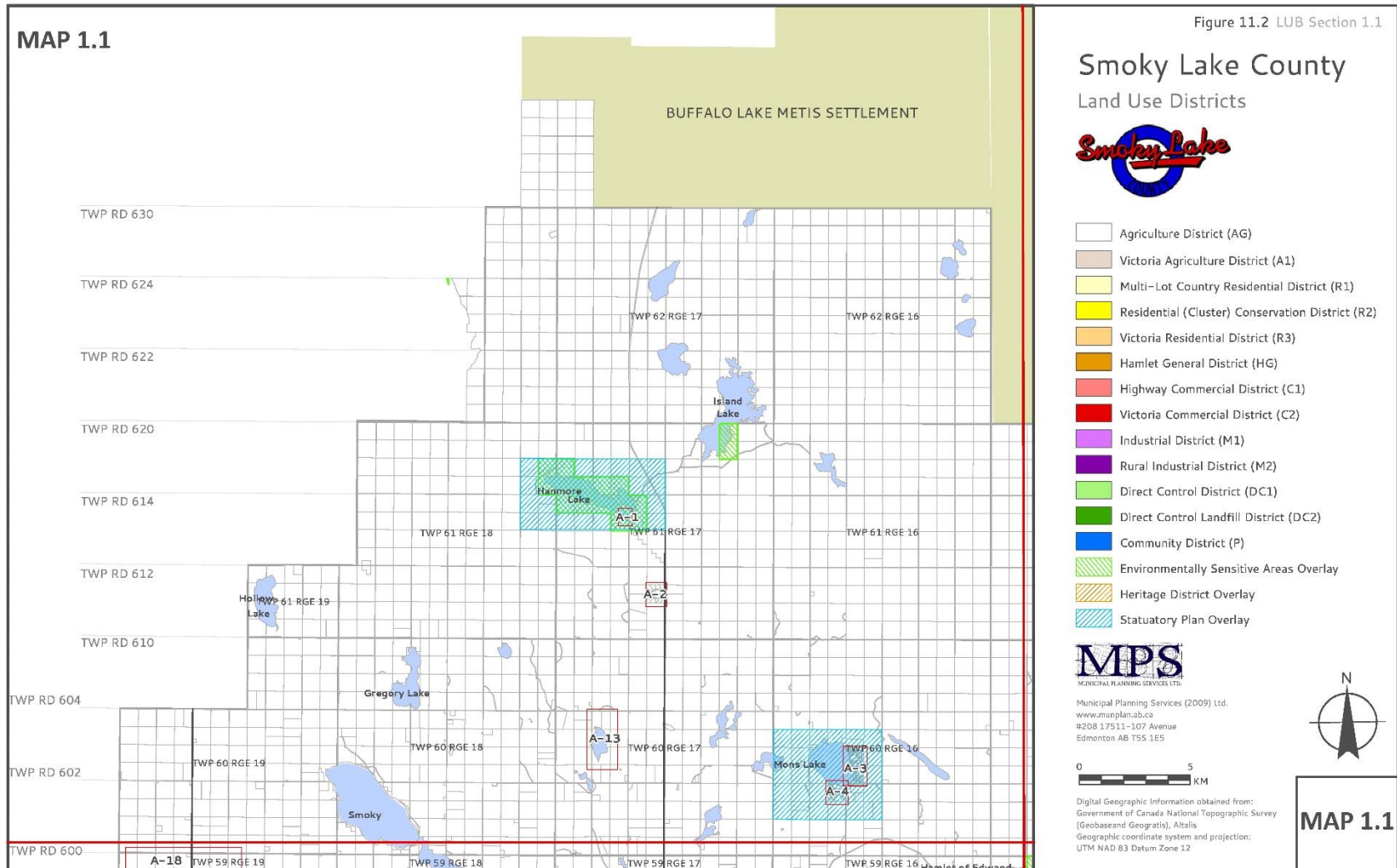
Hazardous Lands	ER Modifier	Notes
Floodplain	<ul style="list-style-type: none"> The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less. The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley. 	<ul style="list-style-type: none"> Residential development within a floodplain is discouraged. Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines). The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt.
Erosion prone areas	Provide for a toe erosion allowance.	Consider highly erosive soils and annual recession rates.
Gully, ravine, coulee, or valley escarpments	Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland.
Steep Slopes (>15%)	3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	

