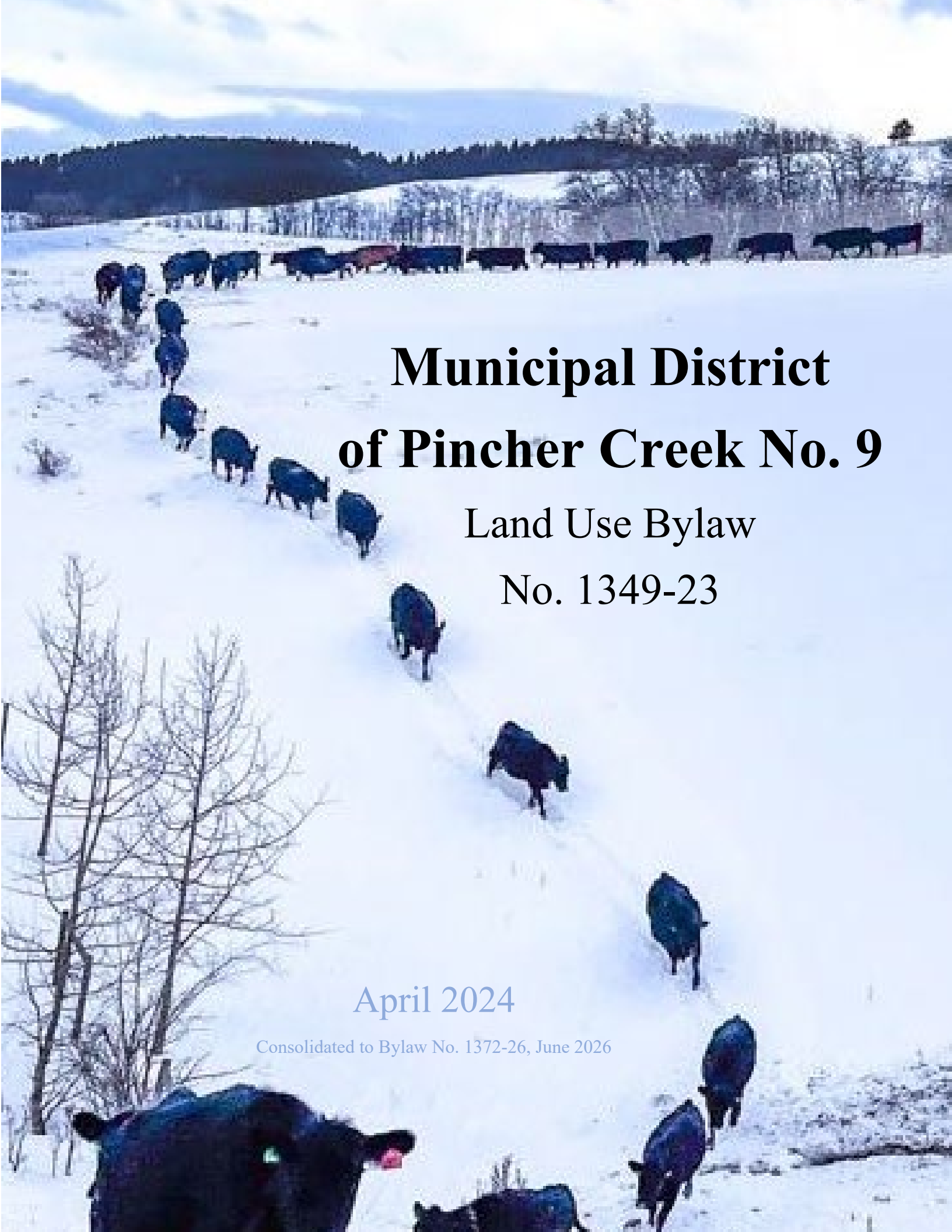

# Municipal District of Pincher Creek No. 9

## Land Use Bylaw

## No. 1349-23

April 2024

Consolidated to Bylaw No. 1372-26, June 2026

**Cover photography courtesy of Laura McKinnon**

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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**Prepared for the Municipal District of Pincher Creek No.9**

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**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**
**BYLAW NO. 1349-23**

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to adopt Bylaw No. 1349-23, being the Land Use Bylaw.

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**WHEREAS** Section 639 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality must pass a Land Use Bylaw;

**WHEREAS** The Municipal District of Pincher Creek No. 9 has conducted a significant review of the previous Land Use Bylaw in response to a number of changes to the Municipal Development Plan and Castle Mountain Resort Area Structure Plan; and

**WHEREAS** The purpose is to conduct a general cleanup of the provisions within the land use bylaw and bring it into alignment with the Municipal Development Plan and Castle Mountain Resort Area Structure Plan.

**NOW THEREFORE,** under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw shall be cited as "Land Use Bylaw No. 1349-23".

2. Land Use Bylaw No. 1349-23 as per "Schedule A" attached.

3. Amendments following the Public Hearing as per "Schedule B" attached.

4. Bylaw No. 1289-18 being the former land use bylaw and any amendments thereto are hereby repealed.

5. This bylaw shall come into force and effect upon third and final passing thereof.

READ a first time this 13TH day of FEBRUARY, 2024.

A PUBLIC HEARING was held this 6TH day of MARCH, 2024.

READ a second time as amended this 9TH day of APRIL, 2024.

READ a third time and finally PASSED this 9TH day of APRIL, 2024.

***Reeve***
*Dave Cox*

***Chief Administrative Officer***
*Roland Milligan*

Attachment
- "Schedule A"
- "Schedule B"

## SCHEDULE B

### 1. Replace Administration Section 19.1 with the following:

**SECTION 19 NOTICE OF PROPOSED DEVELOPMENT**

19.1 Prior to an application being considered for a discretionary use pursuant to Sections 18.10 and 18.15 through 18.21, the Development Officer may require, or the Municipal Planning Commission may direct the Development Officer to require, one or more of the following:

(a) that a notice be posted in a conspicuous place on the parcel upon which the proposed development is situated not less than ten (10) days prior to the date of consideration of such an application;

(b) that a similar notice be published once in a newspaper circulating in the municipal area;

(c) that in a hamlet, a similar notice to be sent by mail to all assessed property owners within 30 m (98.4 ft.) or a distance as determined by the Development Authority of the parcel and to those assessed property owners who, in the opinion of the Development Officer, Municipal Planning Commission, may be affected, not less than ten (10) days prior to the date of consideration of the application; and/or

(d) that in a rural area, a similar notice to be sent to all assessed property owners of quarter sections adjacent to the development and to those assessed property owners who, in the opinion of the Development Officer, Municipal Planning Commission, may be affected, not less than ten (10) days prior to the date of consideration of the application.

### 2. Replace Section 48.27 and 48.28(j) with the following:

48.27 Prior to redesignation to Rural Recreation 1 or Rural Recreation 2, the proponent shall conduct an open house with all adjacent property owners and all residences along the access road(s), as determined by the Development Officer, to the proposed development site.

48.28(j) analysis of impact on adjacent property or structures including a locational plan that includes distances to all other development and the location and number of residences along the access road(s), as determined by the Development Officer, to the proposed development site.

# Municipal District Pincher Creek Land Use Bylaw No. 1349-23 – Amendments

| Bylaw No. | Amendment Description | Legal Description | Passed |
|---|---|---|---|
| 1352-24 | Hamlet Transitional /.Agricultural – HTA to Hamlet Single Detached Residential 1 – HR-1 | Portion of NW ¼-10-6-2-W5M | 12-Nov-2024 |
| 1361-25 | Amendment to allow for an adjustment in parking for Tourist homes proposed at Castle Mountain Resort, clarify the procedure for conducting open house meetings, and to introduce Data Centre Operation as a use. | | 8-Sept-2025 |
| 1368-26 | Amendment to add a detached secondary suite and to limit the dwelling density within the agriculturally oriented districts. | | 24-Mar-2026 |
| 1369-26 | Addition to define dugouts and agricultural water reservoirs.<br>Addition of special land use provision within Section VII for dugouts and agricultural water reservoirs.<br>Addition of dugouts and agricultural water reservoirs to agriculturally oriented districts. | | 28-Apr-2026 |
| 1370-26 | Agriculture – A to Rural Business – RB<br>Grouped Country Residential – GCR to Rural Business - RB | Portion of SW ¼ 34-7-2-W5M | 24-Mar-2026 |
| 1372-26 | Amend Part VIII, Section 64.5 to replace 2,500 cubic metres (88,287 cubic ft.) with 7,500 cubic metres (264,860 cubic ft.) | | 23-June-2026 |

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MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

# LAND USE BYLAW NO. 1349-23

## PART I – GENERAL

### SECTION 1 TITLE

1.1 This bylaw may be referred to or cited as “The Municipal District of Pincher Creek No. 9 Land Use Bylaw”.

### SECTION 2 SCOPE

2.1 No development shall hereafter be carried out within the boundaries of the municipality except in conformity with the provisions of this bylaw.

### SECTION 3 PURPOSE

3.1 The purpose of this bylaw is to, amongst other things:

(a) divide the municipality into districts;

(b) prescribe and regulate the use(s) for each district;

(c) establish a method for making decisions on applications for development permits and issuing development permits for a development;

(d) provide the manner in which notice of the issuance of a development permit is to be given; and

(e) implement the Municipal District of Pincher Creek Municipal Development Plan and other statutory plans of the municipality, as may be developed.

### SECTION 4 METRIC AND IMPERIAL MEASUREMENTS

4.1 Whenever dimensions are present or calculations required, the metric dimensional values or results shall be used. The imperial equivalents provided in parentheses after each reference to metric units of measurements are approximate and intended for information only.

### SECTION 5 RELATIONSHIP TO PROVINCIAL PLANNING LEGISLATION

5.1 This Bylaw is enacted under Part 17 of the *Municipal Government Act*. This bylaw is to be read in conjunction with *Alberta Land Stewardship Act* and the *South Saskatchewan Regional Plan*. Where appropriate, references should be made to these provincial documents with respect to defined terms, administrative matters, and in informing land-use decisions.

## SECTION 6 DEFINITIONS

In this bylaw, words importing the singular number of the masculine gender may include the plural number of the masculine gender, the singular number or plural number of the feminine gender, or may also refer to corporate bodies, as the context requires.

The following words shall have the following meaning:

6.1 Abattoir

The use of land or buildings as a facility for the slaughter of animals and the processing of meat products.

6.2 Accessory Building

A detached non-residential building that in the opinion of the Development Authority is separate and subordinate from a principal use, other than an "Accessory structure", "Farm buildings and structures" and other buildings or structures which are separately defined herein.

6.3 Accessory Structure

A fence, gate, domestic propane storage tank, satellite dish, telecommunications tower, wind screen, hot tub, air conditioner or other similar type development.

6.4 Accessory Use

A use of land or a building that is subordinate and incidental to the principal use of the same parcel.

6.5 Act

The *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended.

6.6 Agricultural / Industrial Machinery Sales, Rental and Service

Development for the sale, service or rental of agricultural implements, vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations and in freight hauling operations. Cleaning, repairing and sale of parts and accessories are part of this use. "Vehicle sales and rental" and "Equipment sales, rental and service" are separate uses.

6.7 Agricultural Operation(s)

An agricultural activity (either intensive or extensive) conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:

(a) the cultivation of land;

(b) the raising of livestock, but excluding 'Confined Feeding Operations' as defined by the *Agricultural Operations and Practices Act* (AOPA);

(c) the production of agricultural field crops;

(d) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;

(e) the production of milk and eggs;

(f) the production of honey;

(g) the operation of agricultural machinery and equipment including irrigation pumps and the application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides including application by ground and aerial spraying for agricultural purposes;

(h) the production of aquaculture or aquaponics.

See also Extensive Agriculture and Intensive Horticultural Operation.

6.8 Agricultural Water Reservoir

An agricultural water reservoir means a development specifically constructed for the purpose of containment and storage of a water supply for non-public use that is greater than 1 acre (0.40 ha) in size, including any associated berms, stockpile and fencing and/or includes any means of water storage above the natural grade of the surrounding lands.

6.9 Airport

The land licensed as an airport.

6.10 Airport Related Building and Use

(a) A use or development on an airport that is essential and necessary to the operation of an airport; and/or

(b) a use or development located within the geographic area of an airport, to which the operation of the airport is critical (e.g. flight school).

6.11 Airstrip

An unlicensed airport.

6.12 Amusement Facility

Development for amusement pastimes, and may incorporate eating and drinking facilities as an accessory use. This use includes amusement arcades, billiard parlours, bingo halls, bowling alleys and dance, fitness or martial arts facilities.

6.13 Animal Care Service, Major

In accordance with the Animal Control Bylaw, development used for the care, treatment, boarding, breeding, or training of animals and livestock within or outside buildings and includes the supplementary sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding or breeding kennels, facilities for impounding or quarantining animals and related research or storage facilities.

6.14 Animal Care Service, Minor

In accordance with the Animal Control Bylaw, development for the on-site treatment or grooming of small animals such as household pets, where on-site accommodation is not normally provided and where all care and confinement facilities are enclosed within a building. This use includes off-site treatment of animals or livestock of any size and the supplementary sale of associated products. Examples include pet grooming salons, pet clinics and veterinary offices.

6.15 Apartment

A building or portion thereof which contains three or more owned, rental or lease dwelling units, where the primary access to each unit is provided through a common or shared entryway. "Multi-Unit Dwelling", and "Rowhouse or townhouse" are separate uses.

6.16 Application

Application for a development permit.

6.17 Aquaculture

An agricultural operation, also known as aquafarming or cultured fish, where the use of land or building produces aquatic organisms such as fish, crustaceans, mollusks and aquatic plants. Aquaculture involves cultivating freshwater and saltwater populations under controlled conditions. This use must comply with all regulation and permitting of Alberta Agriculture.

6.18 Aquaponics

An agricultural operation where the use of land or building combines conventional aquaculture with hydroponics (cultivating plants in water) in a symbiotic environment for food production. This use must comply with all regulation and permitting of Alberta Agriculture.

6.19 Area Structure Plan

A statutory plan described in the Act and adopted by bylaw for the subsequent subdivision and development of an area of land.

6.20 Auctioning Establishment

Development for the auctioning and related temporary storage of household effects and goods and equipment except livestock. "Livestock auctioning establishment" is a separate use.

6.21 Auto Body or Paint Shop

Development for the repair and/or painting of motor vehicle bodies and frames. This use may include appraisal services for damaged vehicles and vehicle reconditioning as accessory uses, but does not include "Automotive repair and service", "Salvage or waste disposal facility", "Service station", "Truck stop", and "Vehicle sales and rental uses".

6.22 Automotive Sales and Service

An enclosed building within which motor vehicles and parts are displayed for sale, and may include a new or used automobile sales lot, and may also include auto repairs, except for body work and painting.

6.23 Basement

The space within a building, which is below the first storey and which has a minimum clearance of 1.8 m (5.9 ft.) between the surface of its floor and the floor assembly above it.