11 APPENDIX B MAPS (Maps 11.1-11.5)

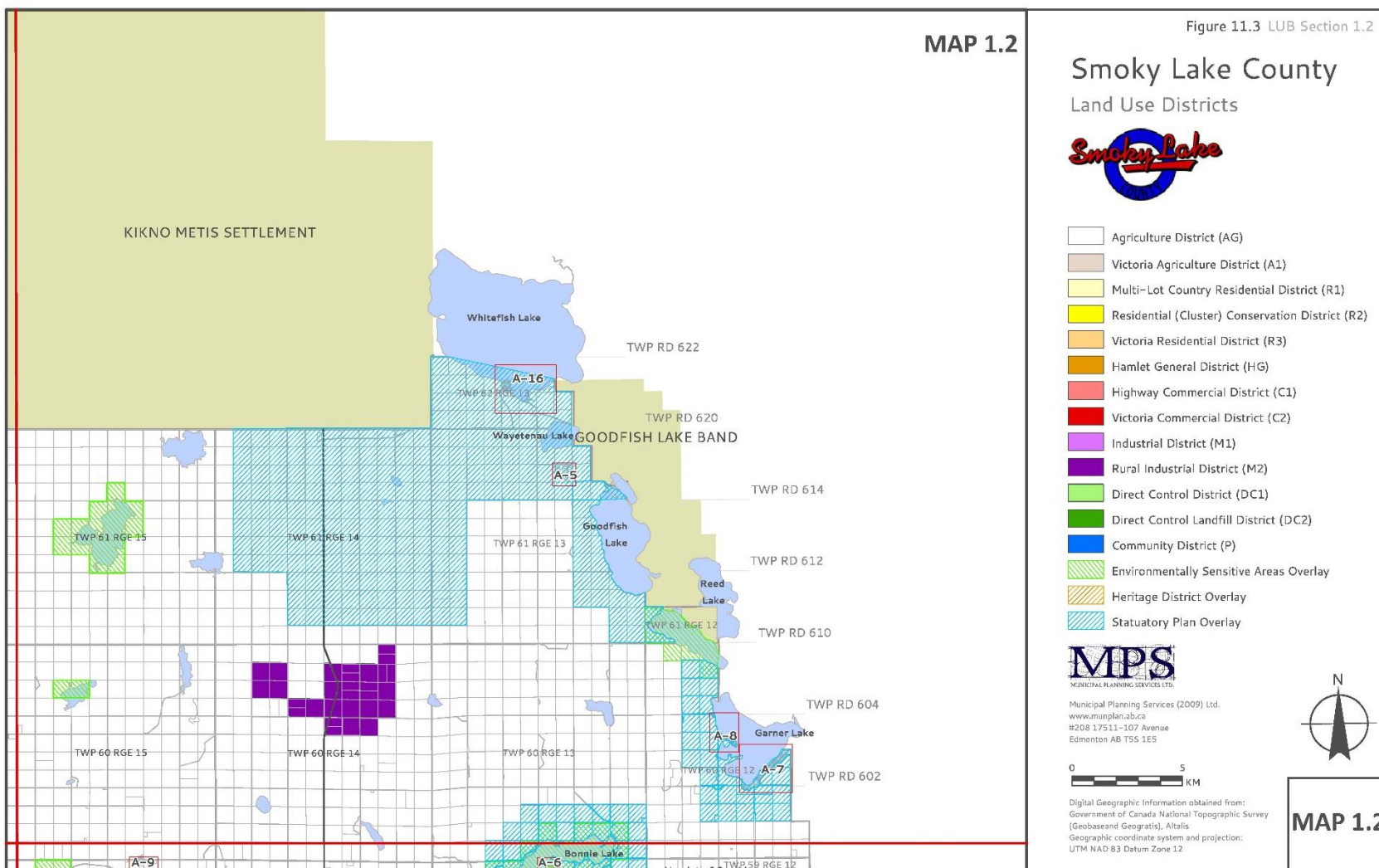
11.1 LUB Section Map 1.1



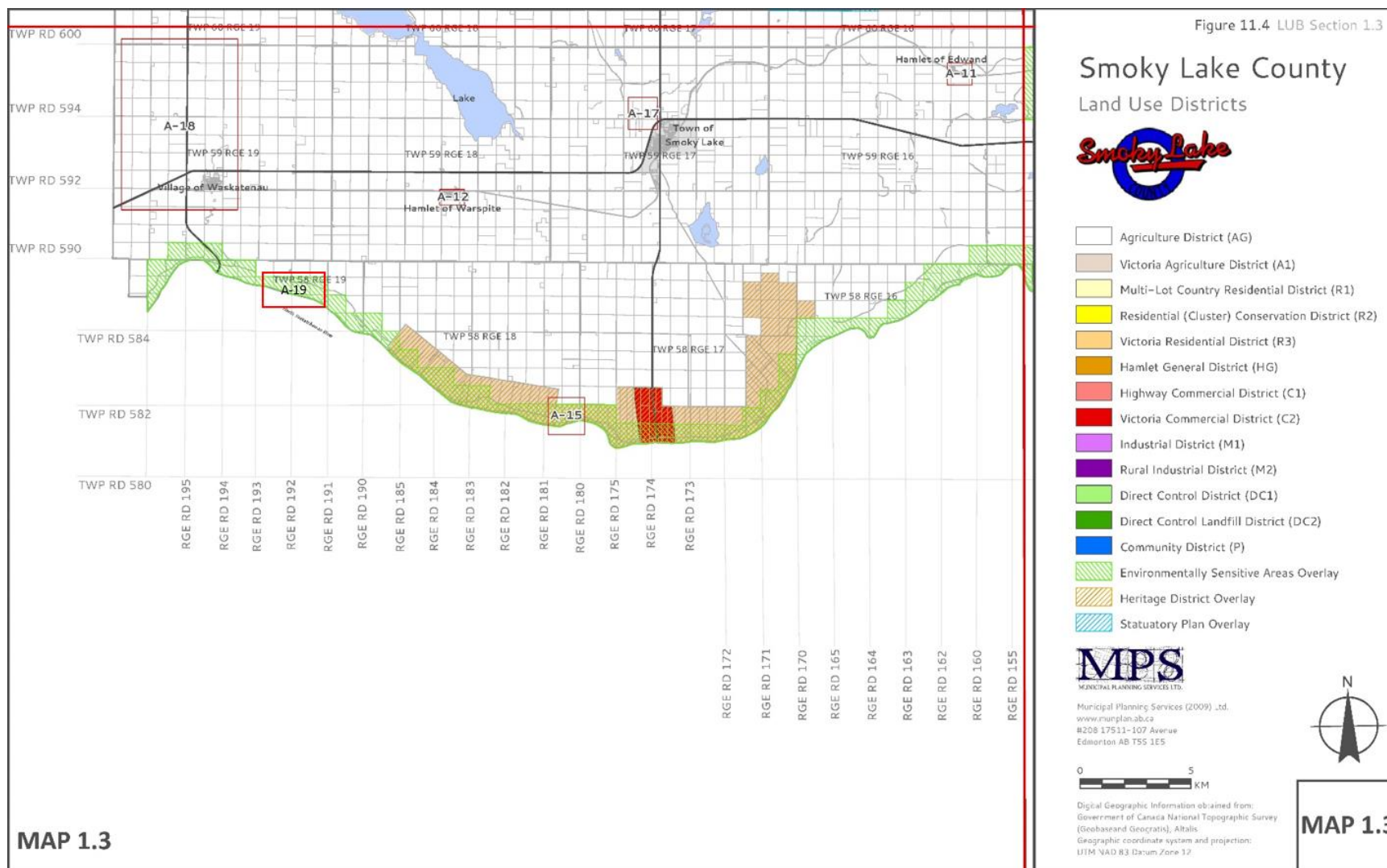
11.2 LUB 1.2



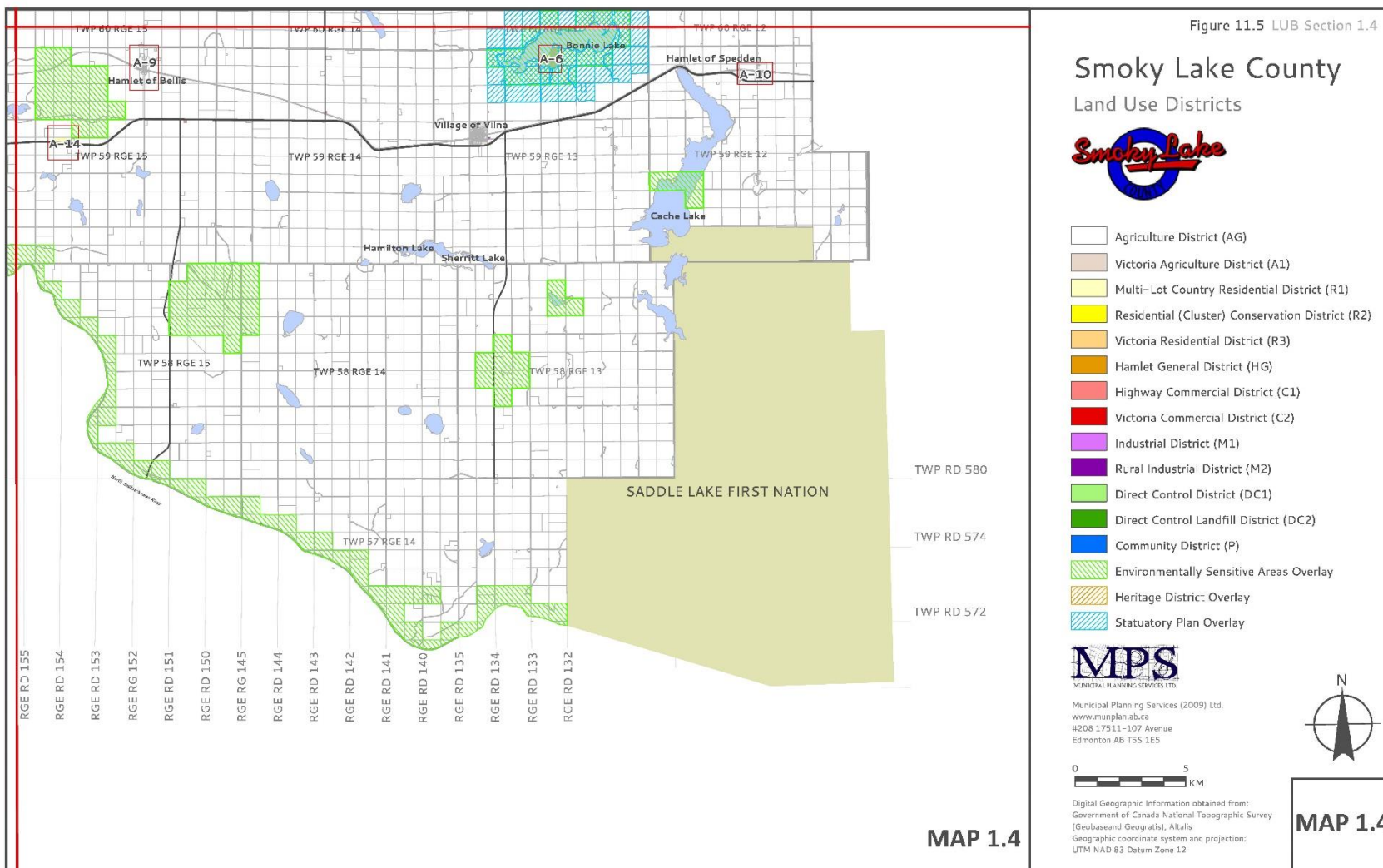