6.24 Bed and Breakfast Facility

See "Tourist Home".

6.25 Big Game Farm

Any land enclosed by buildings, shelters, corrals, fences, or other limiting structures which confine, rear, or feed (or are proposed to confine, rear or feed) big game or exotic animals and is regulated by a government agency.

6.26 Building

In accordance with the Act, includes any structure constructed or placed on, in, over or under land but does not include a highway or road or bridge that forms part of a highway or road.

6.27 Bulk Fuel Station

Development for storing and distributing petroleum products in bulk quantities. This use includes supplementary tanker vehicle storage and card lock or key lock fuel distribution facilities. "Service station" and "Truck stop" are separate uses.

6.28 Campground

See Recreational Accommodation definitions.

6.29 Cannabis

Cannabis means the Cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, and any substance or mixture of substances that contains or has on it any part of such a plant; and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained, but does not include a non-viable seed of a cannabis plant.

6.30 Cannabis Production Facility

A development where cannabis is grown, processed, packaged, tested, destroyed, stored or loaded for shipping. This use does not include Retail Cannabis sales.

6.31 Caretaker Suite

See Secondary Suite.

6.32 Cemetery

Development of land primarily as landscaped open space for the placement of gravesites. Chapels, crematoria, and related facilities may be incorporated as accessory uses.

6.33 Child Care Service

Development providing provincially approved care or education, without overnight accommodation, for seven (7) or more children at one time. Examples include day care centres, nursery schools, kindergartens, and play schools but "Group home" is a separate use.

6.34 Club or Fraternal Organization or Association

Development for the assembly of members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business or fraternal organizations. This use

may include eating, drinking, entertainment, sports, recreation, and amusement facilities as accessory uses but “Campground” is a separate use.

6.35 Commercial / Private Recreation

The recreational use of land or a building on privately owned or leased property where the public is admitted or where admission is limited to members of a club, organization, or association.

6.36 Conceptual Design or Conceptual Plan

A design or plan that relates a subdivision or a development to future subdivision and development of adjacent areas.

6.37 Construction/Field/Work Camp

Temporary development consisting of buildings, works, plants or machinery that are needed to construct a development where the camp contains one or more dwellings or sleeping units for the accommodation of the residents of the camp.

6.38 Construction Supply and Contractors

The use of land or buildings for the operation of a building trade or service, or a materials supplier to the construction industry, other than professional design services such as engineering, architectural or drafting offices. This use may include, as an accessory use, administrative offices, storage areas and areas for the servicing of equipment owned by the contracting or construction supply company in question. This use includes suppliers of lumber, plumbing, electrical fixtures, and floor coverings, general contractors, carpenters, plumbers, and tinsmiths.

6.39 Council

The Council of the Municipal District of Pincher Creek No. 9.

6.40 Country Inn

An owner-occupied establishment that offers both accommodation of generally 24 or less guests and/or food service to the public in excess of a breakfast and subject to the Food and Housing Regulations. Some retail related to the country inn and a minor meeting room function may be allowed as accessory uses. ”Tourist Home” and “Hotel / Motel” are separate uses.

6.41 Country Residential

A residence and associated developments related to an un-subdivided quarter section or first parcel out of a quarter section.

6.42 Coverage

The portion of a lot or parcel that is occupied by buildings or associated structures.

6.43 Cumulative Effect

Cumulative effects are the resulting combined impacts of past, present and reasonably foreseeable future actions on the landscape. They are the total effect, both direct and indirect impacts, to any resource, ecosystem or human community no matter who has taken the action.

6.44 Data Centre Operation

The development of a heavy industrial facility consisting of a building or structure or group of buildings or structures housing powerful, highly specialized computers and storage devices that require 24/7 climate control. This use may include an on-site power plant.

6.45 Deck

An unenclosed (no roof/walls) amenity area, of wood frame or other construction, which may be attached to a dwelling. The overall height of a deck is greater than 0.6 m (2 ft.) from the finished grade to the underside of the supporting structure. Any structure lower than 0.6 m (2 ft.) is considered a patio. See Section 15.1(n).

6.46 Demolition of Structures

Demolition or removal of an existing building or development excluding demolition/ removal of:

(a) development which does not require a development permit; or

(b) demolition/removal of an “Accessory building”, or “Accessory structure”.

6.47 Developed Residence

A dwelling unit that is supported on a permanent foundation and:

(a) fully serviced with a potable water supply and a functional sewage disposal system; and

(b) which is readily habitable because it is in weatherproof condition with a functional plumbing, heating and electrical system.

6.48 Development

In accordance with the Act:

(a) an excavation or stockpile and the creation of either of them; or

(b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land any of them; or

(c) a change of use of land or a building, or an act done in relation to land or a building that results in or is likely to result in change in the use of the land or building; or

(d) a change in the intensity of use of land or a building, or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

6.49 Development Authority

The Development Officer, Municipal Planning Commission, or Subdivision and Development Appeal Board.

6.50 Development Officer

The one or more persons appointed to the office of Development Officer.

6.51 Development Permit

A document issued pursuant to this Bylaw by the MD of Pincher Creek No. 9 authorizing a development that has been approved by the Designated Officer, Development Authority, or Subdivision and Development Appeal Board.

6.52 Discretionary Use

Subject to and in accordance with the Act:

(a) the one or more uses of land or buildings that are stated as a discretionary use in a district; and

(b) a development that may be issued a development permit at the discretion of the Development Authority with or without conditions as provided for in the Land Use Bylaw.

6.53 District

A land use district established in Part IX.

6.54 Drive-In Restaurant

A restaurant that offers car attendant service or drive-through pick-up service.

6.55 Dwelling Unit

A complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping and cooking facilities and separated or shared toilet facilities and which unit is intended as a permanent or semi-permanent residence. "Duplex", "Multi-Unit dwelling", and "Hotel / Motel" are separate uses.

6.56 Dwelling Unit as a Secondary Use

A dwelling unit that is developed in conjunction with a principal use so that the dwelling is a supplementary use to that principal use.

6.57 Dugout

A dugout means a development by excavation specifically for the purpose of catching and storing water below the natural grade of the surrounding lands. Depending on the circumstances, the dugout may be intended for either seasonal use or permitted use. Construction that is greater than 1 ace (0.40 ha) or includes storage above grade is classified as a "Agricultural Water Reservoir"' and is a separate use.

6.58 Duplex

A residential building containing only two dwelling units, where one dwelling unit is located above the other in whole or in part and where each dwelling unit is typically provided with its own separate and individual access. "Semi-detached dwelling" is a separate use.

6.59 Entertainment Establishment

Development that provides dramatic, musical, dancing or cabaret entertainment and includes supplementary food service and/or facilities for alcoholic beverage consumption. This use includes theatres, cinemas, auditoriums, beverage rooms, cocktail lounges,

cabarets, night-clubs, and theatre restaurants. “Amusement facility”, “Hotel / Motel” and “Restaurant” are separate uses.

6.60 Equipment Sales, Rental and Service

Development for the retail sale, wholesale distribution, rental and/or service of hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment. “Agricultural / Industrial machinery sales, rental and service”, “Automotive repair and service” and “Vehicle sales and rental” are separate uses.

6.61 Existing Commercial / Private Recreation

A commercial / private recreation use receiving formal approval prior to the passage of this bylaw.

6.62 Existing Lot or Parcel

A lot or parcel that existed on a separate Certificate of Title at the time this bylaw was adopted or; a parcel or a lot which was or can be created pursuant to the Act without subdivision approval.

6.63 Extensive Agriculture

The production of crops or livestock or both by expansive cultivation or open grazing. “Intensive horticultural facility” and “Cannabis production facility” are separate uses.

6.64 Farm Buildings and Structures

In accordance with the National Building Code – Alberta Edition, the development of buildings or structures commonly or normally contained in a farmstead that is associated with a farming operation or an “Extensive agriculture” use where the buildings are of low human occupancy for the housing of livestock or the storage or maintenance of equipment, materials, or produce. Examples include barns, granaries, implement machinery and equipment sheds, corrals, fences and haystacks but this use does not include “Intensive horticultural facility”, or any “Dwelling unit” or “Sleeping unit” including conventional “Single-detached residences” and “Manufactured homes”.

6.65 Farm Supplies and Service

Development for the sale, storage, and distribution of grain (Including grain elevators), livestock feed, fertilizer and chemicals used in agriculture. “Farm supplies and service” does not include the following separate uses: “Agricultural / Industrial machinery sales rental and service”, “Animal care services, major and minor”, “Bulk fuel station”, Equipment sales rental and service”, “Freight and storage use” and “Livestock auctioning establishment”.

6.66 Farmer’s Market

A use of land or buildings where fresh farm or garden produce is sold retail or wholesale and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and non-food products such as handicrafts provided that the sale of fresh food products remains the primary function. “Auctioning establishment” and “Retail store” are separate uses.

6.67 Fleet and Transportation Service

Development that may or may not include a fleet of vehicles for:

(a) the delivery of food by mobile catering service; or

(b) the transportation of people, mail, negotiable currency and documents; or

(c) the delivery of packages and small articles by courier service.

This use includes the rental and lease of vans and trucks to the public and other businesses, facilities for the routine storage and servicing of vehicles owned and operated by the fleet service business as well as the incidental sale of vehicles as an accessory use. Examples include bus and coach line transport services, taxicab or limousine stations and dispatching offices, messenger and courier services, and truck and van rental offices.

6.68 Front Yard (Secondary)

A side yard on a corner is determined to be the yard immediately adjoining a public roadway, and where the front yard is the shorter lot line of the lots in the block.

6.69 Garden Suite

A supplementary dwelling unit that is located on the same lot or parcel as a principal dwelling unit, where one dwelling is used to house on temporary basis individuals that are receiving care from or providing care to residents of the principal dwelling. (See Section 49)

6.70 Geotechnical Report

Geotechnical Assessment means a comprehensive site analysis and report prepared by a qualified insured professional of The Association of Professional Engineers and Geoscientists of Alberta (APEGA).

All geotechnical reports should contain certain basic essential information, including:

(a) summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and ground water information;

(b) interpretation and analysis of the subsurface data;

(c) specific engineering recommendations for design;

(d) discussion of conditions for solution of anticipated problems; and

(e) recommended geotechnical special provisions.

6.71 Geothermal, household

An accessory structure which uses the earth's thermal properties in conjunction with electricity to provide heating and cooling to dwellings and accessory buildings. Geothermal proposals at a commercial or industrial scale shall refer to Section 59 for processing being similar to solar and wind energy power plants.

6.72 Golf Course

The golf playing area and accessory buildings and uses related to the playing of the game of golf including a pro shop, a club house containing eating and drinking facilities, a driving range and one dwelling or sleeping unit used by the operator or manager.

6.73 Grade

The final elevation of the finished surface of the ground adjacent to the exterior walls of a building or structure.

6.74 Greenhouse

The development of an accessory building specifically designed and used for the growing of vegetables, flowers, or other plants. This use does not include Cannabis Production Facility or Intensive Horticulture Operation which are a separate uses.

6.75 Gross Floor Area

The combined area of the floor surface of a building to the outside of its exterior walls or to the glass line or centerline of a common party wall. Mezzanines, covered decks and covered terraces, access areas, and basements are included in the calculation of gross floor area.

6.76 Group Home

Development using a dwelling unit for a provincially approved residential social care facility providing rehabilitative and supportive care for four or more persons. A "Group Home" may incorporate accommodation for a resident staff as part of the use. "Public and institutional use" is a separate use.

6.77 Grouped Country Residential

Existing or proposed residential uses on two or more adjoining parcels each of less than 70 acres in size.

6.78 Hardship

A hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property due to the exceptional shape of a lot, topographic conditions, or other physical conditions is rendered unusable without the granting of a variance.

6.79 Hazardous Lands

These are lands that present development challenges in their natural state because of the danger of damage that may occur from an event. An event includes but is not limited to: flood, landslide, or avalanche. (See Section 35)

6.80 Hazardous or Offensive Industry

Development used for manufacturing, fabricating, processing, assembly, storage, production or packaging of goods, materials, or products where:

(a) the use may be detrimental to public health, safety or welfare beyond the boundaries of the site or parcel upon which it is situated; or

(b) the use may be incompatible with residential or other development because of toxic gases, smells, wastes, noise, dust or smoke emission which are not confined to the site or parcel upon which the use is situated. This use includes:

(i) abattoirs, slaughterhouses and rendering plants; or

(ii) processed forage manufacturing plants; or

(iii) anhydrous ammonia storage facilities; or

(iv) explosives storage or manufacturing facilities; or

(v) fertilizer manufacturing plants; or

(vi) gas processing plants; or

(vii) petrochemical industries or refineries; or

(viii) metal industries, which are involved in the concentration, refining, smelting, or re-smelting of ores or metals; or

(ix) administrative offices, warehousing, storage and wholesale distribution facilities associated with the above shall be treated as part of this use. "Waste disposal facility" and "Wastewater treatment plants" are separate uses.

6.81 Height of Building

The distance measured from the average grade of the lot along the length of the building and to the highest part of the structure as shown in Figure 1.

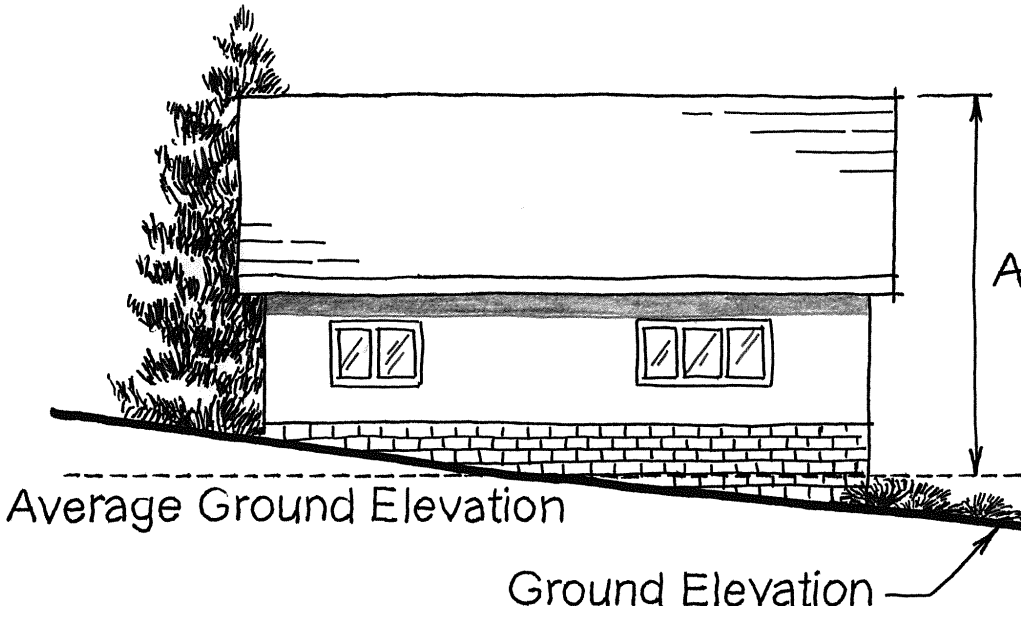


**Figure 1**

6.82 Highway Commercial

Those developments, typically along a major roadway or highway, that provide goods and services to the travelling public. Common Highway Commercial uses include service stations, truck stops, motels, motor hotels, drive-in and fast food restaurants.