11.3 LUB 1.3



11.4 LUB Section Map 1.4

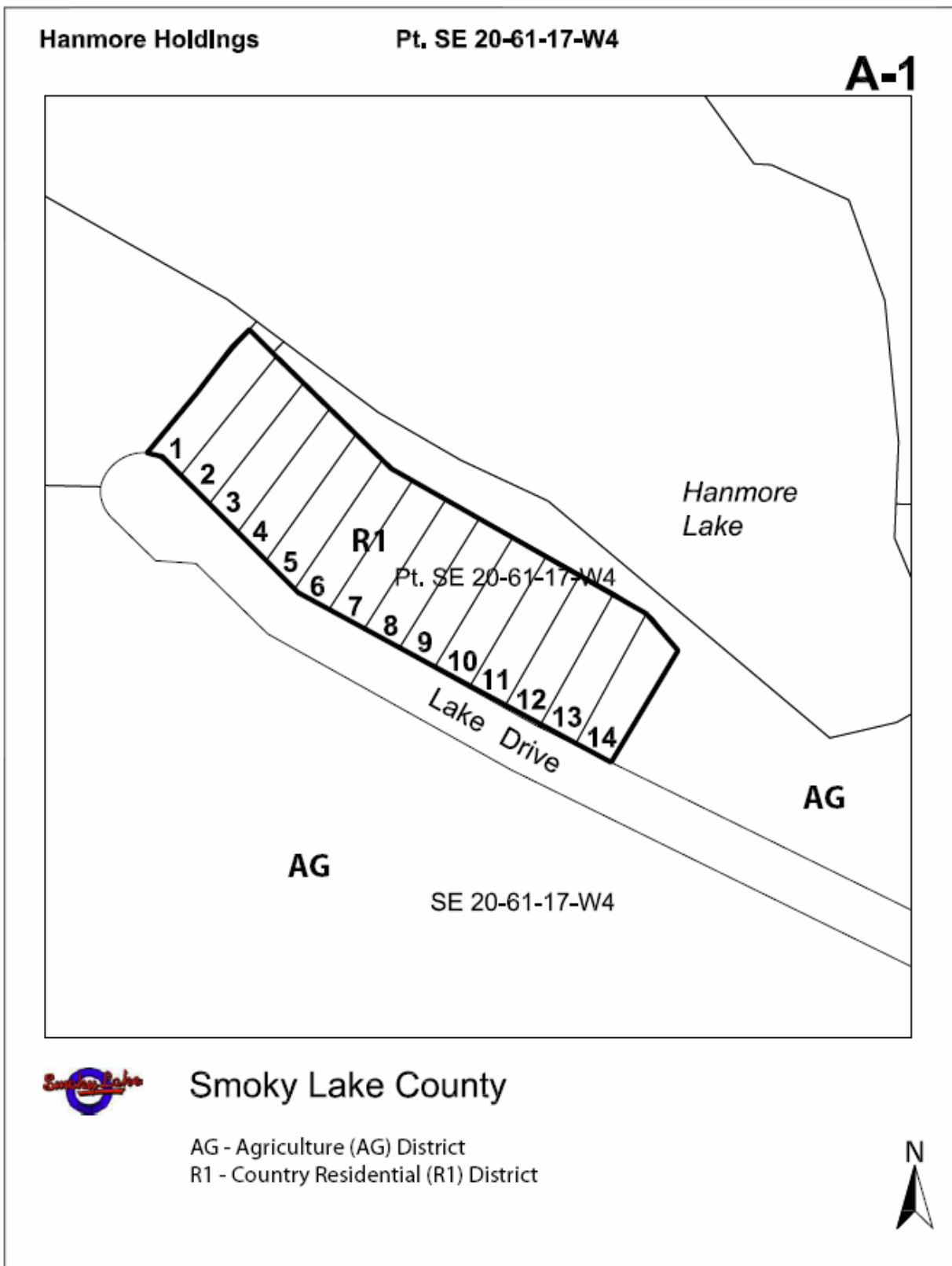


11.5 LUB 1.5

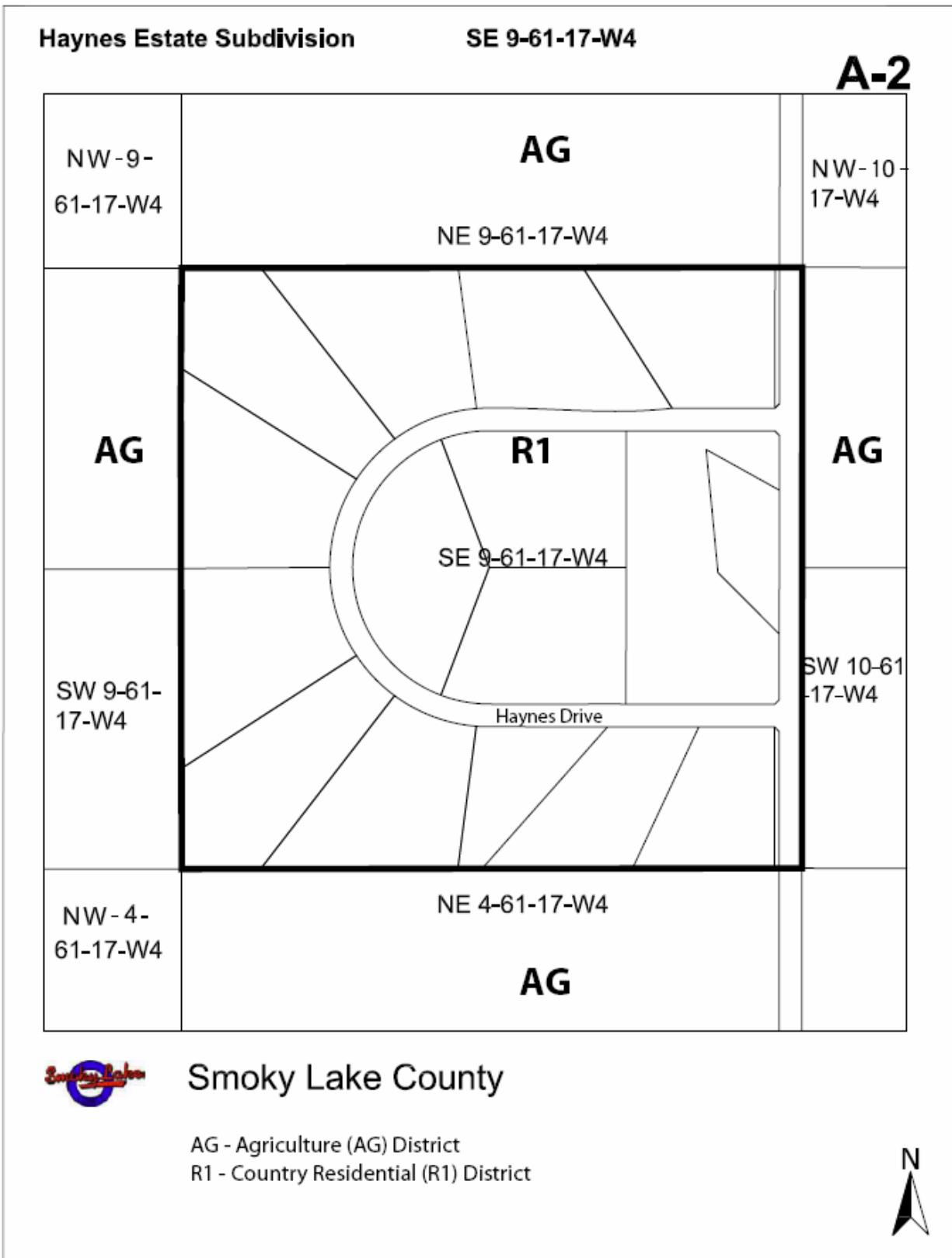


11.6 INSET MAPS

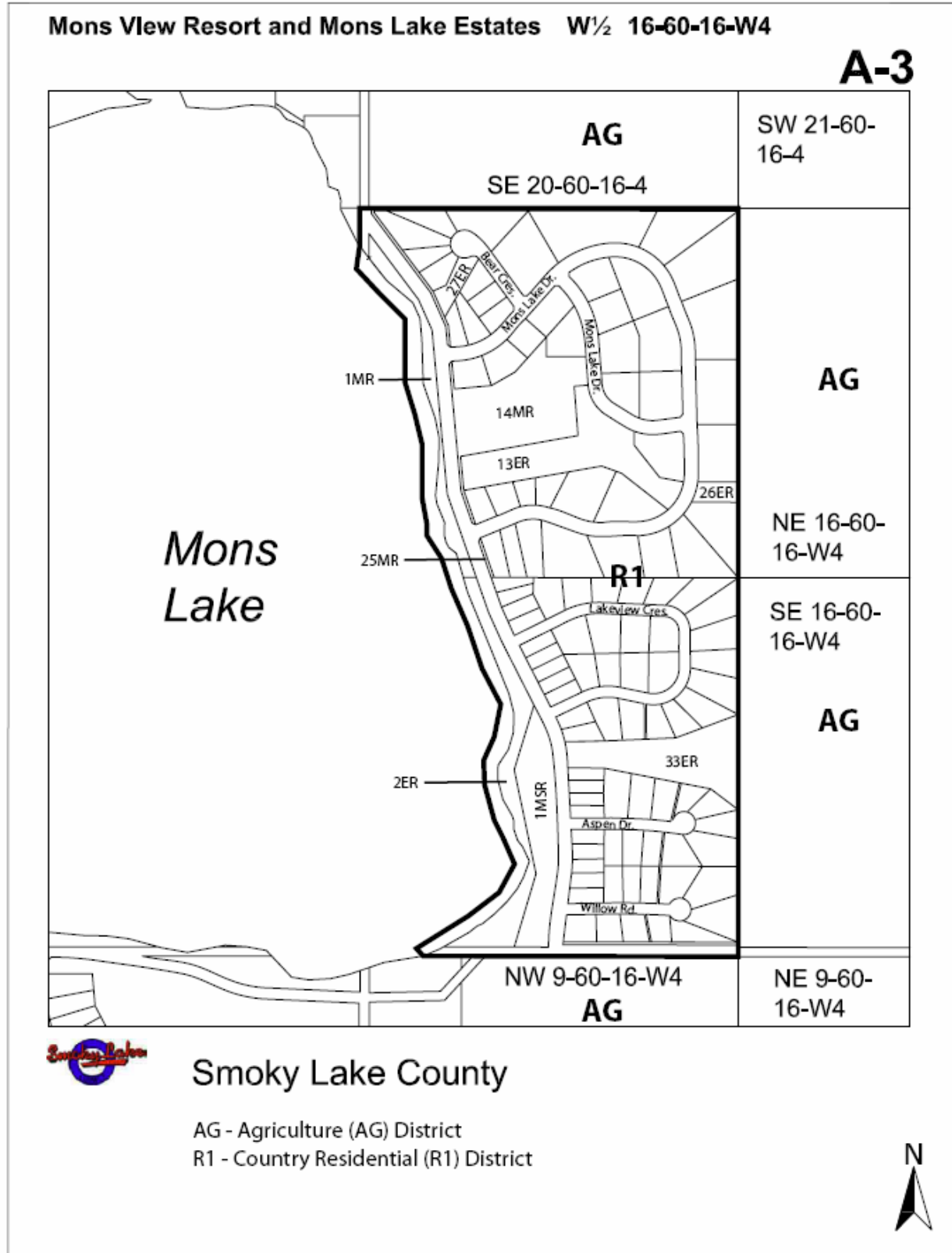
11.6.1 A-1 – Hanmore Holdings



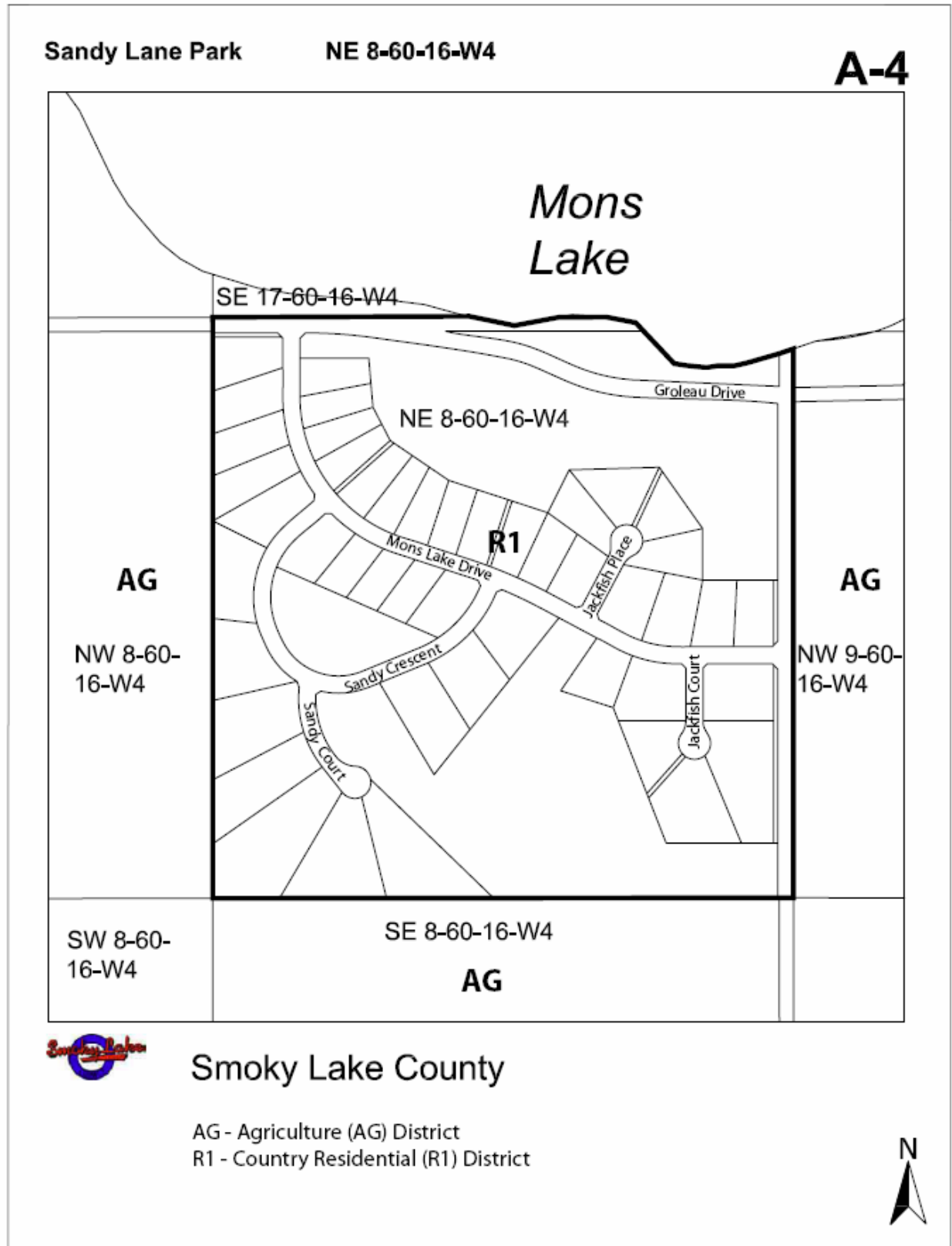
11.6.2 A-2 – Haynes Estate Subdivision



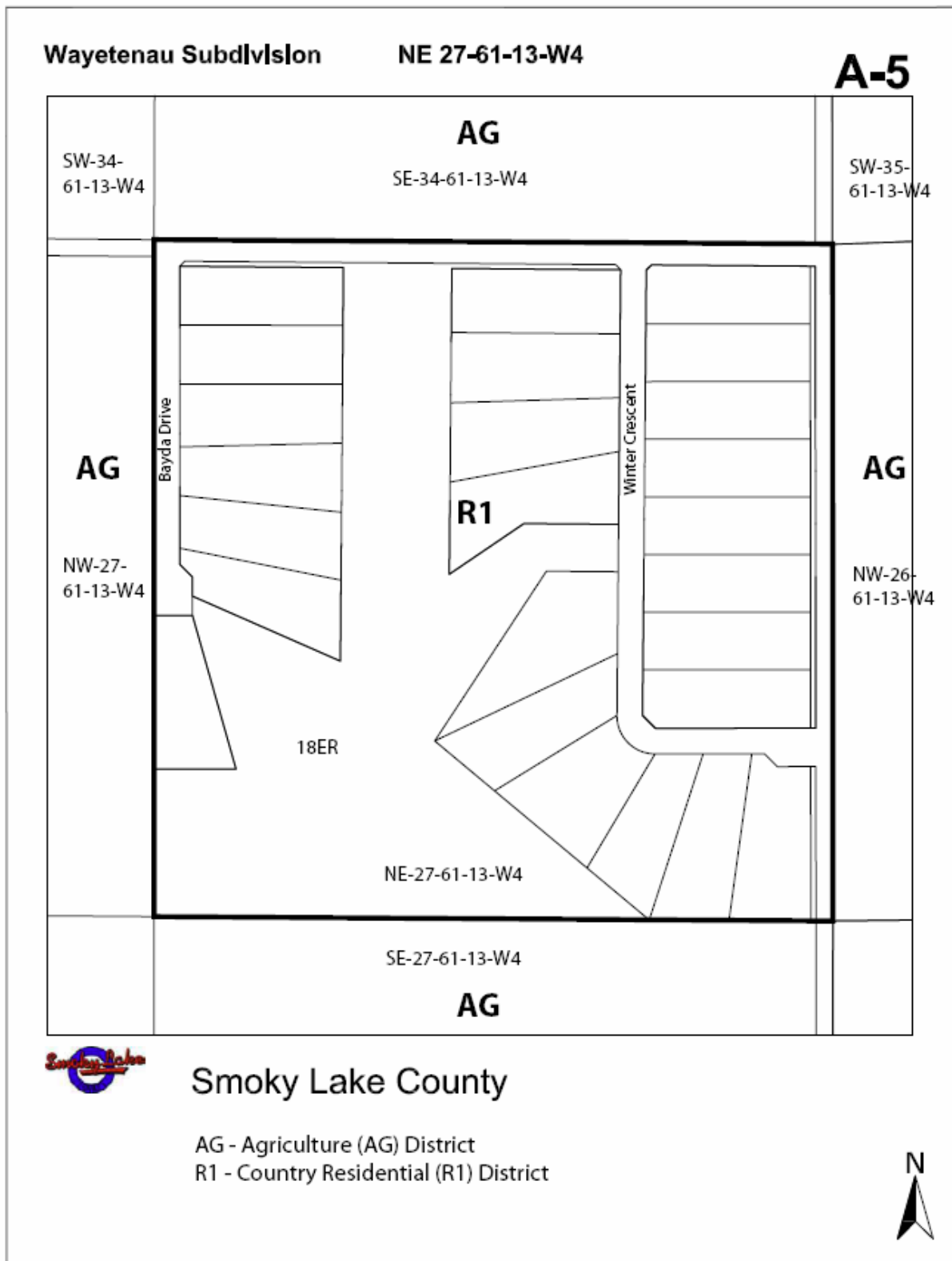
11.6.3 A-3 – Mons View Resort & Mons Lake Estates