6.83 Home Occupation

Is the secondary use of a residence or ancillary building to a residence, for an occupation, trade, profession, craft or small scale retail business which does not change the character of the area and does not show significant evidence of such secondary use.

6.84 Hostel

A facility operated to provide temporary (not exceeding 30 days) accommodation to transients for remuneration within dormitory-style visitor accommodation with communal kitchen and sanitary facilities and may include recreational facilities or services but not additional services such as room service.

6.85 Hotel / Motel

A development that primarily provides temporary sleeping accommodation for the transient public in rooms or suites. Typically this use contains an office with a public register and has one or more attendants on duty at all times. Eating and drinking facilities shall be considered part of a hotel, but entertainment, convention, sports, recreation, personal service, office and retail facilities associated with this use shall be accessory uses. "Tourist Home" and "Country inn" are separate uses.

6.86 Intensive Horticultural Operation

Uses of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponics or market gardens, tree, mushroom, and sod farms. "Extensive agriculture", and "Cannabis production facility" are separate uses.

6.87 Industrial / Manufacturing

Development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices, warehousing and wholesale distribution uses which are accessory to the above provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site upon which it is situated. "Hazardous or offensive industries" and "Specialty manufacturing / Cottage industry, major and minor" are separate uses.

6.88 Landfill Activity

In accordance with the *Alberta Code of Practice for Landfills*, this activity involves the development of commercial disposal of any waste material by any means including burying, incineration, recycling or other storage method.

6.89 Landscaping

Landscaping means the modification and enhancement of a site or development through the use of the following elements:

(a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other ground cover;

(b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and

(c) excludes all areas utilized for excavation, driveways and parking.

6.90 Legal Access

(a) That a parcel or lot adjoins a road as defined in the Act; or

(b) that access from a public roadway to a parcel or lot is via an easement which is registered for the purpose of granting access to a parcel or lot.

6.91 Livestock Auctioning Establishment

Development where livestock may be confined in an enclosed area for short periods of time and where such livestock are auctioned and transferred to other locations.

6.92 Loading Space

A portion of a lot or parcel that is designated or used by a vehicle while loading or unloading goods or materials to a building or use on that parcel or lot.

6.93 Lot

In accordance with the Act:

(a) a quarter section; or

(b) a river lot shown on an official plan, as defined 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 described in the Certificate of Title other than by reference to a legal subdivision; or

(d) 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.

6.94 Manufactured Home, Doublewide

A building or structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured in two parts with each of the two parts being moved from one point to another individually and put together on a parcel to form a single unit and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A doublewide manufactured home does not include a single-detached residence, modular home, singlewide manufactured home, holiday trailer or recreational vehicle.

6.95 Manufactured Home Park

A lot or parcel that is intended for or contains two or more manufactured homes, where each manufactured home site is not subdivided into a separately titled lot.

6.96 Manufactured Home Sales and Service

Development for the sale, rental, or storage of new and used manufactured homes and includes supplementary maintenance services and the sale of parts and accessories.

6.97 Manufactured Home, Singlewide

A building or structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another as a singlewide which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association and National Building Code – Alberta Edition. A singlewide manufactured home does not include a single detached residence, modular home, doublewide manufactured home, holiday trailer or recreational vehicle.

6.98 Mass Wasting

Mass wasting, also known as slope movement or mass movement, is the geomorphic process by which soil, sand, regolith, and rock move downslope typically as a mass, largely under the force of gravity, but frequently affected by water and water content.

6.99 Medical Cannabis

Medical Cannabis means a substance used for medical and pharmaceutical purposes authorized by a license issued under the federal government and in accordance with the Government of Canada's Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution.

6.100 Medical Facility

Development providing medical and health care on an inpatient and/or outpatient basis. Examples of this use include hospitals, nursing homes, sanatoriums, medical and dental offices, clinics, occupational health and safety offices, counseling services, chiropractic and naturopathic services. "Public and institutional use" and "Office" are separate uses.

6.101 Meteorological (MET) Towers

A tower structure furnished with scientific equipment for the specific purpose of measuring components of the atmosphere. MET towers are not considered part of the public utility.

6.102 Mini Storage

The use of land with compartmentalized buildings for the storage of equipment, household or business materials, or vehicles, but excludes storage of hazardous goods or materials. Accessory to this use is the exterior screened storage of recreational vehicles, boats, trailers and similar items. "Outdoor Storage", "Agricultural / Industrial machinery sales rental and service", "Construction supply and contractors", "Equipment sales, rental and service", "Natural Resource Extractive", "Hazardous or offensive industries" and "Vehicle sales and rental" are separate uses.

6.103 Mixed Use Residential

A vertically integrated residential development that is part of a commercial office building within a commercial land use designated district. Typical uses include ground floor commercial, second floor commercial/office or residential dwelling units, and/or third floor (or to the maximum height allowed in the district) residential dwelling units.

6.104 Modular Home

One or more finished sections of a complete residential dwelling built off-site and transported to the site for installation on a permanent foundation, all in accordance with the National Building Code – Alberta Edition. For the purposes of this definition, finished means fully enclosed on the exterior and interior but need not include interior painting, taping, and installation of cabinets, floor coverings, fixtures, heating system, and exterior finishes. This use is not a "Moved-in Residential Building", or "Manufactured Home".

6.105 Moved-In Accessory Building

A detached non-residential building that in the opinion of the Development Authority is separate and subordinate from commonly or normally associated with a principal use and is considered a conventional, pre-constructed, previously occupied building which is physically removed from one site, transported and re-established on another site. This use

does not include “Farm buildings and structures” or an “Accessory building” which are separate uses.

6.106 Moved-In Residential Building

A “Single-detached residence” that has been constructed or located on one site, occupied, then relocated to another site.

6.107 Multi-Unit Dwelling

A building or portion thereof that contains three or more dwelling units where each unit is provided with its own separate primary access to the outside. Housing such as, triplexes, fourplexes, fiveplexes, sixplexes or more typically have two or three abutting walls, which provide fire separation from adjacent dwelling units and typically orient some of the dwelling units away from the property frontage. This use includes all plexes of 3 or more units. “Rowhouse or townhouse”, “Semi-detached dwelling”, “Duplex” and “Apartments” are separate uses.

6.108 Municipal Planning Commission (MPC)

According to the *Municipal Government Act*, the Municipal Planning Commission must be established by bylaw.

6.109 Natural Resource Extractive Use

That use of land or buildings, which is governed by the location of a natural resource for commercial purposes, involving the extraction of a non-renewable natural resource and may include the processing or storage of the extracted resource on the same parcel. This use includes all stockpiles or excavations greater than 100 $m^3$. Examples of natural resource extractive uses are:

(a) sand and gravel operations,

(b) coal mining,

(c) magnetite mining,

(d) such other uses as established by the Development Authority to be similar to the above or to the intent of this definition.

6.110 Noise Impact Assessment

An assessment prepared by an APEGA engineer which measures and maps noise and noise impacts.

6.111 Non-Conforming Building

In accordance with the Act, a building:

(a) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw affecting the building or land on which the building is situated becomes effective or amended; and

(b) that on the date the Land Use Bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

6.112 Non-Conforming Use

In accordance with the Act, a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction at the date a Land Use Bylaw affecting land or buildings becomes effective or amended; and

(b) that on the date the Land Use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw.

6.113 Non-Serviced

In respect to a lot or parcel, means that neither a municipal water system nor a municipal sewage system services it.

6.114 Outdoor Recreation Use

An activity which is not dependent upon the construction or erection of any associated development(s) and which has no impact, or minimal impact, on the land or area within which the activity occurs. Typical uses include, but are not limited to, hiking, fishing, horseback riding, mountain climbing, etc. War games, paint ball, and "Commercial / Private recreation uses" are separate uses.

6.115 Outdoor Storage

The use of land with or without attendant buildings for the outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials, except those goods or materials which are hazardous. For the purposes of this bylaw, "Outdoor storage" uses are limited to those uses that require minimal on-site improvements, service and public amenities or facilities. "Agricultural / Industrial machinery sales rental and service", "Construction supply and contractors", "Equipment sales, rental and service", "Natural Resource Extractive", "Hazardous or offensive industries" and "Vehicle sales and rental" are separate uses.

6.116 Owner

The person or persons shown as the owner(s) of land on the assessment role of the municipality prepared under the Act.

6.117 Parcel of Land or Parcel

In accordance with the Act, the aggregate of the one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

6.118 Park Model Recreation Vehicle

A transportable unit designed to be transported on its own wheels. The unit is intended to be moved to other sites infrequently, however, is approved for towing on public roadways and subject to highway safety standards. These units are occupied on a short-term or seasonal basis and are generally wider and longer than recreational vehicles. See Seasonal.

6.119 Parking Facility

A development where the principal use is for vehicular parking either outdoors or in a building.

6.120 Partially Serviced Lot

A lot that is provided water or sewer serviced by either:

(a) a municipal water line or a municipal sewer line; or

(b) an incorporated organization or co-operative, recognized by the municipality, that is operating a provincially approved water or sewer system.

6.121 Permitted Use

Subject to and in accordance with the Act:

(a) the one or more uses of land or buildings that are stated in Part IX and in a district as permitted uses; and

(b) a development that must be issued a development permit (unless it is exempted from requiring a permit) by the "Development Authority" with or without conditions as provided for in the Land Use Bylaw, if the application for the development permit for that development conforms to the Land Use Bylaw.

6.122 Personal Service

Development providing services for personal care and appearance, services for cleaning, servicing, altering and maintenance of personal effects and accessories. This use includes barbershops, beauty salons, tailors, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, Laundromats, and funeral homes.

6.123 Physical Vehicular Access

That a parcel or lot adjoins a road, as defined in the Act, or other "legal access" to the extent that normal vehicular traffic is both reasonably safe and possible.

6.124 Principal Building

(a) A building which is the main building (including all decks) on a lot; or

(b) a building which, by reason of its use, is the primary purpose for which the lot is used.

6.125 Principal Dwelling

Principle dwelling means the primary residence unit located on a titled piece of land.

6.126 Principal Use

The main purpose for which a lot, parcel or building is used or is intended to be used.

6.127 Professional, Financial, Office and Business Support Service

A development primarily for the purpose of providing professional, management, administrative, financial or consulting services. Typical uses include banks, duplicating or blueprinting services, cleaning or maintenance services, engineering, architectural, drafting, project design or management services, lawyers, accountants, engineers, planners, doctors and architects; offices for real estate and insurance firms; clerical,

secretarial, employment, telephone answering and similar office support services; banks, credit unions, loan offices and similar financial uses; and printing establishments, film processing establishments, janitorial firms and business or household repair shops.

6.128 Public Access

Land that is privately owned but that is used by the public to enter or exit a parcel, lot or subdivision.

6.129 Public and Institutional Uses

A development which is available to the public for the purpose of assembly, instruction, culture or community activities, including but not limited to a school or educational facility whether public or private, churches or places of worship, libraries and museums, as well as developments associated with police, fire or ambulance services and other municipal uses.

6.130 Public Park or Recreation

A public park, playground, recreation area, indoor or outdoor rink, gymnasium, government campground, sports field, historic or archaeological site or any similar facility or use of land or buildings, provided that the park, playground recreation area or similar facility is owned and/or administered by any level of government or not-for-profit organization. "Golf course" is a separate use.

6.131 Public Roadway

Land:

(a) established as a statutory roadway; or

(b) shown as a road on a plan of survey that has been filed or registered in a Land Titles Office;

that may or may not have been constructed to the municipality's standards and which may or may not be maintained for public transport.

6.132 Public Utility

A system of works used to provide one or more of the following for public consumption, benefit, convenience or use: water or steam; sewage disposal; public transportation operated by or on behalf of the municipality; irrigation; drainage; fuel; waste management, electric power distribution, heat; telecommunications and includes the thing that is provided for public consumption, benefit, convenience or use.

This use does not include commercial or private wind, solar, or other energy plants.

6.133 Real Property Report (RPR)

A legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries prepared by a registered Alberta Land Surveyor.

6.134 Recreation Facility

Development for athletic, recreation and community meeting activities and may include eating, drinking, amusement and retail facilities as accessory uses. "Amusement facilities" is a separate use.

6.135 Recreational Vehicle / Holiday Trailer

A transportable unit designed to be transported on its own wheels or by other means (including units permanently mounted or otherwise on trucks), designed or constructed or reconstructed or added to by means of accessories in such a manner as will permit its use for sleeping or living purposes for one or more persons on a short-term basis. These units are subject to highway safety standards rather than housing standards.

6.136a Recreational Accommodation, Commercial Highway

An area of public recreation which is used or intended to be used where a fee or charge is paid or made and may be proposed as any accessory building or structure, tent, vehicle, or enclosure used or intended for use as a part of the recreational accommodation and may include supplementary uses as listed in Section 48 this bylaw. This use shall only be considered where directly adjacent to a provincial highway. 'Tourist Home', 'Country Inn', 'Recreational Accommodation, Commercial Resort', 'Recreational Accommodation, Family limited', 'Outdoor storage' and 'Recreational Accommodation, Family' are separate uses.

6.136b Recreational Accommodation, Commercial Resort

An area of public recreation where the buildings are permanent and is used or intended to be used where a fee or charge is paid or made and may be proposed as any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the recreational accommodation and may include supplementary uses as listed in Section 48 this bylaw. 'Tourist Home', 'Country Inn', 'Recreational Accommodation, Commercial Highway', 'Recreational Accommodation, Family', 'Outdoor storage', and 'Recreational Accommodation, Family limited' are separate uses.

6.136c Recreational Accommodation, Family

An area of private family recreation which is used or intended to be used where no fee or charge is paid or made as a part of the recreational accommodation. The number of recreational units per lot, parcel, or quarter section allowed is as follows:

| Parcel Size (acres) | Number of Recreational Units Allowed |
|---|---|
| <1 to 20 | *2 |
| > 20 to 1 quarter section or greater | *4 |

*A recreational unit is defined as any tent, 'Recreational Vehicle/Holiday Trailer', or similar recreational non-permanent accommodation.

'Tourist Home', 'Country Inn', and 'Recreational Accommodation, Commercial Highway' 'Recreational Accommodation, Commercial, Resort, 'Outdoor storage' and 'Recreational Accommodation, Family limited' are separate uses.