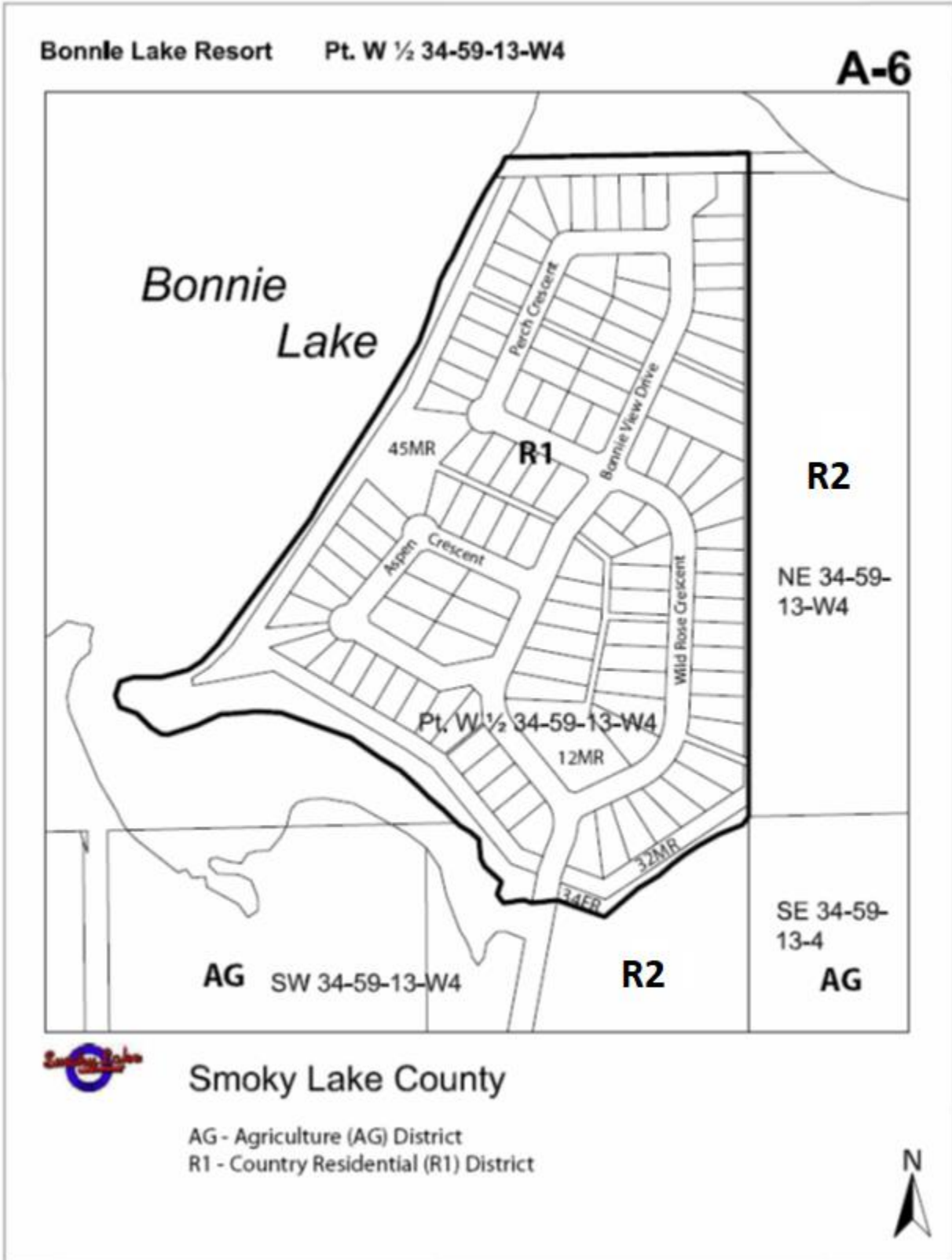
11.6.4 A-4 – Sandy Lane Park



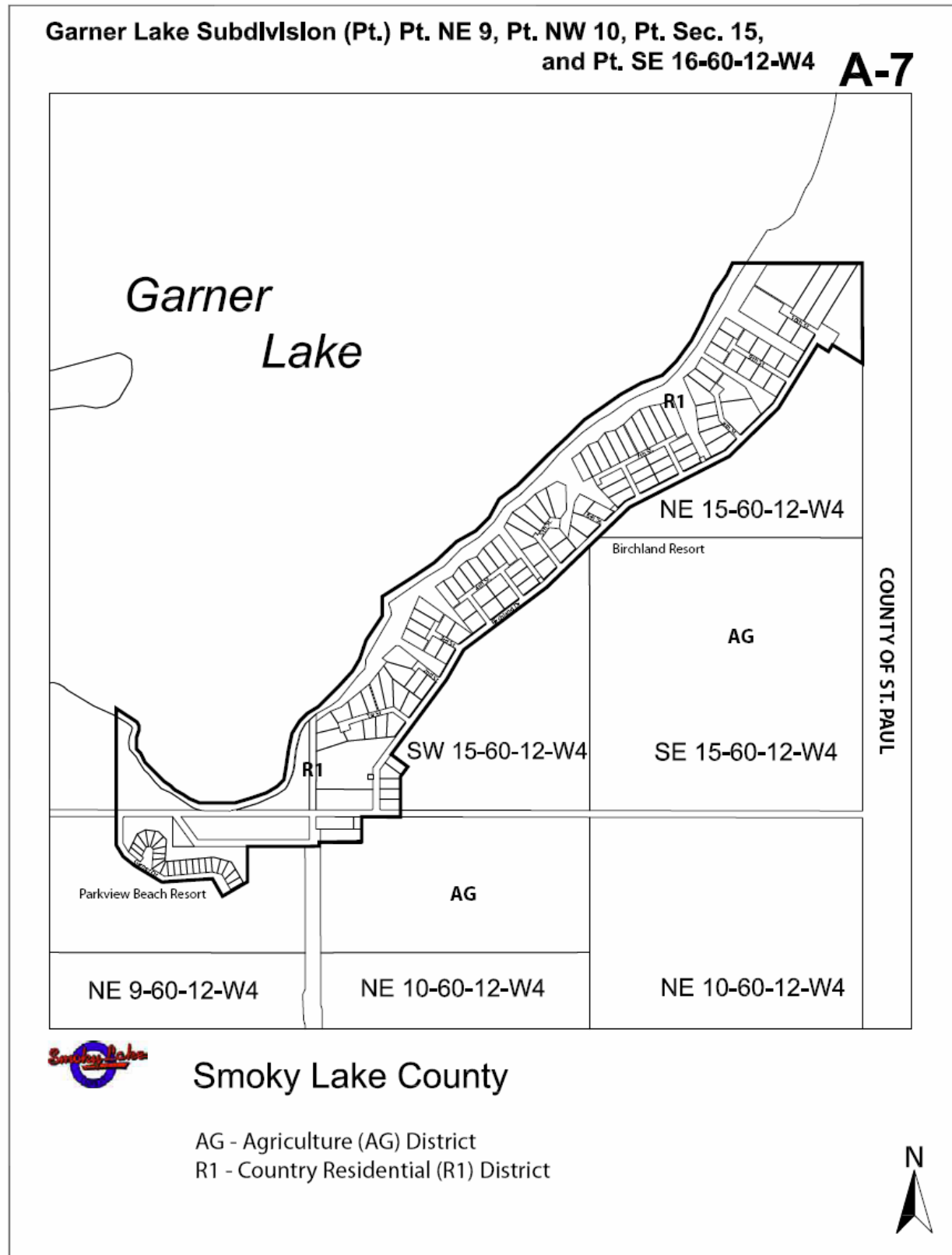
11.6.5 A-5 – Wayetenau Subdivision



11.6.6 A-6 – Bonnie Lake Resort

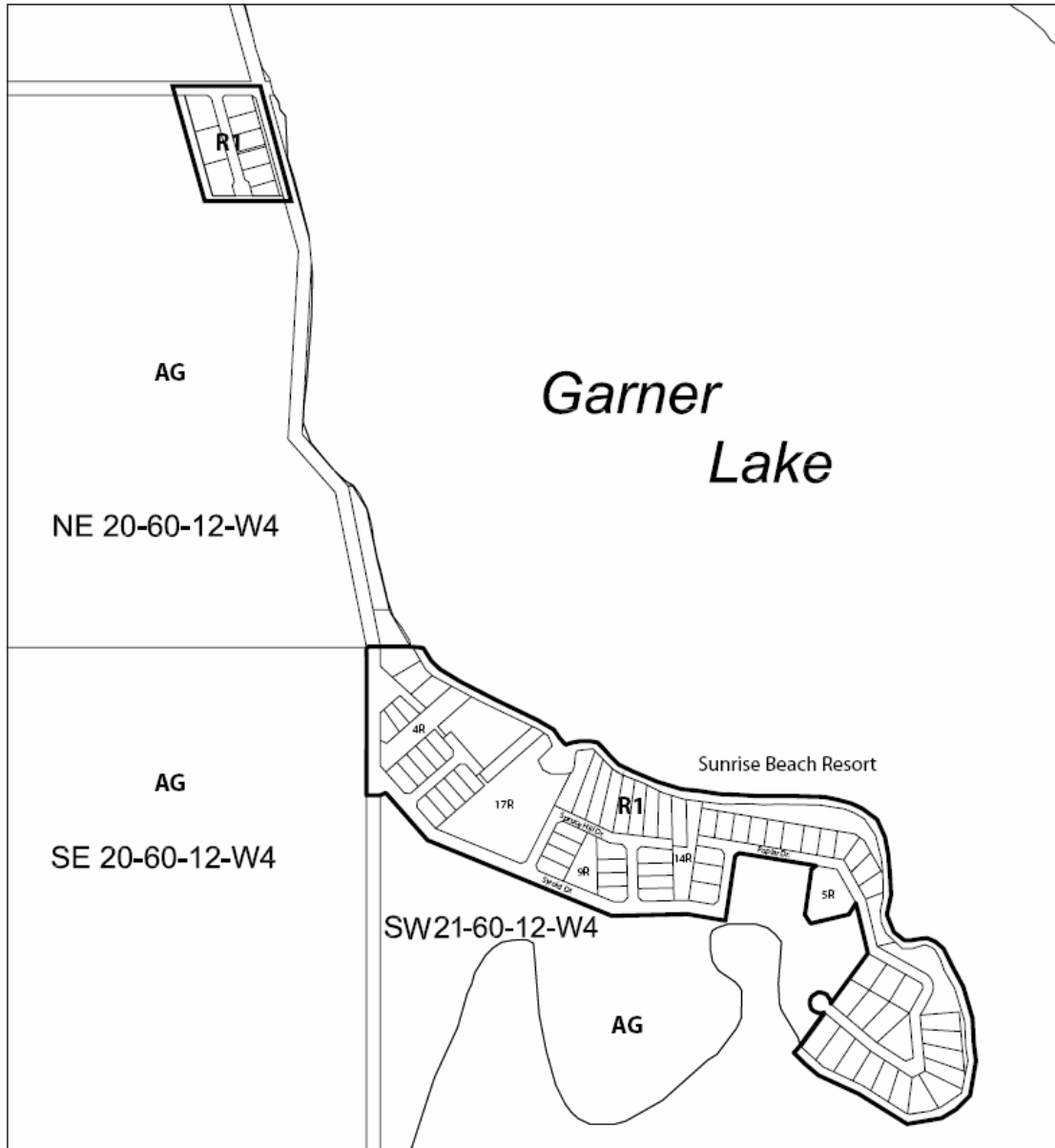


11.6.7 A-7 – Garner Lake Subdivisions



Garner Lake Subdivision (Pt.) Pt. NE20 and Pt. S ½ 21-60-12-W4

A-8

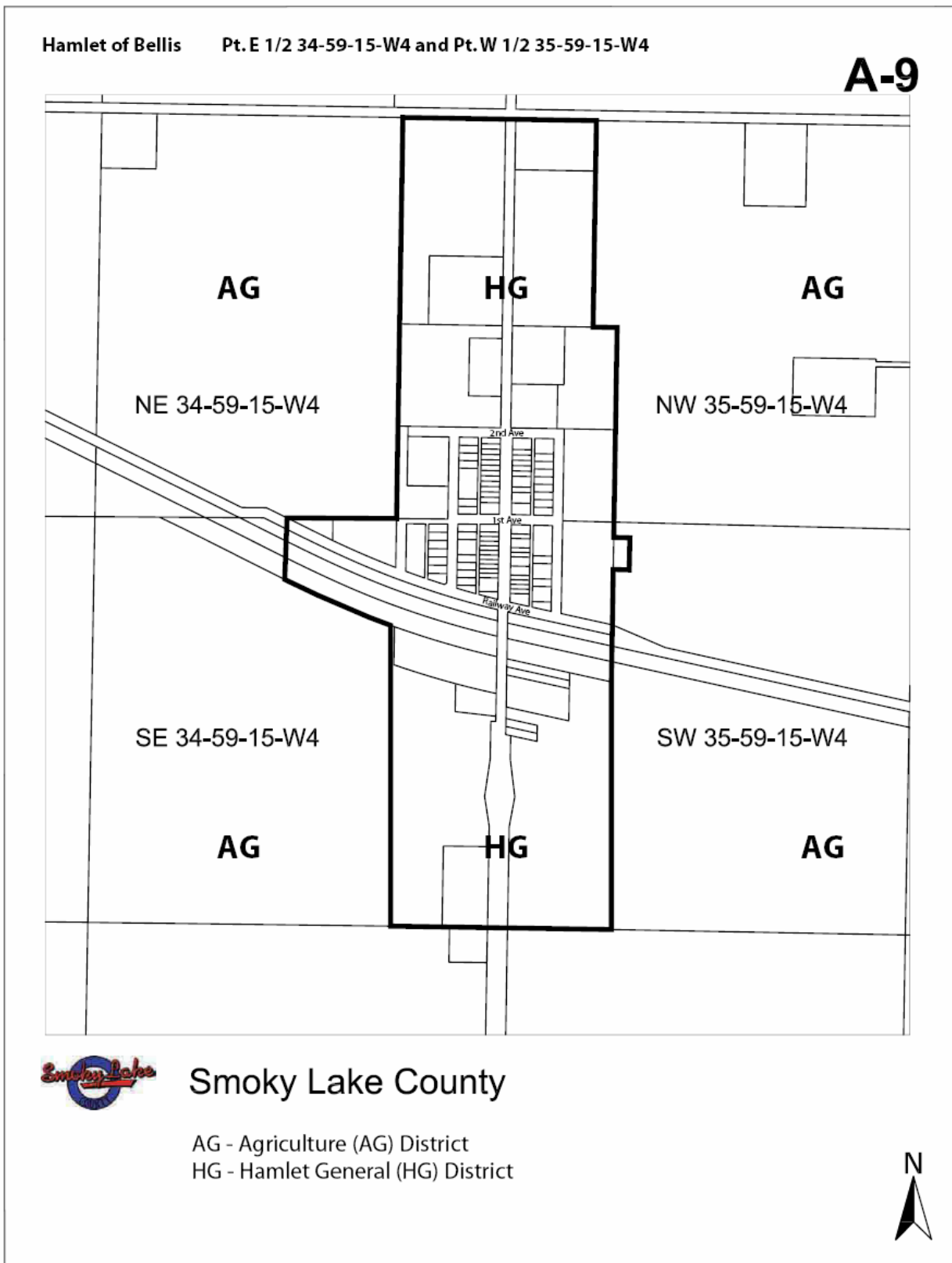


Smoky Lake County

AG - Agriculture (AG) District