6.136d Recreational Accommodation, Family limited

An area of private family recreation which is used or intended to be used where no fee or charge is paid or made and may be proposed as any building, structure, tent, vehicle or enclosure used or intended for use as a part of the recreational accommodation that exceeds the recreational units listed in 6.130c. 'Tourist Home', 'Country Inn', 'Recreational Accommodation, Commercial Highway' 'Recreational Accommodation, Commercial Resort, 'Outdoor storage' and 'Recreational Accommodation, Family' are separate uses.

6.137 Recycling Facility

Development for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the parcel or lot upon which it is situated. This use may involve supplementary production of by-products or materials and includes bottle, can, and paper recycling depots. "Salvage and waste disposal facility" is a separate use.

6.138 Restaurant

Development where food and beverages are prepared and served and may include supplementary alcoholic beverage service and supplementary on- or off-premises catering services. This use includes restaurants, cafes, lunch and tea-rooms, ice cream parlors, banquet facilities and take-out restaurants. "Drive-in restaurant", "Food and beverage services within a ski facility" and "Entertainment establishment" are separate uses.

6.139 Retail Cannabis Store

Retail cannabis store means the use of a store, premises or a building for a commercial retail cannabis business, licensed by the Province of Alberta, where legal non-medical cannabis and cannabis accessories are sold to individuals who attend at the premises and the product sales or associated sales are expressly authorized by the Alberta Gaming, Liquor and Cannabis (AGLC).

6.140 Retail Store

Development for the retail sale of any one or all of the following: groceries, beverages, household goods, furniture and appliances, confectioneries, pharmaceuticals and personal care units, automotive parts and accessories, office equipment, stationery and similar goods. Minor service-oriented facilities such as postal services and film processing depots shall be allowed as accessory uses. This use includes supermarkets, jewelry stores, clothing stores, convenience stores, hardware stores and second-hand stores. "Automotive repair and service", "Household repair services", "Personal service", "Retail cannabis store" and "Vehicle sales and rental use" are separate uses.

6.141 Rowhouse or Townhouse

A residential building containing three or more dwelling units, where each dwelling unit is joined in whole or in part at the side only and where no dwelling unit is located in whole or in part above another dwelling unit. Each dwelling unit in a rowhouse is separate from the abutting dwelling unit by a wall, generally extending from the foundation to the roof, and each dwelling unit is provided with its own direct access from grade. "Apartment" and "Multi-Unit dwelling" are separate uses.

6.142 Salvage and Waste Facility

A development providing for the commercial purchasing, receiving, salvaging, selling or transporting of spent materials or substances that may generate a detrimental impact or nuisance beyond the boundaries of the lot or parcel upon which it is situated. This use includes auto wreckers, salvage and scrap yards as well as the following uses referred to in the Matters Related to Subdivision and Development Regulation: a dry waste site, a hazardous waste management facility and a waste sorting station. "Recycling facility" is a separate use.

6.143 Seasonal

As defined by the Municipal Planning Commission and not to exceed 6 months.

6.144 Secondary Farm Residence

An additional residence, other than a primary farm residence, that is occupied by a person who is engaged for at least six months each year personally in an agricultural pursuit on the same parcel as the secondary farm residence. "Secondary farm residence" includes a conventional "Single-detached residence", a "Doublewide or Singlewide manufactured home" "Modular home" or a "Moved-in residential building" unless otherwise provided in a land use district.

6.145 Secondary Suite

An additional dwelling unit located on a property containing a single unit residence, which is subordinate to the principle dwelling. The secondary suite must be located within the same yard as the principle dwelling. A secondary suite shall not be developed within a "Duplex", "Semi-detached dwelling", "Multi-unit dwelling", "Manufactured home park", "Rowhouse or townhouse" or "Apartment". "Garden suite", "Surveillance suite", and "Secondary farm residence" are separate uses.

6.146 Semi-Detached Dwelling

A residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit in a "Semi-detached dwelling" is joined to the other unit by at least one common wall that extends from the foundation to at least the top of the first storey of both dwelling units.

6.147 Senior Citizen Housing

A development which complies with the Alberta Housing Act and which is used as a residence designed for elderly persons not requiring constant or intensive medical care, and usually consists of multiple dwelling units.

6.148 Service Station

Development used for the retail sale of gasoline and other motor vehicle fuels, the retail sale of lubricants and motor vehicle accessories and the servicing and mechanical repair of motor vehicles. This use may include a convenience store as part of the use, but associated vehicle towing services, a car wash and limited vehicles sales shall be accessory uses. This use includes gas stations with service bays, but "Truck stop" is a separate use and is distinguished from the former by such matters as larger site area, broader market, and propensity for greater impact on adjoining uses. "Auto body and/or paint shop", "Restaurant", and "Vehicle sales and rental use" are also separate uses.

6.149 Serviced

In respect to a parcel or a lot means that it is or will be serviced by a municipal water system and by a municipal sewage system.

6.150 Setback

The shortest horizontal distance required between a property line of a lot and the nearest part of any building, structure, development, excavation or use on such lot.

6.151 Shipping Container

Any container that was used for transport of goods by means of rail, truck or by sea and are generally referred to as a C-Container, sea cargo container, sea can or cargo container. These containers are rectangular in shape and are generally made of metal. When used for any purpose other than transporting freight, a shipping container is an accessory building. See Section 58.

6.152 Shooting Range

A designated practice area designed for the purpose of controlled discharge of firearms or archery equipment.

6.153 Sign

An outdoor visual device and its structure and component parts, intended to identify, advertise or call attention to any matter, object, event or person.

6.154 Single-Detached Residence

A building containing only one dwelling unit, with or without an attached garage, which is not attached to another dwelling or building. This use includes “stick-built” residences and modular homes but this use excludes “Doublewide or Singlewide manufactured homes”. “Group homes” and “Child care services” are separate uses regardless of whether they are contained in a conventional “Single-detached residence”.

6.155 Ski Facility

All development associated with the operation of a ski hill including but not limited to the provision of food and beverage services, administration, ski/snowboard school, ski patrol structure, washroom facilities, ski-ticket sales, lockers, and maintenance shop. This use does not include dwelling units or sleeping units.

6.156 Sleeping Unit

A habitable room, or suites of habitable rooms not directly accessible to cooking facilities, which are used or intended to be used as sleeping quarters.

6.157 Solar energy system, commercial/industrial

A system using solar technology to collect energy from the sun and convert it to energy that is intended for off-site consumption, distribution to the marketplace, or a solar energy system that does not meet the definition of solar energy systems, household.

6.158 Solar energy system, household

A photovoltaic system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is primarily intended for sole use and consumption on-site by the landowner, resident or occupant.

6.159 Specialty Manufacturing / Cottage Industry, minor

Development used for small-scale, on-site production of goods in a building not exceeding a gross floor area of 510 $m^2$ (5,490 $ft^2$), including areas devoted to retail sales, display and storage. This use includes, but is not limited to, bakeries and specialty food production

facilities, pottery, welding and fabrication and sculpture studios, taxidermists, greenhouses and specialty furniture and cabinet makers.

6.160 Specialty Manufacturing / Cottage Industry, major

Development used for larger-scale, on-site production of goods in a building exceeding a gross floor area of 510 $m^2$ (5,490 $ft^2$), including areas devoted to retail sales, display and storage. This use includes but is not limited to bakeries and specialty food production facilities, welding and fabrication and sculpture studios, greenhouses and specialty furniture and cabinet makers.

6.161 Stockpile or excavation

The holding or storage on land of material or products.

6.162 Storey

The space within a building which is between the surface of any floor and the floor surface or ceiling immediately above it and is usually 2.4 m (7.9 ft.) in height.

6.163 Storey, Half

The storey, as shown in Figure 2, immediately under a pitched roof, where the wall heights on at least two opposite walls are less than 1.4 m (4.6 ft.) above its floor.

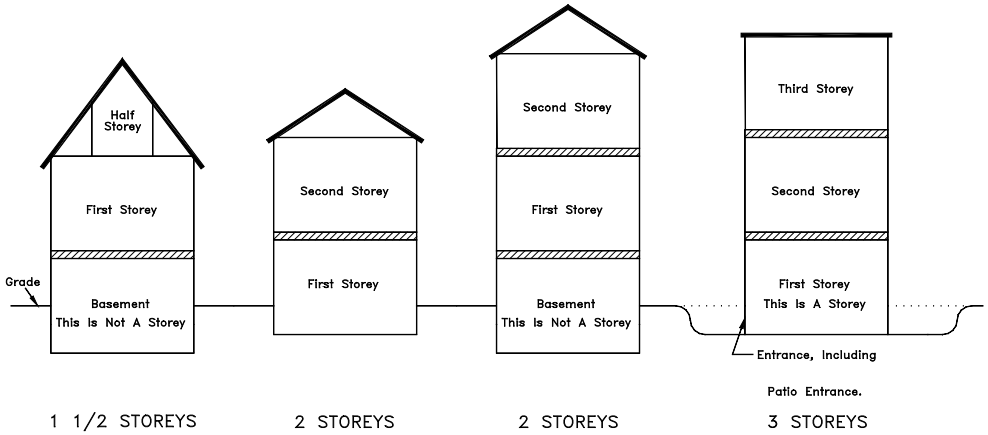


**Figure 2**

6.164 Subdivision

The division of a parcel of land into one or more smaller parcels by a plan of subdivision or other instrument according to the *Act, Part 17, Division 7*.

6.165 Matters Related to Subdivision and Development Regulation

The regulations established by order of the Lieutenant Governor in Council pursuant to Section 694 of the Act.

6.166 Subdivision Authority

The body established by bylaw to act as the subdivision authority in accordance with Section 623 of the Act.

6.167 Subsidence

The gradual caving in or sinking of an area of land. See also mass wasting.

6.168 Surveillance Suite

A dwelling unit or sleeping unit that is developed in conjunction with a principal use so that the dwelling is a supplementary use to that principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security for a development provided for in the land use district.

6.169 Temporary

Any time limit set by the Development Authority or as set out in this bylaw.

6.170 Tourist Home

Tourist Home means a dwelling unit operated as a temporary or short-term rental or lease accommodation unit, with or without compensation, occupied by a guest or guests for a period of less than 28 days without the residence owner being present or residing on site, and includes all vacation rentals of a dwelling unit and may provide on-site meals. This use does not include 'Country Inn', 'Home Occupation', 'Motel/Hotel' which are separately defined uses.

6.171 Truck Stop

A service station that caters to large commercial vehicles such as semi-trailer trucks as well as intermediate-sized vehicles and passenger vehicles. This use includes an accompanying restaurant or cafe as well as a card lock or key lock motor vehicle fuel dispensing facility. The use may also include general retail sales, vehicle towing services, limited vehicle sales or rentals and similar uses provided that these are accessory uses and incidental to the operation of the truck stop. "Autobody or paint shop", "Automotive repair and service", "Bulk fuel station", "Retail store", "Service station" and "Vehicle sales and rental" are separate uses.

6.172 Variance

Variance means a relaxation of a measurable standard of this bylaw.

6.173 Vehicle Sales and Rental

Development for the sale of automobiles, vans, motorcycles, snowmobiles, tents and holiday trailers, boats and other recreation vehicles and trucks with a tare weight not exceeding 5,000 kg (11,000 lbs.). These uses include supplementary vehicle maintenance and cleaning, sale of parts and accessories and dispensing of motor fuel. This use may also include "Autobody and/or paint shop" or "Automotive repair and service" where these are accessory uses to the principal use. "Agricultural / Industrial machinery sales, rental and service", "Salvage or waste disposal facility", "Service station" and "Truck stop" are separate uses.

6.174 Viewscape

A viewscape is the area visible from a point, a line, an arc, or specific locality. Viewscapes are areas of historic scenic value that are deemed by council to be in the broader public interest worthy of preservation.

6.175 Wash House

A facility in conjunction with a recreation vehicle park that provides a common building providing toilets, showers, laundry, kitchen-like facilities and meeting area.

6.176 Wastewater Treatment Plant

As referred to in the Subdivision and Development Regulation has the same meaning as in the Environmental Protection and Enhancement Act and includes a wastewater treatment stabilization plant.

6.177 Wholesale or Storage Warehousing

Development for the storage and/or transport of goods and/or the wholesale distribution of goods except livestock. "Mini storage", "Construction supply and contractors", "Outdoor storage", "Farm supplies and service", and "Fleet and transportation service" are separate uses.

6.178 Wind Energy Conversion System (WECS)

A wind energy conversion system is a structure designed to convert wind energy into mechanical or electrical energy. See Section 57 for more detailed definitions.

6.179 Yard

That portion of a lot or parcel not occupied or enclosed by buildings, which can be occupied as shown in Figure 3.

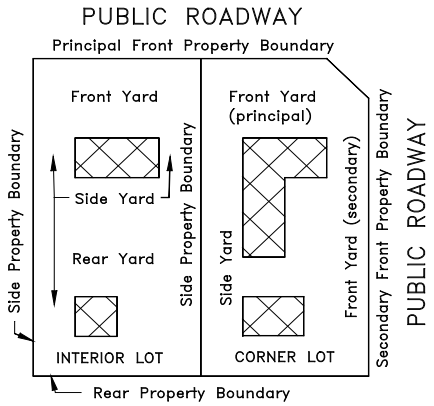


**Figure 3**

## SECTION 7 ESTABLISHMENT OF FORMS

7.1 For the purpose of administering the provisions of this Land Use Bylaw, the Council shall, by resolution or bylaw, authorize the preparation and use of such forms and notices as it may deem necessary.

## SECTION 8 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS

8.1 Notwithstanding that a development permit may not be required by this bylaw, nothing in this bylaw relieves a person or corporation of their duty or obligation to comply with the provisions and requirements of this bylaw, or to obtain any other permit, license or other authorization required by the Government of Canada, the Province of Alberta, or any

regulation pursuant to provincial or federal legislation, nor any bylaw of the Municipal District of Pincher Creek.

8.2 Compliance with the provisions and requirements of this bylaw does not exempt any person or corporation from complying with any easement, covenant, agreement or contract affecting the development.

## SECTION 9 SECTIONS FOUND TO BE INVALID

9.1 If one or more provisions of this Land Use Bylaw are, for any reason, declared to be invalid, all remaining provisions are to remain in full force and in effect.

# PART II – APPROVING AUTHORITIES

## SECTION 10 DEVELOPMENT OFFICER

10.1 The office of the Development Officer is established through the Development Authority and Municipal Planning Commission Bylaw and shall be filled by a person or persons appointed by Council.

10.2 The Development Officer shall perform such duties that are specified in this bylaw and the Development Authority Bylaw.

10.3 The Development Officer shall keep and maintain for the inspection of the public during business hours a copy of this bylaw and all amendments thereto, and keep a register of all applications for development, the decisions and the reasons therefore.

10.4 The Development Officer is declared to be a Development Authority for the purposes of the Act.

## SECTION 11 MUNICIPAL PLANNING COMMISSION

11.1 The Municipal Planning Commission is established through The Municipal District of Pincher Creek No. 9 Development Authority and Municipal Planning Commission Bylaw and shall consist of persons to be appointed by the Council.

11.2 The Municipal Planning Commission shall perform such duties as are required to carry out the procedures specified in this bylaw.

11.3 The Municipal Planning Commission is declared to be a Development Authority for the purposes of the Act.

## SECTION 12 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

12.1 The Subdivision and Development Appeal Board is established through the Subdivision and Development Appeal Board Bylaw and shall consist of persons to be appointed by Council.

12.2 The Subdivision and Development Appeal Board shall perform such duties as specified by this bylaw, the Act, and the Subdivision and Development Appeal Board Bylaw.

## SECTION 13 SUBDIVISION AUTHORITY

13.1 The Subdivision Authority is authorized to make decisions on applications for subdivisions pursuant to the Subdivision Authority Bylaw, and may exercise only such powers and duties as are specified:

(a) in the municipality's Subdivision Authority Bylaw;

(b) in this bylaw

(c) the Municipal Development Plan; or

(d) by resolution of Council.

13.2 The Subdivision Authority may delegate, though any of the methods described in subsection 13.1 above, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:

(a) the delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application;

(b) the Subdivision Authority delegate is authorized to carrying out the application process with subdivision applicants as described in Part IV of this bylaw, including the task of sending all required notifications.

# PART III – DEVELOPMENT PERMITS

Except as provided in Section 15, no person shall commence a development unless they have been issued a development permit in respect of the development.

## SECTION 14 PERMIT FEES

14.1 All fees and charges under and pursuant to this bylaw, and any amendments thereto, with respect to development permits shall be as established by Council.

## SECTION 15 DEVELOPMENT NOT REQUIRING A PERMIT

15.1 A development permit is not required for the following, but must otherwise comply with all other provisions of this bylaw:

(a) except in a Grouped Country Residential district, farm buildings and structures other than those for intensive horticultural operations, provided that these are located at least:

(i) 300 m (984 ft.) from the right-of-way of a provincial highway and 800m (2625 ft.) from a highway intersection or as approved by Alberta Transportation;

(ii) 30 m (98.4 ft.) from any developed or undeveloped road right-of-way;

(iii) 400 m (1312 ft.) from the boundary of any Crown Land as detailed in the Oldman River Reservoir Area Structure Plan;

(iv) 50 m (164 ft.) from a naturally occurring water body or outside the 1:100 flood levels, whichever distance is greater.

(b) extensive agriculture or grazing of land;

(c) the cutting or harvest of trees on private lands;

(d) the erection or maintenance of agricultural fences associated with the extensive cultivation or grazing of land or an “Extensive agriculture” use except in the Airport Vicinity Protection district;

(e) the erection or construction of temporary buildings without dwelling or sleeping units, works, plants, materials, or machinery that are needed, in the opinion of the Development Authority, to erect or construct a development;

(f) exempted signs identified under Section 55;

(g) the maintenance or repair of any building including interior and exterior renovations provided that:

(i) such works do not include structural alterations or additions which affect changes in the exterior size, dimensions or design of the building; and

(ii) such works on the exterior of a building comply with the Architectural Control provisions, if any, of the district in which the building is located;

(h) garden sheds, tool sheds and similar accessory buildings provided that:

(i) the accessory buildings do not exceed 10.5 $m^2$ (113 $ft^2$) in area;

(ii) only one such building is located on a residential lot, within the boundaries of a designated hamlet, without requiring a development permit;

(iii) only two such buildings may be located on a residential lot, within an area designated for country residential use, without requiring a development permit;

(iv) any matter pertaining to the development of such a building including its height, exterior finish and location, complies with the provisions of this bylaw and the schedules thereto;

(i) outdoor recreation uses as defined;

(j) public utility buildings, other than within designated hamlets;

(k) landscaping and paving of parking areas provided that surface runoff does not affect adjacent parcels or lots;

(l) unless otherwise required in a district, and subject to Section 37, the construction, erection, maintenance or alteration of an accessory structure;

(m) planted trees and landscaping provided they are located outside the sight triangle in Section 38 or when any part of the mature tree above grade is 6 m (19.7 ft.) or more from the edge of a developed road allowance;

(n) decks which are not covered in by a roof and/or screened by two walls, and which meet the setback and other requirements of the land use district;

(o) a single stockpile or single excavation of volumes less than 100 $m^3$;

(p) a water well;

(q) the development of greenhouses as an accessory use totaling less than 46.45 $m^2$ (500 $ft^2$);

(r) solar energy system, household where the installation is a roof or wall mounted system in all districts and a maximum of 20Kw freestanding ground mounted system within the Agriculture – A, Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts;

(s) unless otherwise restricted in a district, the erection or construction of gates, fences, walls or other means of enclosure, which satisfy the requirements of Section 37 and Section 38;

(t) the erection of towers, flag poles and other poles not exceeding 4.5 m (14.8 ft.) in height provided that the structure is not located in a front yard or on a building or structure in a residential land use district (for designated hamlets only);

(u) shipping containers within the Agriculture – A, Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts which satisfy the requirements of Section 58;

(v) the storage of farm related machinery, vehicles and trailers within the Agriculture – A, Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts;

(x) 'Recreational accommodation, family' use within the Agriculture – A Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts where the criteria listed in Section 48 are met and no permanent building or structure is placed on site;

(y) geothermal servicing the household or farm operation within the Agriculture – A, Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts;

(z) fire pits provided that the Fire Pit Notification process is completed through Pincher Creek Emergencies Services;

(aa) A dugout or agricultural water reservoir that meets the requirements of the sight triangle, setbacks of the district, and Section 64 of this bylaw.

15.2 In addition to Section 15.1, unless otherwise stated in a land use district, the following development does not require a development permit:

(a) highways, roads, pipelines or other development exempted under the Act, or any other development, which in the opinion of the Development Officer or Municipal Planning Commission is associated with the construction, repair or upgrade of said development;

(b) the completion of a building that is lawfully under construction at the date of the first publication of the official notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the official notice;

(c) the use of any such building as referred to in 15.2(b) above for the purpose for which construction was commenced;

(d) telecommunication antenna systems that are regulated by Innovation, Science and Economic Development (ISED) Canada subject to Section 60 (Telecommunication Siting Protocol);

(e) the maintenance or repair of public works, services and utilities carried out by, or on behalf of federal, provincial, municipal or public authorities on land which is publicly owned or administered;

(f) those developments receiving federal approval or being exempt pursuant to Section 618 of the Act;

(g) any use or development exempted under the *Planning Exemption Regulation.*

15.3 Sections 15.1 and 15.2 do not authorize any development including, but not limited to the placement or erection of signs on municipal property, on a public roadway.

15.4 If there is any question whether or not a development requires a development permit, the matter shall be referred to the Municipal Planning Commission, whose decision shall be final.

15.5 Sections 15.1 and 15.2 do not authorize any development within the Airport Vicinity Protection (AVP) district which requires the approval of Transport Canada and NAV Canada.

## SECTION 16 APPLICATION FOR DEVELOPMENT PERMIT

16.1 Prior to the submittal of any development permit application, all applicants are encouraged to set up a pre-application meeting with the Development Officer to review the permit requirements and discuss matters pertaining to the development application review and decision making processes.

16.2 An application for a development permit shall be made to the Development Officer in writing on the application provided by the Municipal District of Pincher Creek, and shall:

(a) be signed by the registered owner(s) or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration;

(b) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer;

(c) be accompanied by a written report resulting from the public meeting (open house) required by the procedures found in Part VIII – Special Land Use Provisions and in accordance with Section 27.4;

(d) be accompanied by an area structure plan if one is required pursuant to the provisions of the Municipal Development Plan; and

(e) at the discretion of the Development Officer, include parcel plans in duplicate at a scale satisfactory to the Development Officer, showing any or all of the following:

(i) north point;

(ii) legal description of parcel;

(iii) location of principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;

(iv) outlines of the roof overhangs on all buildings;

(v) front, side and rear yards;

(vi) the provision of off-street loading and vehicle parking;

(vii) access and egress points to and from the parcel;

(viii) the exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;

(ix) a parcel grading plan indicating but not limited to indicating the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel;

(x) storm drainage plan;

(xi) the location of existing and proposed municipal and private local improvements as well as an estimation of the cost of the installation thereof;

(xii) the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable, on a vacant parcel in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such building as part of the proposal;

(xiii) estimated cost of the project, excluding land prices; and

(xiv) any other pertinent information or tests required by the Development Officer respecting the parcel or adjacent lands.

16.3 In the case of a development permit application made pursuant to a Direct Control district, all requirements and procedures pertinent to the development permit application will be at the direction and to the satisfaction of Council.

16.4 As well as the requirements found in 16.2, all development permit applications made pursuant to the Part IX - Districts within Castle Mountain Resort, shall be accompanied by a letter certified by the Castle Mountain Resort Development Committee (or its equivalent).

16.5 In determining the development permit application requirements and procedures pursuant to Section 16.4, the Development Authority may consider and be guided by the provisions outlined in Section 16.2 and may require the applicant to submit any or all of the following for the purpose of relating any proposal to the satisfaction of the Municipal District of Pincher Creek:

(a) location of all proposed buildings;

(b) elevation and architectural treatment of all buildings and associated structures;

(c) proposed servicing scheme and its relationship to the Municipal District of Pincher Creek's existing and/or proposed servicing plans;

(d) anticipated scheduling and sequence of development;

(e) mechanisms by which conformance to the plan will be ensured such as normally achieved through a combination of caveats, easements, service agreements and financial guarantees;

(f) all yard setbacks, parcel coverage, parcel areas, floor areas, sizes of parcels, number of parking stalls;

(g) Council having regard to the nature of the proposed development and the surrounding use(s), which may be affected, deems such additional requirements as necessary; and

(h) a conceptual plan.

## SECTION 17 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

17.1 A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 16 for a development permit, determine whether the application is complete.

17.2 An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application. The completion date entered on the permit application by the Development Officer is the acknowledgement to the applicant that the submitted information and application is deemed to be complete.

17.3 The time period referred to in subsection 17.1 may be extended by an agreement in writing between the applicant and the Development Officer.

17.4 If the Development Officer does not make a determination referred to in subsection 17.1 within the time required under subsection 17.1 or 17.3, the application is deemed to be complete.

17.5 If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 16. A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the Development Officer in writing to extend the deadline.

17.6 When the Development Officer determines that the information and documents required to be submitted under subsection 17.5 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

17.7 If the required documents and information under subsection 17.5 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection 17.5, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.

17.8 Despite issuance of a Notice of Completeness under subsection 17.4 or 17.6, the development authority in the course of reviewing the application may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

## SECTION 18 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

SUITABILITY OF SITES

18.1 Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Subdivision or Development Authority may refuse to approve a subdivision or issue a development permit if the Authority is made aware of or if, in their opinion, the site of the proposed building or use is not safe or suitable based on the following:

(a) does not have safe legal and physical access to a maintained road in accordance with the Land Use Bylaw, other municipal requirements or those of Alberta Transportation if within 300 m (984 ft) of a provincial highway or 800 m (2,625 ft) from the centre point of an intersection of a controlled highway and a public road;

(b) has a high-water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with provincial regulations;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) is situated in an area which may be prone to flooding, mass wasting, or erosion;

(f) does not comply with the requirements of the *South Saskatchewan Regional Plan*, the *Matters Related to Subdivision and Development Regulation* or any other applicable statutory plans;

(g) is situated over an active or abandoned coal mine or oil or gas well or pipeline that has not been sufficiently remediated;

(h) would expose the structure itself and/or people living and working there to risk from the operations of a nearby airport or airstrip;

(i) is unsafe due to contamination by previous land uses;

(j) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

(k) is situated closer to a confined feeding operation than the minimum distance separation recommended by the Natural Resources Conservation Board;

(l) does not have an adequate (quality or volume) water supply;

(m) does not have an adequate means of wastewater (i.e. sewage) disposal;

(n) does not have an adequate means of stormwater disposal;

(o) does not meet an applicable measurable standard (i.e. lot size or setback requirements) or any other applicable standards or requirements of this Bylaw;

(p) would prevent or interfere with the natural and economic extension of a nearby developed area including but not limited to an oil or gas field, a sewage treatment plant, a waste disposal or transfer site, a pipeline or a road system;

(q) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site;

(r) or any other matter as determined by the Subdivision or Development Authority.

PERMITTED USE APPLICATIONS

18.2 Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall approve, with or without conditions, an application for a permitted use where the proposed development conforms to this bylaw and may:

(a) require a Real Property Report, signed by an Alberta Land Surveyor for the purpose of evaluating the compliance of the proposed or existing development against all land use regulations relating to the use and building(s) that is (are) the subject of the development permit application;

(b) prior to making a decision, refer any application for a permitted use to any municipal department or external agency for comment;

(c) require, as a condition of issuing a development permit, that the applicant enter into and comply with a development agreement with the Municipal District of Pincher Creek in accordance with all the items listed in *MGA* Section 650(1). To ensure compliance with the conditions in the agreement, the Municipal District of Pincher Creek may be protected by caveat registered in favour of the Municipal District of Pincher Creek;

(d) require financial guarantees, in the form of an off-site levy, a redevelopment levy or in any other form and in an amount acceptable to the Municipal District of Pincher Creek, from the applicant to secure performance of any of the conditions of a development permit;

(e) refuse to issue a development permit for a proposed building on any parcel, where it would otherwise be permitted by the bylaw, in the case where Section 18.1 has not been met.

(f) issue a temporary development permit where, in the opinion of the Development Officer, the proposed use is of a temporary nature;

(g) update the file if the development has changed yet still conforms with the provisions of this bylaw;

(h) apply required setbacks from future road rights-of-way;

(i) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals;

(j) a geotechnical report to confirm that the site is suitable in terms of topography, soil characteristics, flooding, mass wasting, avalanche, and treatment of sanitary sewage;

(k) an alteration of a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the *Matters Related to Subdivision and Development Regulation* can be met;

(l) any measures to ensure compliance with the requirements of this Land Use Bylaw or any other statutory plan adopted by the MD;

(m) require attenuation of external release of any Hazardous or Offensive Industry as defined in this bylaw;

(n) require lots to be consolidated where a development proposes to be located across property lines.

18.3 Notwithstanding Section 18.2, in the case of new construction, the Development Officer may require, as a condition of approval, that a Real Property Report, signed by an Alberta Land Surveyor, be submitted by the owner/developer prior to the construction of the building foundation, or siting in the case of mobile and/or portable units on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and this bylaw.

18.4 Upon receipt of a completed application for a development permit for a permitted use, the Development Officer may refer to the Municipal Planning Commission those applications for development specified in the list of permitted uses that, in the opinion of the Development Officer, should be decided by the Municipal Planning Commission.