R1 - Country Residential (R1) District



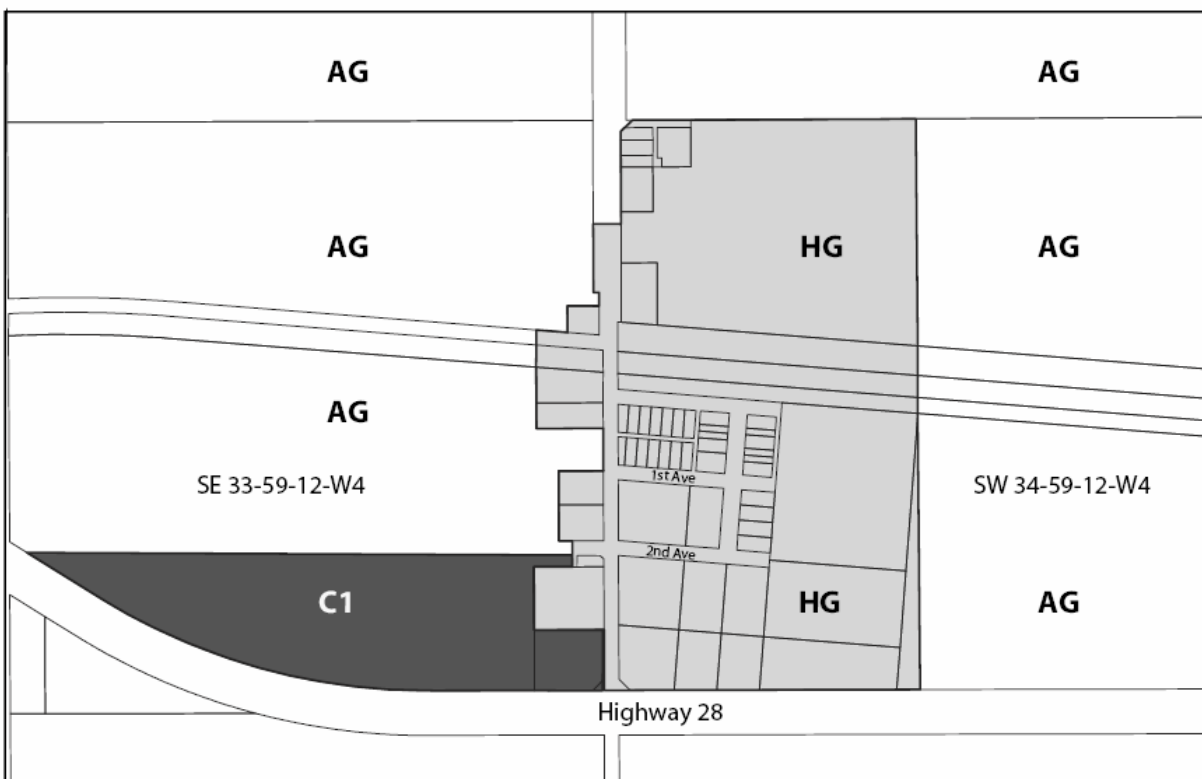
11.6.9 A-9 – Hamlet of Bellis



11.6.10 A-10 – Hamlet of Spedden

Hamlet of Spedden Pt. SW 34-59-12-W4 and Pt. SE 33-59-12-W4

A-10

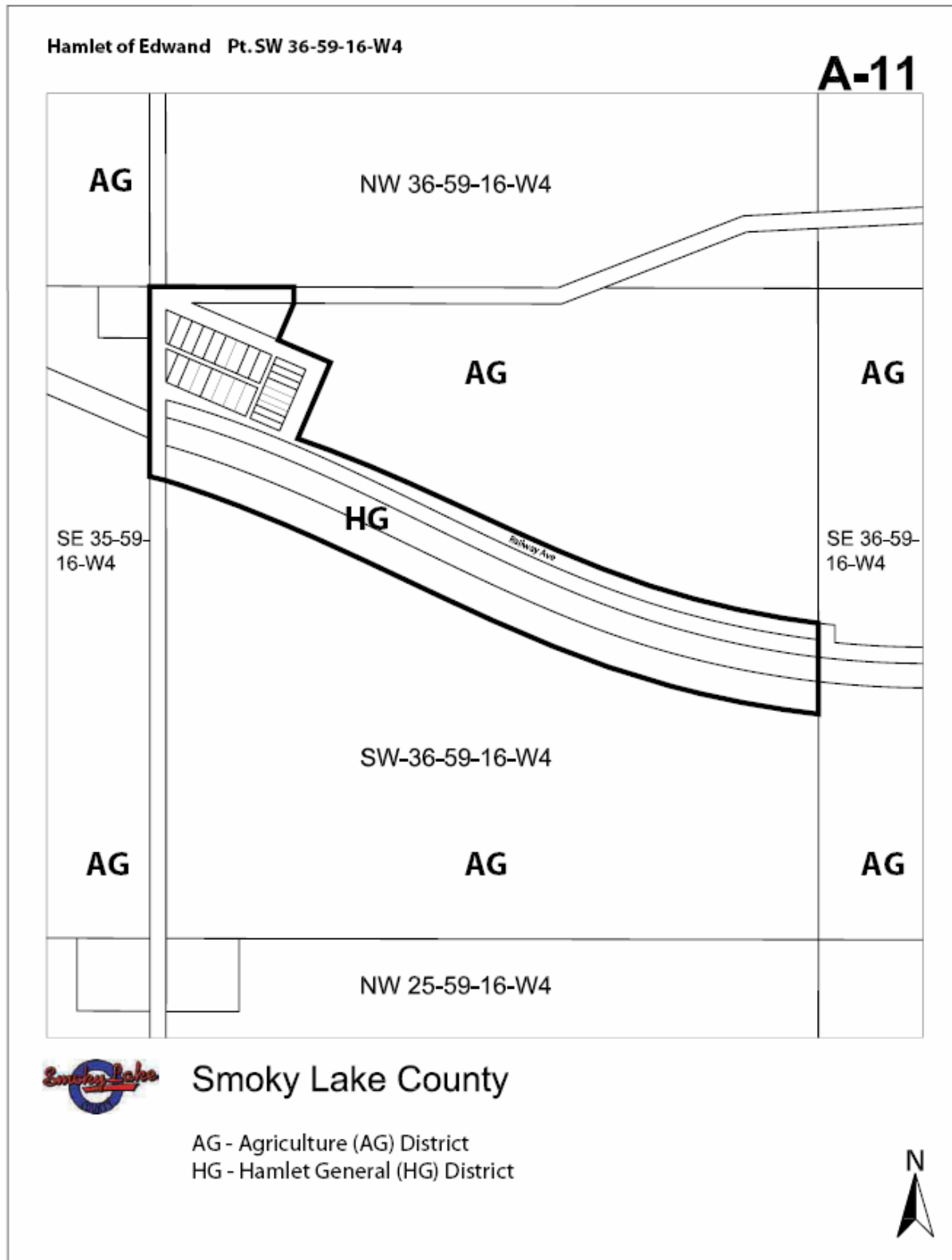


Smoky Lake County

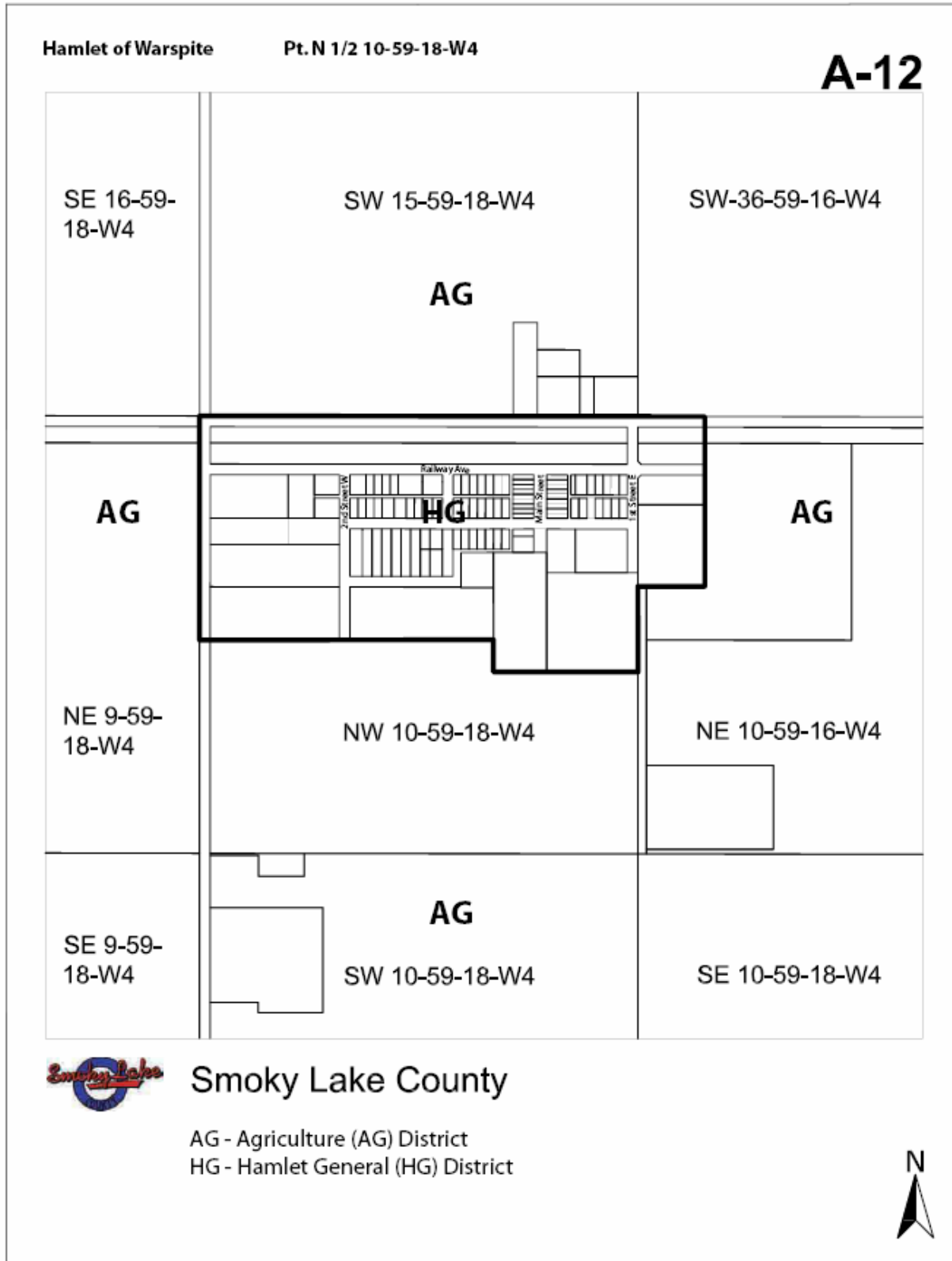
AG - Agriculture (AG) District
C1 - Highway Commercial (C1) District
HG - Hamlet General (HG) District