18.5 Where development permit applications for permitted uses are referred to the Municipal Planning Commission pursuant to Section 18.4, the Municipal Planning Commission shall be subject to the same provisions that apply and are available to the Development Officer as prescribed in Section 18.1 and 18.2.

DISCRETIONARY USE APPLICATIONS

18.6 Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall review the application, issue a written notice to affected land owners as prescribed by Municipal Policy, and refer the application with the Development Officer's recommendations to the Municipal Planning Commission for decision.

18.7 The Municipal Planning Commission may, prior to making a decision, refer any application for a discretionary use to any municipal department or external agency for comment or hold a public meeting to present the application to affected persons.

18.8 The Municipal Planning Commission shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.

18.9 The Municipal Planning Commission may place any of the conditions stipulated in Section 18.1 and 18.2 on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area, or to achieve a logical land use planning objective.

18.10 At the request of the applicant, where a use is applied for which is not specifically considered in any land use district, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the following process shall apply:

(a) the matter shall be referred by the Development Officer to the Municipal Planning Commission;

(b) the Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district;

(c) if the use is deemed similar, the proposed use shall be reviewed by the Municipal Planning Commission as a discretionary use for that land use district;

(d) given the above, if the application is approved by the Municipal Planning Commission a development permit shall be issued in accordance with Section 21.

18.11 The Municipal Planning Commission may refuse, or approve with conditions, any development if, in the opinion of the Municipal Planning Commission, the proposed development will detract from the character or appearance of the general development in the area.

DIRECT CONTROL DISTRICT APPLICATIONS

18.12 Upon receipt of a completed application for a development permit in a Direct Control District, the Development Officer shall:

(a) refer the application to Council for a decision, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 19.

(c) where the application is referred to Council ensure the notice indicates that public response may be presented in the form of written letter or verbal presentation at the meeting;

(d) where the application is delegated to the Development Authority that the responses be received in accordance with Section 19.

18.13 After considering any response to notifications issued under Section 19, Council or the delegated decision making authority may:

(a) approve a development permit with or without conditions; or

(b) refuse to approve the development permit, stating reasons.

18.14 In accordance with Section 685(4)(a) of the Act, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a

Direct Control District where Council has not subdelegated any part of the decision process to the Development Authority.

VARIANCE PROVISIONS

18.15 Notwithstanding Sections 18.1 through 18.5 the Development Officer may, in deciding upon an application for a permitted use, allow a variance:

(a) up to 10 percent, on setback distances pertaining to yards or public roadways provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels;

(b) up to 20 percent on parking provisions;

(c) up to 10 percent, on the height of a building provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels.

18.16 Notwithstanding Sections 18.1 through 18.11 the Municipal Planning Commission may approve or conditionally approve a permitted use referred to the Municipal Planning Commission pursuant to Sections 18.1 through 18.5 or, a discretionary use that does not comply with this bylaw if, in the opinion of the Municipal Planning Commission, the use complies with the following tests:

(a) the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels; and

(b) the proposed development conforms to the use intended for that land or building as described in the district within this bylaw.

18.17 The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to Section 643(5)(c) of the Act.

LIMITATIONS ON VARIANCE PROVISIONS

18.18 In approving an application for a development permit under Section 18.5 the Development Officer or Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:

(a) a variance shall be considered only in cases of hardship (as defined) or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district;

(b) where a variance is considered that will reduce the setback from any road as defined in the Act, the Development Authority shall consider all future road construction needs of the municipality as well as the transportation requirements of the parcel(s) or lot(s) affected.

ADDITIONAL PROVISIONS

18.19 The Development Officer, Municipal Planning Commission, or Council (in the case of a development permit pursuant to a Direct Control district) may impose such conditions on the approval of an application that are considered necessary by the Development Officer, Municipal Planning Commission or Council to:

(a) uphold the intent and objectives of the Municipal District of Pincher Creek Municipal Development Plan, Oldman River Reservoir Area Structure Plan, Burmis Lundbreck Corridor Area Structure Plan or other statutory plan or land use regulation as adopted or amended from time to time;

(b) ensure the orderly and economic development of land within the Municipal District of Pincher Creek; or

(c) further the vision, outcomes or strategic directions of the *South Saskatchewan Regional Plan.*

18.20 Where an application for a use, which is neither a permitted, nor a discretionary use is received by the Development Officer, the Development Officer shall refuse the application stating reasons for the decision or, at the request of the applicant, refer the application to the Municipal Planning Commission for consideration under Section 18.10 or Sections 18.15 through 18.18.

18.21 Any use referred to the Municipal Planning Commission pursuant to Section 18.20 above shall be considered a discretionary use.

## SECTION 19 NOTICE OF PROPOSED DEVELOPMENT

19.1 Prior to an application being considered for a discretionary use pursuant to Sections 18.10 and 18.15 through 18.21, the Development Officer may require, or the Municipal Planning Commission may direct the Development Officer to require, one or more of the following:

(a) that a notice be posted in a conspicuous place on the parcel upon which the proposed development is situated not less than ten (10) days prior to the date of consideration of such an application;

(b) that a similar notice be published once in a newspaper circulating in the municipal area;

(c) that in a hamlet, a similar notice to be sent by mail to all assessed property owners within 30 m (98.4 ft.) or a distance as determined by the Development Authority of the parcel and to those assessed property owners who, in the opinion of the Development Officer, Municipal Planning Commission, may be affected, not less than ten (10) days prior to the date of consideration of the application; and/or

(d) that in a rural area, a similar notice to be sent to all assessed property owners of quarter sections adjacent to the development and to those assessed property owners who, in the opinion of the Development Officer, Municipal Planning Commission, may be affected, not less than ten (10) days prior to the date of consideration of the application.

19.2 The notices issued pursuant to Section 19.1 shall state:

(a) the proposed use of the building or parcel;

(b) that an application respecting the proposed use will be considered by the Development Officer, Municipal Planning Commission;

(c) that any person who objects to the proposed use of the parcel may deliver to the Development Officer a written statement of their objections indicating:

(i) their full name and address for service of any notice to be given to them in respect of the objection; and

(ii) the reasons for their objections to the proposed use;

(iii) the date by which objections must be received by the Development Officer; and

(iv) the date, time and place the Development Officer or Municipal Planning Commission will consider the application.

19.3 When considering applications under Section 19.1 for which notices have been served, the Development Officer or Municipal Planning Commission may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

## SECTION 20 NOTICE OF DECISION

20.1 All decisions on applications for a development permit shall be given in writing to the applicant. The Development Officer will give or send a copy of the written decision, which includes the date on which the decision was made, to the applicant on the same day the written decision is given. For the purposes of this Section, the date on which the written decision was given means:

(a) the date the Development Authority signs the notice of decision or development permit; or

(b) the date the decision is posted in the newspaper, whichever occurs later.

20.2 If an application is refused or conditionally approved by the Development Officer, Municipal Planning Commission or Council, the notice of decision shall contain the conditions imposed as part of the approval or the reasons for the refusal.

20.3 When a decision on a development permit is made pursuant to a Direct Control district, Council may direct the Development Officer to issue a notice of decision in accordance with Section 20.1.

20.4 When a decision on a development permit is made, the Development Officer may undertake or be directed to undertake by the Municipal Planning Commission or Council as the case may be, any or all of the following:

(a) publish a notice pertaining to permitted uses in a newspaper circulating in the municipal area or on the municipal website; and

(b) send a development permit pertaining to discretionary uses, uses deemed similar to, and uses requesting variances.

## SECTION 21 EFFECTIVE DATE OF PERMIT

21.1 The decision on a development permit application shall come into effect:

(a) if it is made by the Development Officer or Municipal Planning Commission, after the twenty-first (21st) day after the date of the issue of the Notice of Decision by the Development Officer or Municipal Planning Commission on the application for development;

(b) if Council issues it with respect to a development in a Direct Control district, upon the date of its issue; or

(c) if an appeal is made, on the date that the appeal is finally determined.

## SECTION 22 DEVELOPMENT PERMIT VALIDITY

22.1 A development permit which authorizes a development does not expire:

(a) unless the permit is suspended, cancelled or issued for a temporary period of time; or

(b) unless the development has not been completed in 2 (two) years from the date of the issue of the permit;

(c) unless the period of validity is stated as a condition of a development permit;

(d) unless the approval was for WECS in which case Section 57 shall be referred;

(e) unless the use has ceased for 6 consecutive months.

22.2 An extension of a development permit may be granted in accordance with the following:

(a) where a discretionary use development permit has expired in accordance with Section 22.1, the Development Officer may extend the validity of the permit by six months from the date of its expiry. Following an extension granted by the Development Officer, all subsequent requests for extension must be forwarded to the Municipal Planning Commission for a decision; or

(b) where a permitted use development permit has expired in accordance with Section 22.1, the Development Officer may extend the validity of the permit by six months from the date of its expiry. Following an extension granted by the Development Officer, all subsequent requests for extension are at the discretion of the Development Officer.

22.3 A development permit is valid only for the location for which it has been issued.

22.4 A valid development permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy. This provision does not apply to a home occupation permit, which is non-transferable.

## SECTION 23 FAILURE TO MAKE A DECISION – DEEMED REFUSED

23.1 In accordance with Section 684 the Act, if an application for a development permit is, at the option of the applicant, deemed to be refused if the decision of the Development Authority is not made within 40 days of the deemed complete application under Section 17(5)(7) unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

## SECTION 24 REAPPLICATION FOR A DEVELOPMENT PERMIT

24.1 Subject to Section 23, if an application is refused by the Development Officer or Municipal Planning Commission or on appeal by the Subdivision and Development Appeal Board, another application on the same parcel and for the same or similar use, may not be accepted by the Development Officer before the expiration of six (6) months from the date of refusal.

24.2 If an application was refused solely because it did not comply with this bylaw or was refused as an incomplete application under Section 17, another application on the same lot or parcel and for the same use may be accepted by the Development Officer before the expiry of the time period referred to in Section 24.1 provided that the subsequent application complies with this bylaw.

24.3 If an application was approved as a permitted use and the applicant proposes to change the development to a discretionary use, a new development permit application must be submitted for consideration of the Municipal Planning Commission. The Municipal Planning Commission shall on approval instruct the Development Officer to revoke the original permit according to Section 25 of this bylaw.

24.4 If an application was approved as a discretionary use and the applicant proposes to change the development, a new development permit application must be submitted for consideration of the Municipal Planning Commission. The Municipal Planning Commission shall on approval instruct the Development Officer to revoke the original permit according to Section 25 of this bylaw.

## SECTION 25 NEW INFORMATION AND SUSPENSION OF A DEVELOPMENT PERMIT

25.1 If, after a development permit has been issued the Development Authority becomes aware that:

(a) the permit was issued in error; or

(b) the application contained a serious misrepresentation; or

(c) facts about the application or the development that were not disclosed and which should have been disclosed at the time the application was considered have subsequently become known;

the Development Authority that issued the permit may temporarily suspend the development permit or revoke the permit by notice in writing to the holder of it.

## SECTION 26 TEMPORARY DEVELOPMENT PERMITS

26.1 Where a proposed development is for a discretionary use, the Development Authority may issue a temporary development permit for that development if:

(a) the proposed development is of a temporary nature; or

(b) the Development Authority wishes to ensure that the development authorized by the permit will cease by a specified date or will not be ongoing indefinitely.

26.2 Where a proposed development is for a permitted use, the Development Authority may issue a temporary development permit for that development if the proposed development is defined as temporary under Part I Section 6 or Part VIII.

26.3 A temporary development permit issued pursuant to Section 26.1 or 26.2 above:

(a) may be issued for a maximum period of one (1) year or such lesser period of time as stated in the permit unless specified under Part VIII for a period exceeding one (1) year;

(b) may be renewed only once for a period not exceeding six (6) months from the date of its expiry if the proposed development is of a temporary nature;

(c) may be revoked by the Development Authority at any time if in the opinion of the Development Authority the development:

(i) unduly interferes with amenities of the neighbourhood; or

(ii) materially interferes with or affects the use, enjoyment or value of neighbouring parcels.

## SECTION 27 DEVELOPER'S RESPONSIBILITY

27.1 The developer or applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.

27.2 The developer or applicant shall prevent excess soil or debris from being spilled, blown, washed, or otherwise placed on public roadways, streets, lanes and sidewalks, and shall not place soil or any other materials on adjacent parcels without permission in writing from adjacent property owners.

27.3 Sections 27.1 and 27.2 may be enforced pursuant to Part VI of this bylaw. Any costs incurred as a result of neglect to public property may be collected where financial guarantees have been required pursuant to Section 18 and the Act.

27.4 Where the uses under Part VIII – Special Land Use Provisions require a public meeting (open house) it is the responsibility of the developer/applicant to complete the following:

(a) A public consultation plan implemented to the satisfaction of the Development Officer. The consultation plan shall contain the following:

(i) Identification of the intended venue where the public meeting (open house) will be held;

(ii) Acknowledgement that at minimum one (1) engagement with the public will occur and identification of any additional engagements;

(iii) Appropriate timing of when the public meeting (open house) will occur given the time requirements for mailing the notification, observance of calendared holidays, and recognition of seasonal agriculture and ranching processes; and

(iv) A draft copy of the notice described in subsection (b).

(b) The notification for the public meeting (open house) shall contain the following:

(i) The date, time, and location for the meeting;

(ii) A description of the proposed use as defined by this bylaw;

(iii) A description of the intensity of the proposed use;

(iv) A description of the existing and proposed utility servicing for the proposed use; and

(v) A map of the proposed development site and the roads being used to access the location.

(c) The mailing for the notification for the public meeting (open house) shall be carried out by the development officer and paid for by the developer/applicant. The extent of the notification is determined by the individual uses under Part VIII – Special Land Use Provisions or as determined by the Development Officer.

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# PART IV – SUBDIVISION APPLICATIONS

## SECTION 28 SUBDIVISION APPLICATIONS

28.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A completed application shall consist of:

(a) an official application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;

(b) the applicable fees paid;

(c) an up-to-date and current copy of the Certificate of Title to the subject land;

(d) a surveyor's sketch or tentative subdivision plan with dimensions, structures, location of private sewage disposal system, professionally prepared;

(e) provincial abandoned gas well information;

(f) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be privately serviced;

(g) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the land use bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and

(h) The consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the Municipal Government Act must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

28.2 In accordance with the *Municipal Government Act*, the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

(a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;

(b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority;

(c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.

28.3 Notwithstanding subsection 28.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with Section 653.1(3) of the Act to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

28.4 A determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

## SECTION 29 INCOMPLETE SUBDIVISION APPLICATIONS

29.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 28 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

29.2 If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in subsection 28.2.

29.3 The notification provided for in subsection 28.2(b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Land and Property Rights Tribunal, in accordance with the parameters of the Act.

# PART V – APPEAL AND AMENDMENT

## SECTION 30 APPEALS AND PROCEDURES

30.1 In accordance with the Act, any person receiving a decision on a development permit or any other person affected by any order, decision or development permit made or issued by an approval authority, may appeal to the Subdivision and Development Appeal Board or where applicable to the provincial Land and Property Rights Tribunal .