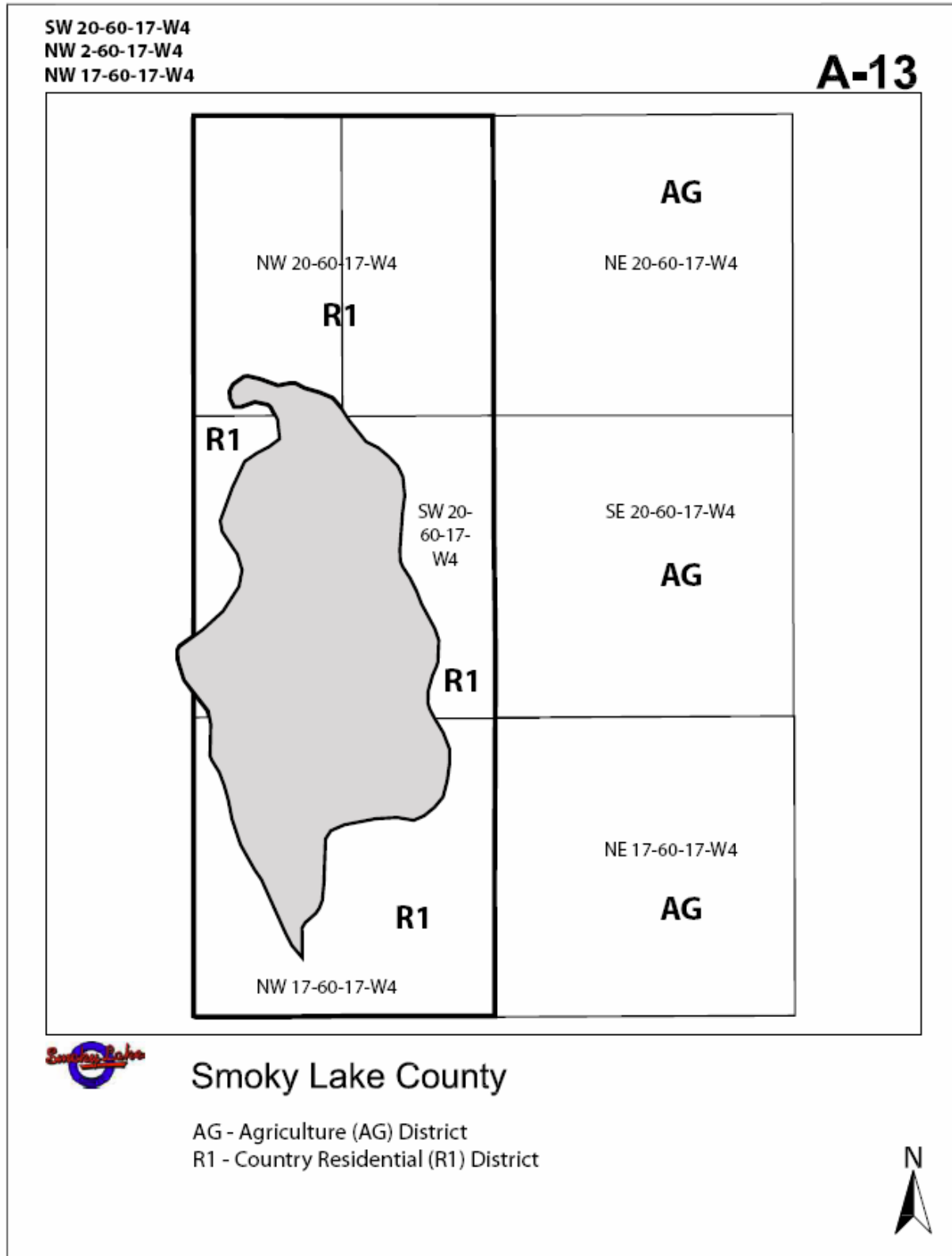
11.6.11 A-11 – Hamlet of Edwand

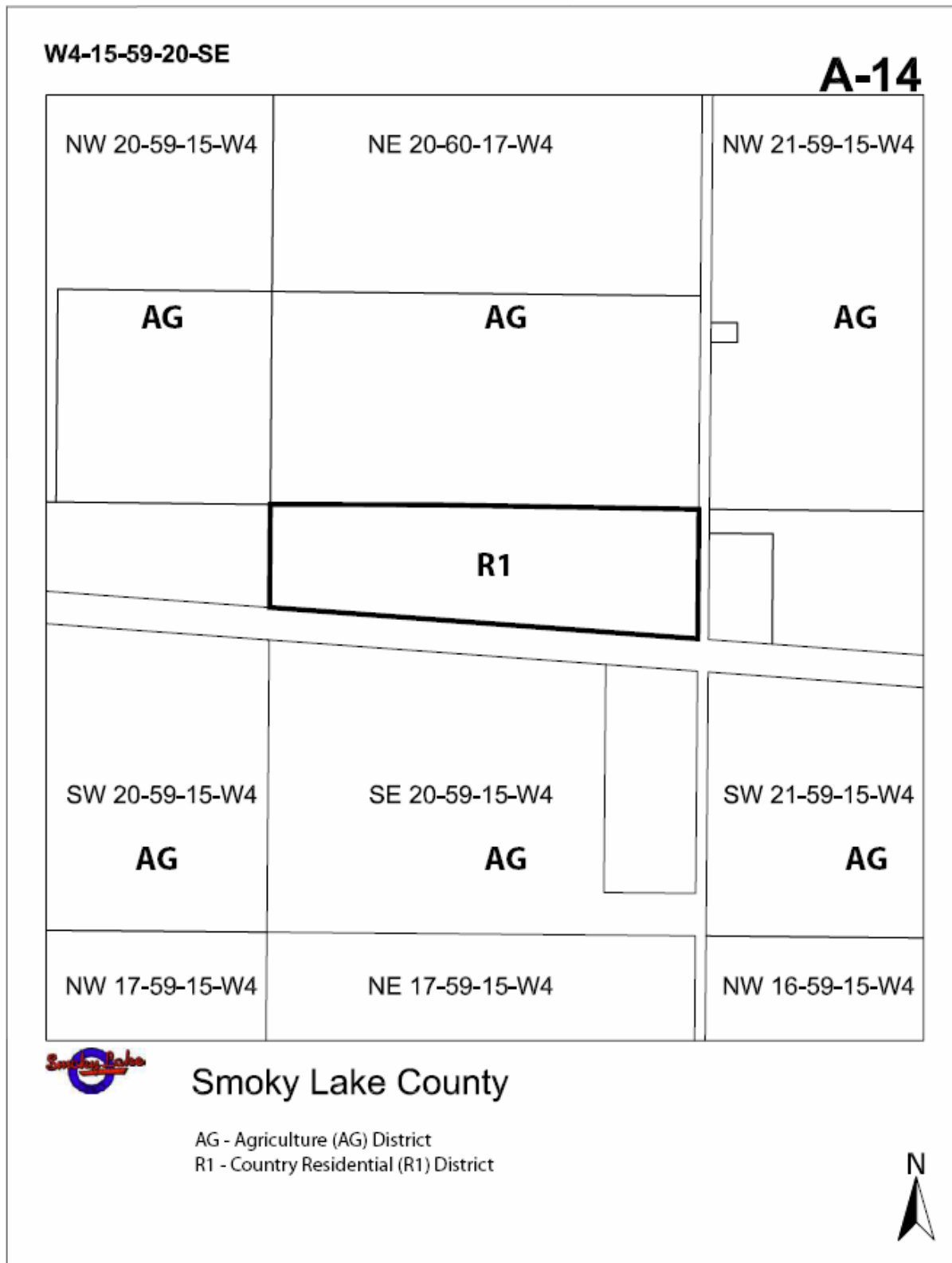


11.6.12 A-12 – Hamlet of Warspite

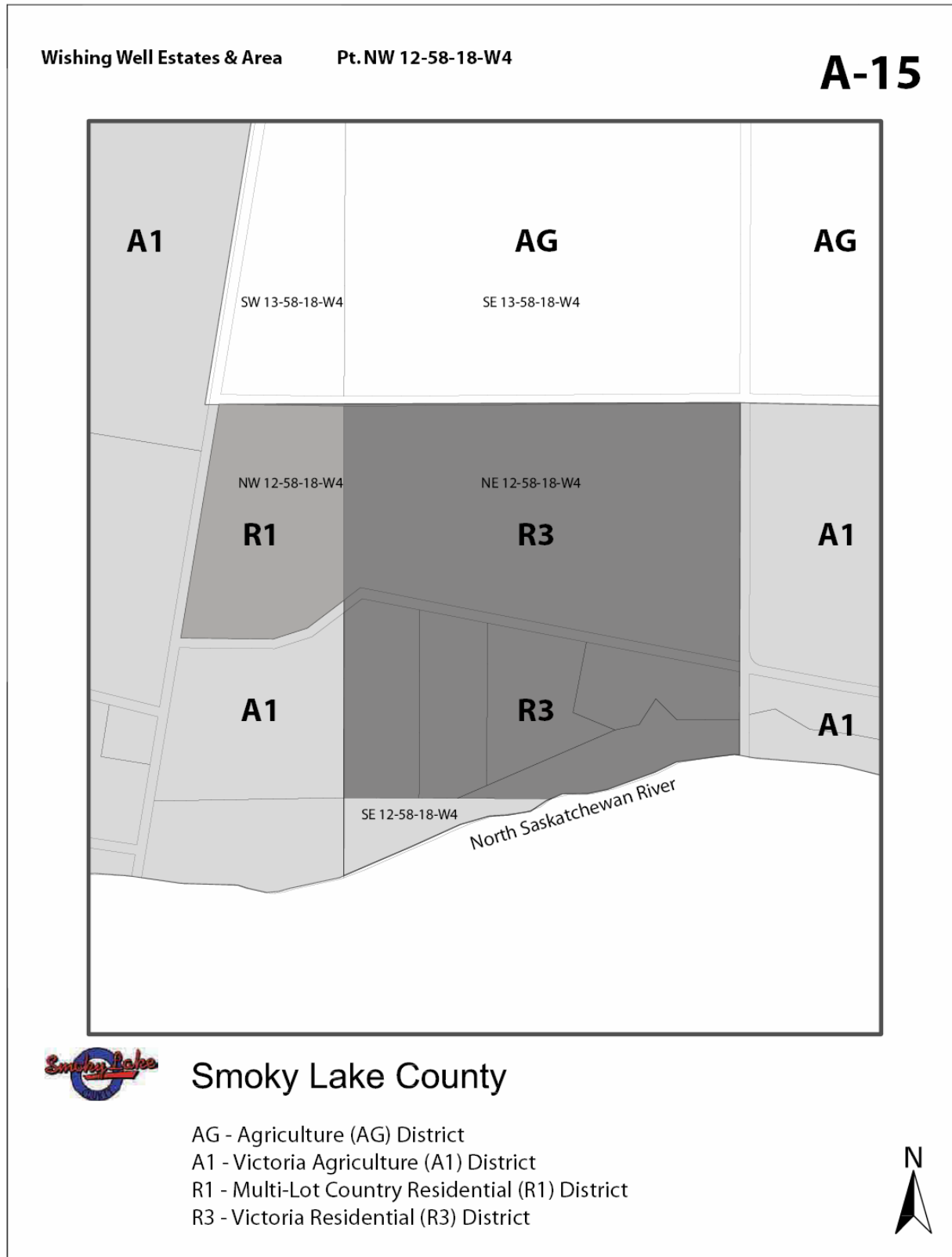


11.6.13 A-13 – W ½ 20-60-17-W4 & NW 17-60-17-W4





11.6.15 A-15 - Wishing Well Estates & Area

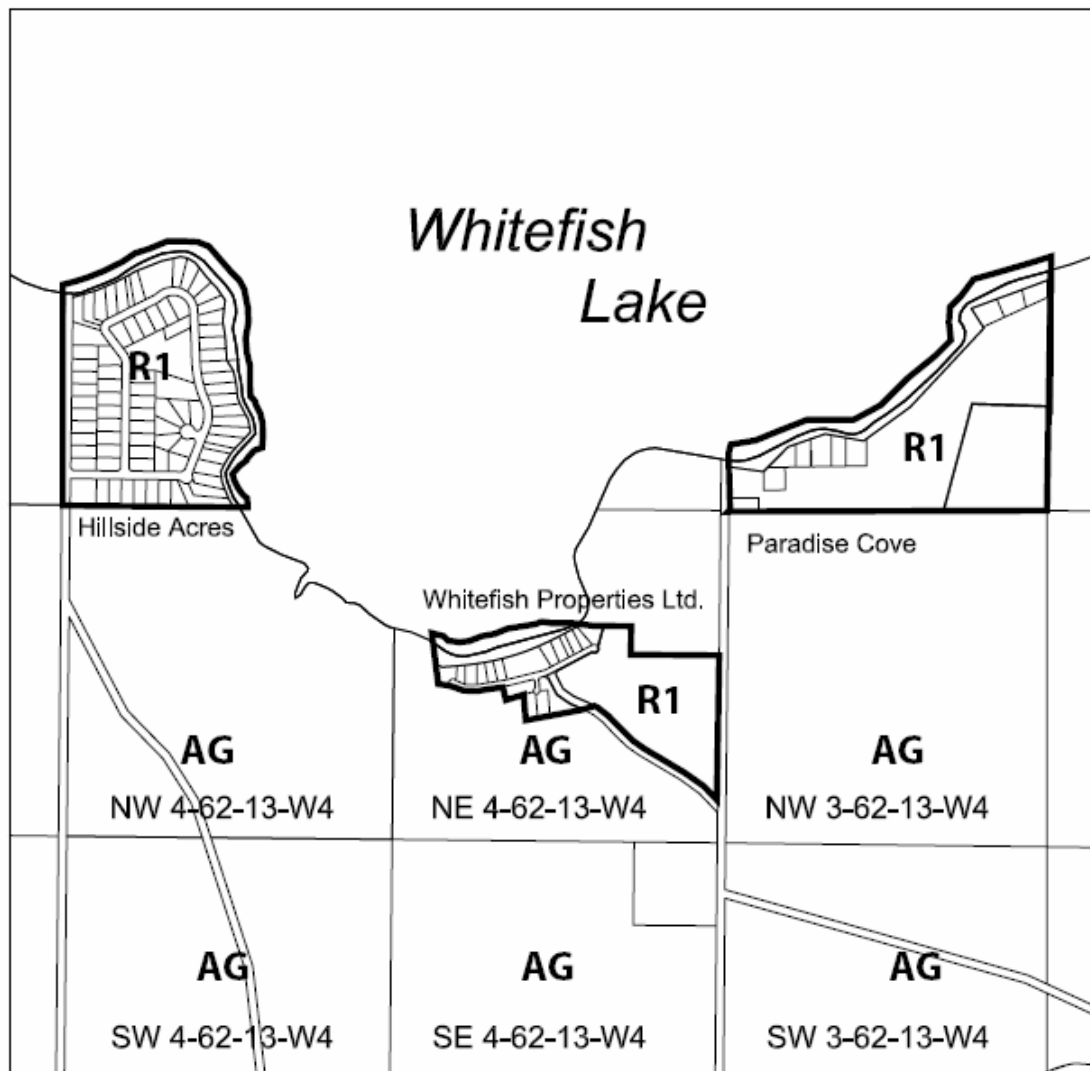


11.6.16 A-16 – Hillside Acres, Whitefish Properties and Paradise Cove

Hillside Acres
Whitefish Properties Ltd.