30.2 A fee as set by Council shall accompany each letter of appeal.

30.3 Any decisions made by Council with respect to a Direct Control district are not subject to appeal to the Subdivision and Development Appeal Board.

30.4 In accordance with the *Municipal Government Act*, any land owner who applied for subdivision and was refused an approval or had conditions attached to the approval, may appeal the decision to the Subdivision and Development Appeal Board, or the Land and Property Rights Tribunal (where the Matters Related to Subdivision and Development Regulation requires it). Adjacent or affected land owners have no right to appeal under the Act.

30.5 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*.

## SECTION 31 APPLICATION TO AMEND BYLAW

31.1 Subject to the Act, any Section or Part of this bylaw may be amended in accordance with Section 31 of this bylaw.

31.2 Any person applying to have this bylaw amended shall apply in writing to the Development Officer, using the application form provided by the Municipal District of Pincher Creek, and request that the Development Officer submit the application to the Council.

31.3 As part of the application referred to in Section 31.2, the applicant must provide the following information, if Council deems it applicable:

(a) reasons in support of the application;

(b) the use to be made of the land that is the subject of the application;

(c) the program of land servicing; and

(d) information as required in the Municipal Development Plan, an Area Structure Plan, or this bylaw.

31.4 A person making an application to amend this bylaw for a purpose other than the clarification of an existing provision of this bylaw may be required to:

(a) pay the Municipal District of Pincher Creek an application fee as set by Council;

(b) undertake in writing on a form provided by the Municipal District of Pincher Creek to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Municipal District of Pincher Creek may incur,

whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges; and

(c) provide, in writing, authorization and the right of entry for the Development Officer or Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.

31.5 Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:

(a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment;

(b) prepare a report for the Council on the proposed amendment;

(c) submit a copy of the report and all material relevant thereto to the Council; and

(d) submit a recommendation to Council regarding persons to be notified in addition to those required under the Act.

31.6 If it appears that the proposed amendment is one which is applicable to and for the benefit of the Municipal District of Pincher Creek at large, or most of the persons affected in one area, or to the entire district, then the Council may direct that the application fee be returned to the applicant and that the Municipal District of Pincher Creek pay the expense which the applicant has agreed to pay pursuant to the provisions of Section 31.4.

31.7 The Municipal Planning Commission may, at any time on its own motion, present for the consideration of Council any proposed amendment to this bylaw, and the proposed amendment shall be accompanied by a report and recommendation of the Municipal Planning Commission and the report and recommendation of the Development Officer.

31.8 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 Officer for his/her report and recommendations.

31.9 Where an application for an amendment to this Bylaw has been refused by Council, another application that is the same or similar in nature shall not be accepted until at least 12 months after the date of refusal.

31.10 Where an application has been significantly changed, Council may accept an application prior to the end of the 12-month period specified in subsection 31.9.

31.11 Proposed amendments to this bylaw are subject to those requirements and procedures set out in the Act regarding enactment of bylaws, Section 692 specifically.

31.12 Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal, which initiated said proposed amendment.

31.13 An application to amend the Land Use Bylaw to allow for a proposed use may be considered even if the proposed use is prohibited in the current land use district.

## RESCINDING LAND USE REDESIGNATIONS

31.14 Council may rescind an amending bylaw redesignating certain lands within the municipality to accommodate a proposed subdivision and/or development. Council may rescind the redesignation bylaw and rezone the lands back to their original designation if:

(a) the proposed subdivision has not been applied for, decided upon or extended; and/or

(b) the proposed development has not been applied for, decided upon, commenced or extended after 24 months of the date the redesignation bylaw receiving third and final reading

(c) the provincial licence. permit, approval, or other authorization has expired and/or the provincial act or regulation governing an aspect of the approval has changed in a manner that would affect the ability to approve the development or subdivision under the current rules.

31.15 The rescinding of the redesignation bylaw shall be undertaken in accordance with Section 191 of the Municipal Government Act

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# PART VI – ENFORCEMENT

## SECTION 32 STOP ORDERS AND OFFENCES

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

(a) Part 17, or the regulations under Part 17 of the *Municipal Government Act*; or

(b) a development permit or subdivision approval; or

(c) the land use bylaw;

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

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

(ii) demolish, remove or replace the development;

(iii) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the Land Use Bylaw or regulations under Part 17 of the Act, a development permit or a subdivision approval.

32.2 Where an order is issued under Section 32.1, the order shall state the following and any other information considered necessary by the Development Officer:

(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 alternative 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 the Municipal District of Pincher Creek No. 9 pursuing action; and

(d) advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board in accordance with Section 685 of the Act.

32.3 Where a person fails or refuses to comply with an order directed to him under Section 32.1 or an order of the Subdivision or Development Appeal Board under Section 687 of the Act within the time specified, the municipality may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.

32.4 Where the Council or a person appointed by it carries out an order, the Council may 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.

32.5 This bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of King's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

32.6 A person who:

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

(b) contravenes this bylaw;

(c) contravenes an order under Section 32 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 this powers or duties under this Act, the regulations under the Act or this bylaw;

is guilty of an offence and is liable to a fine as prescribed in the Act.

32.7 If a person is found guilty of an offence under 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 of the Act;

(b) this bylaw;

(c) an order under Section 32 of this bylaw and/or Section 645 of the Act; and/or

(d) a development permit or subdivision approval or any conditions attached to a development permit or subdivision approval.

32.8 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 registered mail to the last known address of the person it is directed to; or

(c) left with an agent or employee at the last known address of the person to whom it is directed.

# PART VII – GENERAL PARCEL PROVISIONS

## SECTION 33 APPLICATION

33.1 The provisions of this Part apply to all districts unless otherwise stated.

## SECTION 34 ACCESS TO PUBLIC ROADWAYS

34.1 Where both legal and physical vehicular access are not provided to a parcel or a lot, or where legal and physical vehicular access are not congruent, access shall be provided in one of the following manners (in order of preference):

(a) a public roadway should be developed as per municipal policy;

(b) direct access to a public roadway should be provided via subdivision or registered road plan;

(c) indirect access to a public roadway via a legal easement, which will be considered only as a last option.

34.2 In accordance with the MD of Pincher Creek Development and Engineering Standards, vehicular exits and entrances to a parcel or lot require the approval of the municipality, but all vehicular exits and entrances to a parcel or lot:

(a) in a hamlet must be located at least 6 m (19.7 ft.) from the intersection of any two public roadways, excluding lanes;

(b) be to the satisfaction of the municipality in all other cases; and

(c) No access for vehicles will be permitted from a municipal roadway where, in the opinion of the municipality, there would be an excessive number of access points onto a roadway.

## SECTION 35 DEVELOPMENT ON HAZARDOUS LANDS

SLOPES

35.1 For the purposes of this Section, “top of the bank” is as determined by the Development Officer in consultation with Alberta Environment or a qualified professional of The Association of Professional Engineers and Geoscientists of Alberta (APEGA).

35.2 Notwithstanding the yard requirements prescribed in the land use districts, no permanent building shall be permitted within 6 m (19.7 ft.) of the top of the bank of any water body and no development shall be permitted within 6 m (19.7 ft.) of the top or bottom of an escarpment or slope where the grade is 15 percent or greater.

35.3 The Development Officer, if permitted use, or Municipal Planning Commission, if discretionary use, may require a greater setback than is prescribed in Section 35.2 above.

35.4 Notwithstanding that a proposed development conforms in all aspects with this bylaw, including Sections 35.2 and 35.3, where the application is for development on lands that are, or may be, subject to subsidence or mass wasting, the Development Officer or Municipal Planning Commission shall not issue a development permit unless the applicant can demonstrate, by means of an engineering report, bearing the seal and signature of a

professional engineer of The Association of Professional Engineers and Geoscientists of Alberta (APEGA), that preventative engineering and construction measures can be instituted to make the parcel suitable for the proposed development.

35.5 Further to Section 35.2, the Development Officer or Municipal Planning Commission may, at their discretion, require that a professional engineer of The Association of Professional Engineers and Geoscientists of Alberta (APEGA) design the development site and buildings.

35.6 Subject to Section 35.2 and 35.3, the Development Officer or Municipal Planning Commission may, at their discretion, reduce the setback requirements established pursuant to Sections 35.2 or 35.3, if the applicant provides satisfactory proof of bank stability.

35.7 Notwithstanding any other provisions of this bylaw, a permitted use for a site that is located adjacent to an area deemed to be a “steep slope” or within the 1:100 flood risk area shall be forwarded to the MPC for consideration.

FLOOD PLAIN

35.8 New development within the flood risk area shall be strongly discouraged, however should the Municipal Planning Commission consider it appropriate, a development may be allowed subject to the following requirements:

(a) development shall be restricted to non-residential buildings or structures that can be adequately protected to minimize potential flood damage;

(b) the first floor and mechanical and electrical installations within any structures or buildings shall be a minimum of 0.5 m (1.6 ft.) above the 1:100 year flood elevation level.

35.9 Buildings shall have no “finished” floor space developed below the 1:100 year flood elevation.

35.10 The applicant must provide information on the grade elevations of the proposed building site, the building, as well as the building openings and mechanical or electrical equipment all referenced in geodetic elevations.

35.11 Before a development permit is issued, the Development Officer may require that the applicant provide a certificate containing the seal and signature of a Professional Engineer of The Association of Professional Engineers and Geoscientists of Alberta (APEGA) or registered Architect of The Alberta Association of Architects indicating that the requirements listed above have been met and that the building or structure is adequately protected against flood damage to the 1:100 year flood elevation.

35.12 The Development Officer or Municipal Planning Commission may consult with Alberta Environment or other appropriate organization or individual to assist in determining high-water marks, flood risk area, banks and the level of a lake, dam, river or other waterway taking into account 1:100 water levels, wind set-up and wave run-up.

35.13 If an existing parcel is contained within a 1:100 year flood plain, in whole or in part, so that the parcel has no developable area, any residential building or principal building on that parcel must satisfy the provisions of Section 35.11.

35.14 Where flood plain/slope information is not available but the Development Authority believes that lands may be subject to flooding, the Authority may require that development requiring a development permit be set back such distance as the Authority considers reasonable and appropriate to minimize the risk of flooding.

35.15 Development requiring a development permit may be set back at least 20 m (65.6 ft.) from a naturally occurring watercourse unless an engineering study, as required by Section 35.11, is provided.

AVALANCHE

35.16 Before a development permit is issued, the Development Officer may require that the applicant provide a certificate containing the seal and signature of a Professional Engineer of The Association of Professional Engineers and Geoscientists of Alberta (APEGA) or registered Architect of The Alberta Association of Architects indicating that the building or structure is adequately protected against avalanche.

## SECTION 36 ACCESSORY BUILDINGS

36.1 Accessory buildings must be:

(a) separate and subordinate to the principal building or use; and

(b) associated with an existing principal building or use on the same parcel or lot.

36.2 Unless specified in a district, an accessory building must not exceed 7.5 m (24.6 ft.) in height.

## SECTION 37 ACCESSORY STRUCTURES

FENCES AND GATES

37.1 Fences and gates within residential districts in designated hamlets and in the Grouped Country Residential district shall, unless otherwise required by the Development Authority:

(a) not exceed 1 m (3.3 ft.) in height in the principal front yard on a corner or interior lot;

(b) not exceed 2 m (6.6 ft.) in height in a secondary front yard on a corner lot;

(c) not exceed 2 m (6.6 ft.) in height in a side or rear yard.

37.2 Fences and gates within commercial and industrial districts shall not exceed 2 m (6.6 ft.).

37.3 The location of fences in all districts shall comply with the provisions of Section 38.

37.4 The design, character and appearance of all fences within designated hamlets and country residential subdivisions must be to the satisfaction of the Development Authority.

37.5 In instances where public parking lots and open spaces are adjacent to railway property, a 1.83 m (6.0 ft.) high chain link fence shall be constructed and maintained along the common property line of the railway and the development at the developer's expense. The developer is also to include a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in satisfactory condition at their expense.

SATELLITE DISHES, COMMUNICATIONS TOWERS AND DOMESTIC PROPANE STORAGE TANKS

37.6 Sections 37.6 through 37.8 inclusive do not apply to public or commercial broadcasting facilities which are under the jurisdiction of Innovation, Science and Economic Development (ISED) Canada (see Section 60).

37.7 In a designated hamlet or within an area designated for country residential use, domestic propane storage tanks, satellite dishes (greater than 1 m), and radio, television or other communications towers for personal use must be located in a rear yard, but the Municipal Planning Commission may approve a location in a front yard where the Commission is satisfied that a rear or side yard location is impractical or impossible.

37.8 The Development Authority may require that a domestic propane storage tank or a satellite dish be screened to its satisfaction.

## SECTION 38 SIGHT TRIANGLE

38.1 In the case of corner parcels in all land use districts within designated hamlets, regardless of whether or not a corner cut has been taken:

(a) there shall be no obstruction of the 6.0m (19.7 ft.) sight triangle by fencing or other screening, including landscaping as illustrated by dimension A in Figure 4;

(b) in the case of laneways, there shall be no obstruction of the 3.0 m (9.8 ft.) sight triangle as illustrated by dimension B in Figure 4.

38.2 In the case of rural roads, the sight triangle shall be 91.4 m (300 ft.) from the point where the roadways intersect as illustrated by dimension C in Figure 4.

38.3 In the case of internal roads within a Grouped Country Residential district, the sight triangle shall be 15.0 m (49.2 ft.) from the point where the roadways intersect as illustrated by dimension D in Figure 4.

38.4 The construction of fences within the sight triangle within districts other than Hamlet districts may be allowed provided the fence does not restrict sight lines along public roads, and no material shall be stored so as to restrict sight lines.