Paradise Cove

SW 9-62-13-W4
NE 4-62-13-W4
Plan 952 5147

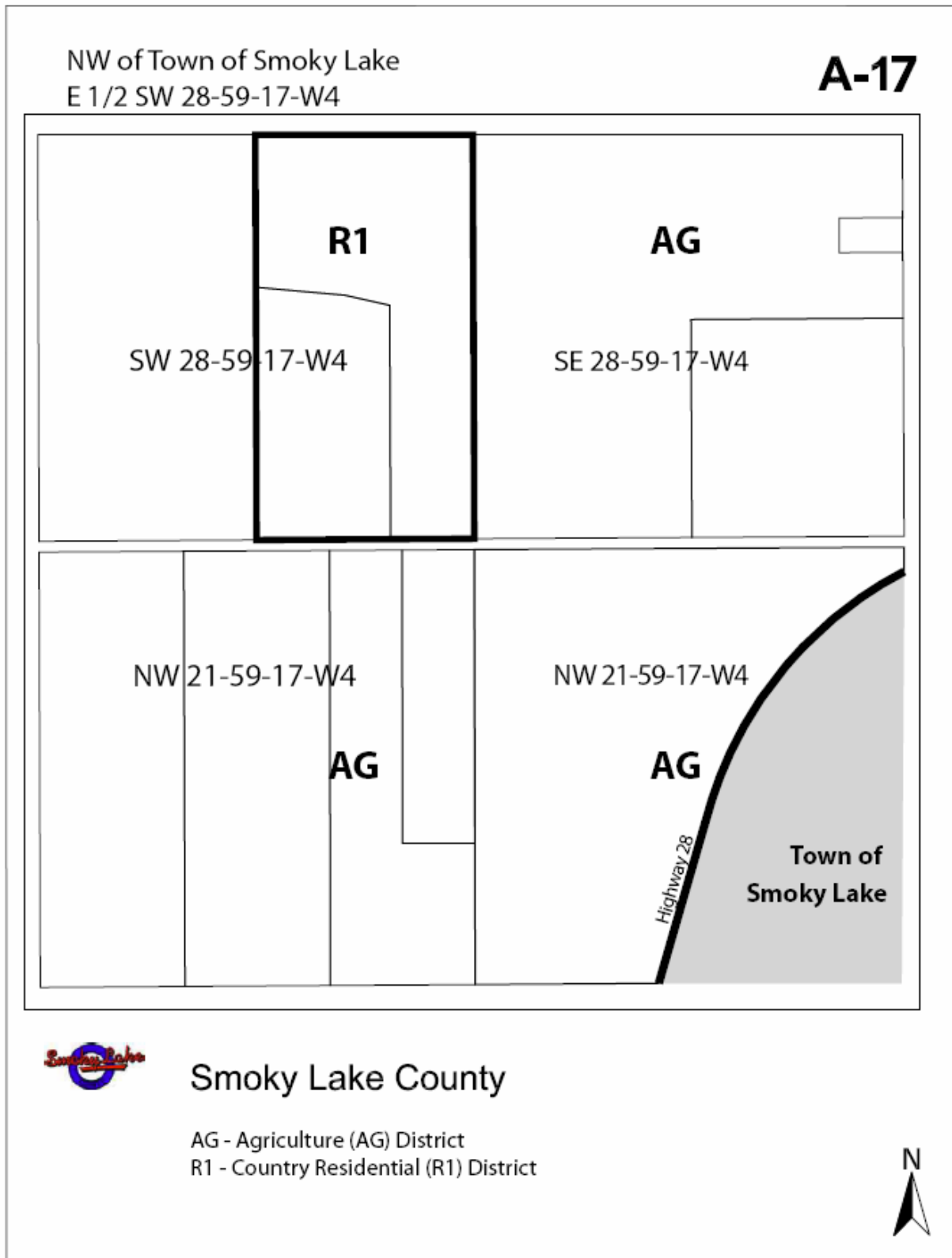
A-16



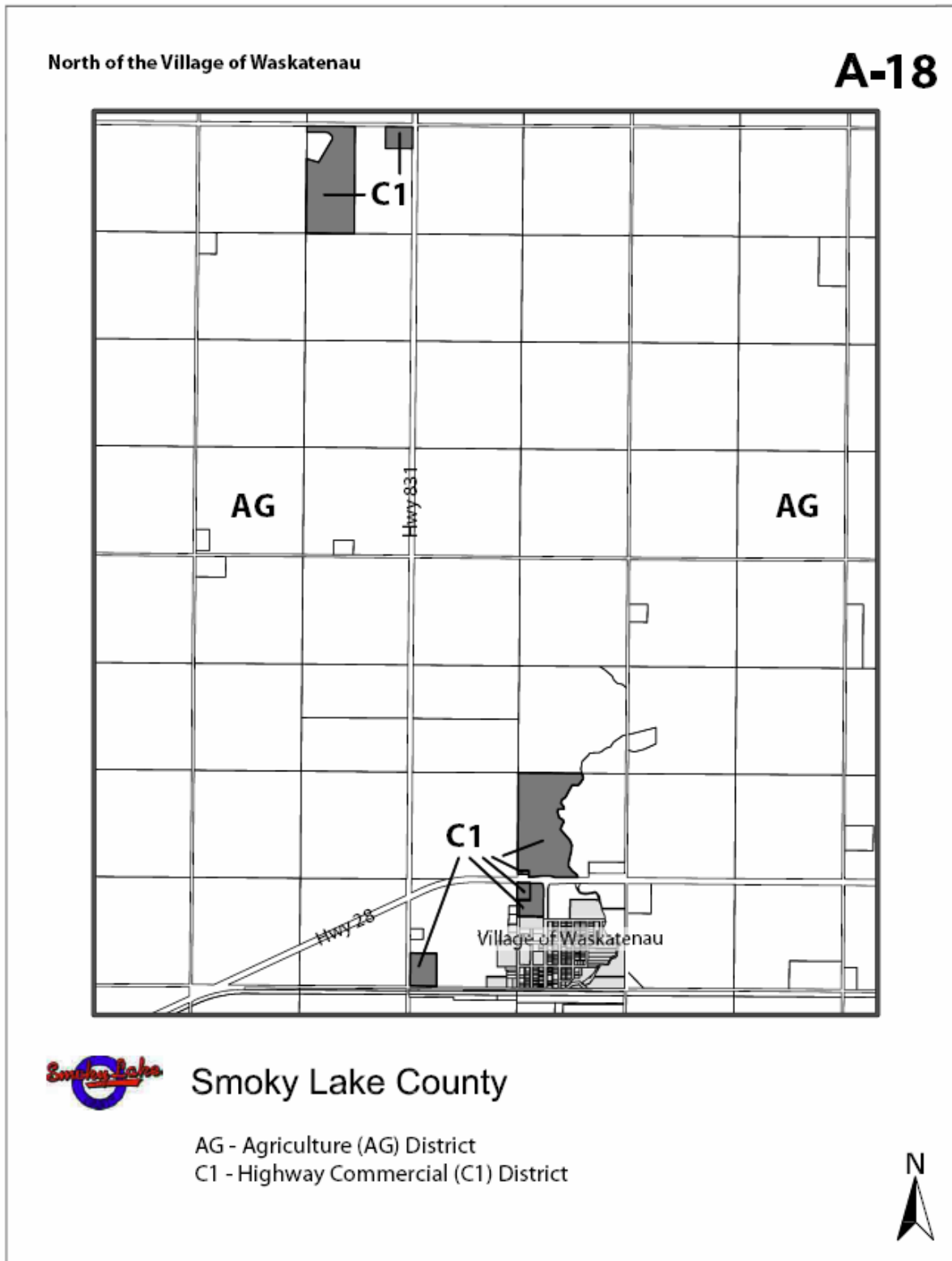
Smoky Lake County

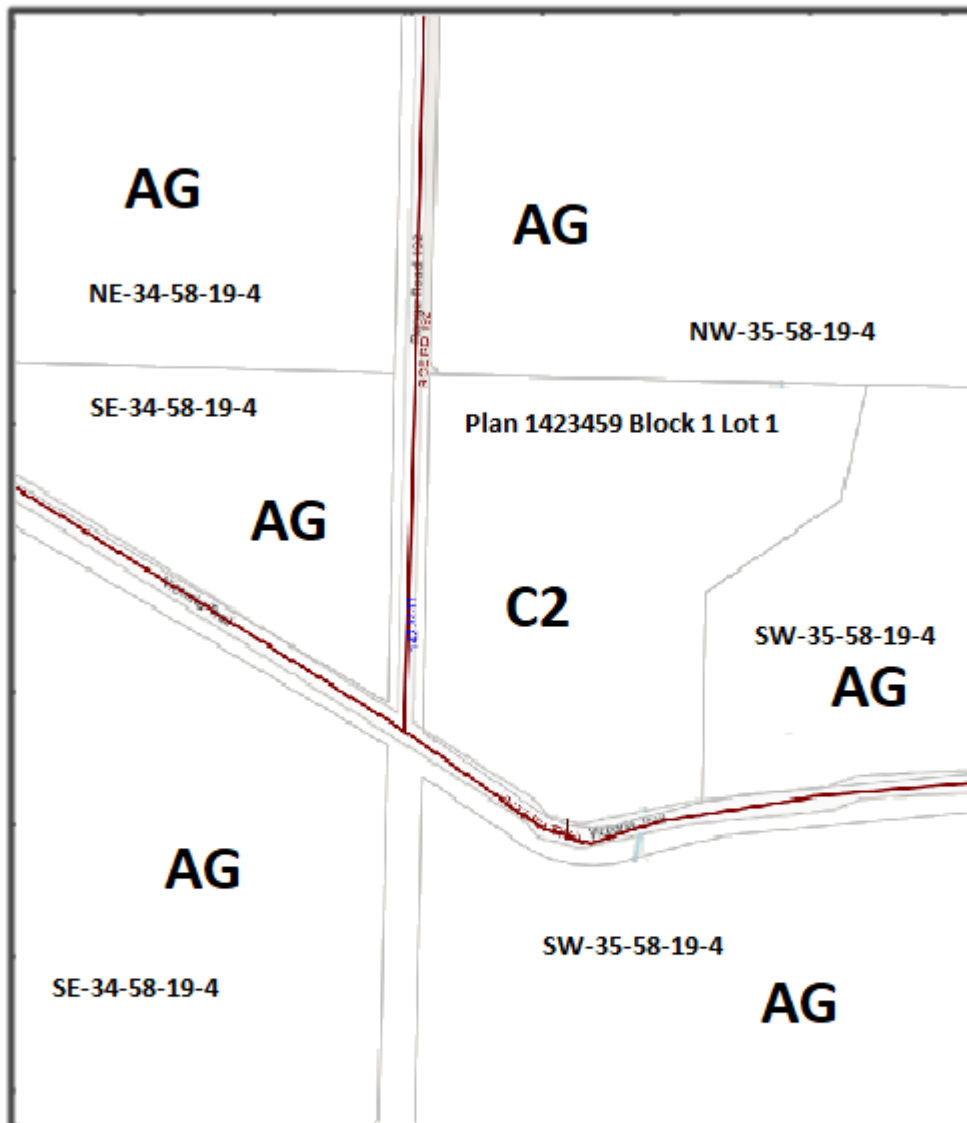
AG - Agriculture (AG) District
R1 - Country Residential (R1) District





11.6.18 A-18 – North of the Village of Waskatenau





Smoky Lake County

AG - Agriculture (AG) District

C2 - Victoria Commercial (C2) District