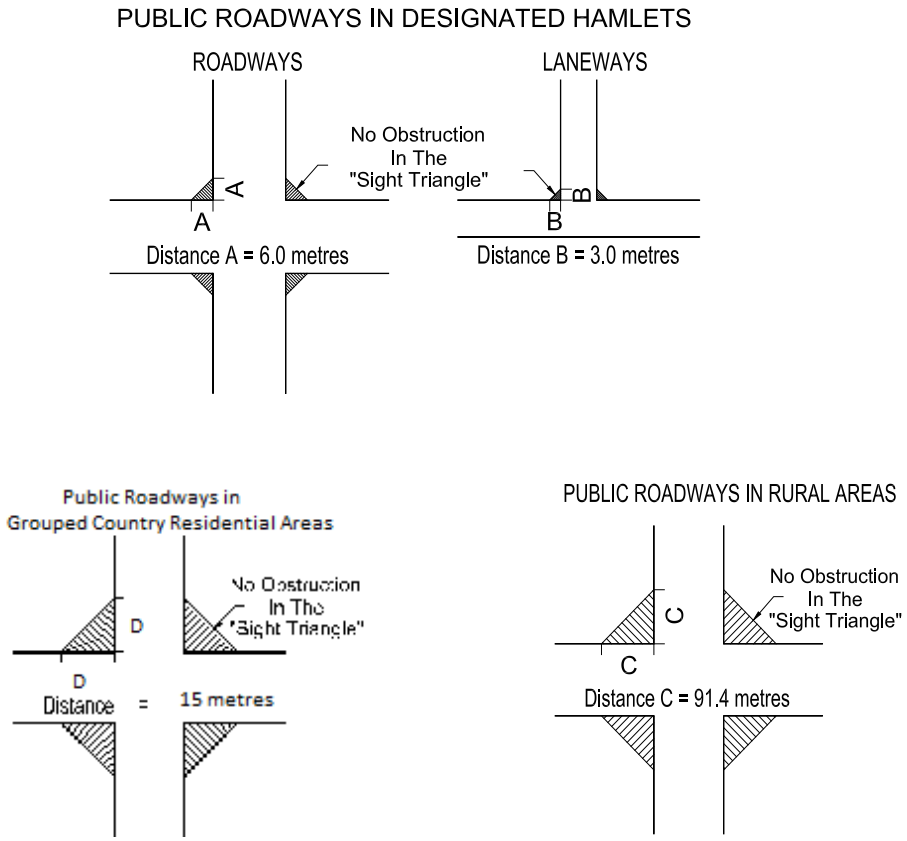


**Figure 4**

## SECTION 39 SETBACKS ON CORNER LOTS

39.1 In the case of a corner lot in a hamlet or grouped country district, one frontage will be determined to be the front yard and the other will be the Front Yard (Secondary) and have a frontage of one-half the applicable distance for the front yard or as described in the district.

## SECTION 40 DESIGNATED HAMLETS

40.1 Designated hamlets shall be those areas locally known as “Twin Butte”, “Lowland Heights”, “Beaver Mines”, “Pincher Station”, and “Lundbreck”, these areas which are detailed in the appropriate maps contained in Appendix A.

## SECTION 41 DESIGN CHARACTER AND APPEARANCE OF BUILDINGS

41.1 Regardless of whether the proposed use of a building is permitted or discretionary in the district in which the building is proposed to be located, the design, character and appearance of buildings must:

(a) be of acceptable quality to the satisfaction of the Development Authority taking into account the location of the proposed building;

(b) be consistent with the intent of the district in which the building is located to the satisfaction of the Development Authority; and

(c) take into account and be consistent with other buildings existing in the vicinity to the satisfaction of the Development Authority.

41.2 Any building constructed on screw piles or other open foundation structure shall be enclosed the foundation with materials acceptable to the Development Authority within 90 days of occupancy.

## SECTION 42 DWELLING UNITS ON A PARCEL

42.1 The maximum number of dwelling units per parcel of land is as regulated through the applicable land use district and associated use specific standards of development of this Bylaw.

42.2 No person shall construct or locate, or cause to be constructed or located, more than one dwelling unit on a parcel except as provided in the land use district for which the application is made an authorized by the Development Authority through issuance of a development permit for a use that allows for more than one dwelling in accordance with the provisions of this Bylaw.

42.3 Within the Agriculture – A, Airport Vicinity Protection – AVP, Urban Fringe – UF, Wind Farm Industrial – WFI districts, one or more additional dwelling units may be located on a parcel provided that:

(a) all such dwelling units are secondary farm residences on a parcel that has an area greater than 32.4 ha (80 acres) and this use is a permitted or discretionary use in the applicable district; and

(b) all such dwelling units comply with this bylaw.

42.4 If a Certificate of Title describes a parcel containing two or more quarter sections or portions thereof, each one of the quarter sections will be considered a parcel for the purposes of the provisions under this Section.

## SECTION 43 LANDS AFFECTED BY THE OLDMAN RIVER RESERVOIR AREA STRUCTURE PLAN

43.1 All development permits which are issued on lands that are subject to the Oldman River Reservoir Area Structure Plan must be subject to the following informative or, the informative authorized by Alberta Environment to replace the following:

*The applicant is hereby advised that:*

- *no development, buildings or structures are allowed on any public lands without the express written permission of the agency or department administering the lands;*
- *no development, buildings or structures are allowed below the Crown Land boundary of the Oldman River Reservoir unless the applicant has entered into a Use of Works Agreement with Alberta Environment;*
- *no person shall pump, divert or use water from the Oldman River Reservoir without the express written approval of Alberta Environment.*

## SECTION 44 SETBACKS FROM SOUR GAS FACILITIES

44.1 A residence, rural public facility or country residential development shall be set back such distance from a sour gas facility as the Municipal Planning Commission considers reasonable and appropriate, having regard to:

(a) current regulations and any comments of the Alberta Energy Regulator and the owner of the sour gas facility; and

(b) the minimum separation distances contained in the districts of this bylaw.

44.2 The Development Officer or the Municipal Planning Commission shall solicit and consider the comments of the Alberta Energy Regulator and the owner of the sour gas facility if a development application:

(a) proposes to locate a residence or a rural public facility within 100 m (328 ft.) of a level 1 sour gas facility, unless the facility is a pipeline;

(b) proposes to locate a residence within 100 m (328 ft.) of a level 2 sour gas facility;

(c) proposes to locate a rural public facility within 500 m (1640 ft.) of a level 2 sour gas facility;

(d) proposes to locate a residence within 100 m (328 ft.) of a level 3 or 4 sour gas facility;

(e) would result in unrestricted country development, namely, more than eight dwellings per quarter section within 500 m (1640 ft.) of a level 3 or a level 4 sour gas facility; or

(f) proposes to locate a rural public facility within 1.5 km (0.9 miles) of a level 3 or a level 4 sour gas facility.

## SECTION 45 MAJOR POWERLINES AND PIPELINES

45.1 The distance, which any development requiring a development permit shall be set back from a major powerline or pipeline, shall be 100 m (328 ft.), unless the pipeline is a sour gas facility, in which case Section 44.2 above applies.

## SECTION 46 LANDSCAPING

46.1 Prior to deeming a development application complete, the Development authority may require the applicant to submit a landscaping plan to the satisfaction of the development authority.

46.2 As a condition of issuing a development permit, the Development Officer or the Municipal Planning Commission may require:

(a) that a lot or parcel or any portion thereof shall be landscaped and/or screened to the satisfaction of the Development Officer or the Municipal Planning Commission;

(b) that any landscaping shall be completed within a period of time as specified in a development permit; and

(c) that the applicant provide financial security or guarantee in accordance with Section 18 to ensure that the matters referred to in 46.2(a) and 46.2(b) above are carried out.

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# PART VIII – SPECIAL LAND USE PROVISIONS

## SECTION 47 HOME OCCUPATIONS

GENERAL PROVISIONS – ALL DISTRICTS

47.1 A home occupation shall be operated as a secondary use only and shall not change the principal character or external appearance of the dwelling or building in which it is located.

47.2 A home occupation should not be permitted if, in the opinion of the Development Officer or Municipal Planning Commission, it would be more appropriately located in a commercial or industrial land use district.

47.3 A home occupation shall not, in the opinion of the Development Officer or Municipal Planning Commission, be a source of inconvenience, materially interfere with or affect the use, enjoyment or value of any neighbouring parcel by way of excessive noise, smoke, steam, odour, dust, vibration or refuse matter which would not be commonly found in the neighbourhood.

47.4 There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference in radio or television reception.

47.5 Persons employed as part of the home occupation shall be limited to the residents of the dwelling unit plus up to two (2) other employees unless otherwise determined by the Municipal Planning Commission.

47.6 A home occupation shall not generate an unacceptable level of pedestrian traffic or parking shortage in excess of that which is characteristic of the land use district in which it is located.

47.7 Materials shall be stored so as not to be visible from a roadway or adjacent property.

ADDITIONAL PROVISIONS DESIGNATED HAMLETS AND COUNTRY RESIDENTIAL

47.8 No advertisement or sign visible from the exterior of the dwelling shall be permitted as part of the home occupation other than that provided for under Section 47.9 and 47.10.

47.9 Within a designated hamlet, it is permissible to have one non-illuminated fascia sign or nameplate to identify the home occupation not greater than an area of 0.5 $m^2$ (5.4 $ft^2$) placed within or flat against the dwelling unit or any accessory building.

47.10 Within a country residential district, it is permissible to have one non-illuminated fascia sign or nameplate to identify the home occupation not greater than an area of 1 $m^2$ (10.8 $ft^2$) placed within or flat against the dwelling unit, accessory building, or as a freestanding sign.

47.11 A home occupation within hamlets and country residential areas shall not involve the exterior manufacturing or repair of goods.

47.12 A home occupation permit does not exempt compliance with health regulations or any other municipal or provincial regulations.

TOURIST HOME

47.13 Tourist Homes are prohibited in residential districts except where they are expressly listed as a discretionary use.

47.14 Excepting the Agriculture- A district, Tourist Homes are only allowed on parcels of land that contain one (1) dwelling unit. Development with more than one dwelling unit shall look to the definition of 'Country Inn', or the Rural Recreation districts for development potential.

47.15 Within the Agriculture – A district, a tourist home may be considered on properties that have a principal dwelling and that may also have a secondary suite or a secondary farm residence. Only one of the dwelling units may be considered for the Tourist Home use. Alternatively, where a principal dwelling is located on the site, a tourist home may be approved as a a maximum of two (2) recreation vehicle spaces and is to be designated as a seasonal tourist home in place of designating a dwelling unit as a tourist home.

47.16 Tourist Homes that are prohibited or are found to be operating without a valid development permit are subject to the imposition of fines/penalties by the municipality in accordance with the fee schedule or other applicable bylaw.

47.17 The advertising or management of a dwelling unit as a Tourist Home, short-term rental, tourist accommodation or vacation rental on social media, the internet or on vacation rental websites, such as but not limited to Airbnb, VRBO, or where the intent is for the occupant to stay for short-term visiting or vacation purposes rather than use the property as a permanent residence, is considered a Tourist Home.

47.18 The number of rental units or bedrooms in the Tourist Home and the maximum occupancy of the dwelling shall be stated on the application form and included as a condition of approval in the development permit. The Development Authority may limit the number of rental units and/or the maximum occupancy of a Tourist Home on a case-by-case basis.

47.19 Where approved, Tourist Homes shall be developed and operated in accordance with the following regulations in order to ensure that the impacts of this commercial use do not unduly affect the amenities of the residential neighbourhood or rural area in which they are located:

(a) The maximum number of bedrooms in a dwelling unit used for a Tourist Homes shall be four, with maximum of eight ('pillows') guests.

(b) Tourist Homes require a development permit. A permit may be revoked at any time if, in the opinion of a designated officer, the operator has violated any provision of this bylaw or the conditions of a permit.

(c) One hard surfaced, on-site parking stall per bedroom shall be provided and parking stalls shall not be tandem. The Development Authority shall not approve any variance to the off-street parking standard for a Tourist Home, excepting development areas of Castle Mountain Resort where off-street parking has not been provided for the residential development.

(d) The exterior appearance of a dwelling approved as a Tourist Home shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw.

(e) Tourist Homes shall not interfere with the rights of other neighbours and residents to quiet enjoyment of a residential neighbourhood or rural area.

(f) The Development Authority may place conditions on a development permit to address or mitigate concerns with compatibility to the neighbourhood/rural area or to ensure the standards of this bylaw are being met.

(g) The Development Authority may refuse to approve a development permit for a Tourist Home if they determine there are other pre-existing Tourist Homes established in the vicinity or neighborhood/rural area and additional such use would negatively affect the neighborhood/rural area, cause traffic or parking concerns, or interfere with the residents right to peaceful enjoyment of their property.

(h) The Development Authority may, where an existing secondary suite is being proposed as a Tourist home, require that a building inspection be conducted, and the results submitted with the application.

(i) The Development Authority shall circulate all applications to Alberta Health Services that intend on providing food service to guests.

47.20 In reviewing an application for a Tourist Home, the Municipal Planning Commission shall, among other factors, consider:

(a) the size of the parcel;

(b) the impact of the proposed use on the existing water and sewer systems;

(c) side yard setbacks in relation to adjacent land uses;

(d) potential traffic generation, and parking requirements;

(e) buffering or other techniques design to limit any interference with other uses or the peaceful enjoyment of neighbouring parcel and consistency with other development in the surrounding area/land use districts in terms of nature and intensity of use.

47.21 The owner/operator of the Tourist Home shall:

(a) keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by designated officer;

(b) provide personal contact information to the designated officer that is kept accurate and up to date during the duration of the active operation of the dwelling as a Tourist Home;

(c) provide and maintain the on-site parking required;

(d) not display any form of advertising related to the Tourist home except as provided for in this bylaw and until after a development permit is issued;

(e) ensure that all parts of the dwelling conform to the National Building Code – Alberta Edition; and

(f) be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on accommodation.

## SECTION 48 COMMERCIAL / PRIVATE RECREATION USES

DEFINITIONS

For the purpose of this Section, the following definitions apply:

48.1 Bathroom Facility: an accessory building that includes any or all of the following:

(a) bath facilities,

(b) shower facilities,

(c) washroom facilities,

(d) toilet facilities.

48.2 Laundry Facility: an accessory building that provides for the washing and/or drying of clothes or other laundry.

48.3 Camp Kitchen: an accessory, un-insulated building intended to provide temporary shelter solely for the purpose of preparing or eating food.

COUNTRY INN

48.4 A country inn shall be operated as a secondary use to the principal development and shall not change the principal character of the area in which it is located.

48.5 Only one country inn shall be allowed on a given parcel or lot.

48.6 In reviewing an application for a country inn, the Municipal Planning Commission shall, among other factors, consider:

(a) the size of the parcel;

(b) the impact of the proposed use on the existing water and sewer systems;

(c) side yard setbacks in relation to adjacent land uses;

(d) potential traffic generation, and parking requirements;

(e) buffering or other techniques design to limit any interference with other uses or the peaceful enjoyment of neighbouring parcel and consistency with other development in the surrounding area/land use districts in terms of nature and intensity of use;

(f) any recommendations or requirements from Alberta Health Services.

48.7 Applications which propose to establish or enlarge a country inn which provides, or intends to provide, services to recreational vehicles shall be evaluated with respect to Alberta Economic Development and Tourism's Minimum Standards for Approved Campgrounds and Trailer Parks or its replacement document.

48.8 Eating and cooking shelters and sleeping units may be allowed as supplementary developments to country inns.

48.9 Laundry facilities, retail store, public assembly uses and other similar accessory uses shall remain accessory to the country inn. Should these uses become disproportionate, the Municipal Planning Commission may consider the use to be a hotel / motel.

48.10 Unless otherwise approved by the Municipal Planning Commission, country inns should not be occupied for more than 30 consecutive days by the same recreational unit.

**Recreational Accommodation, Family On Vacant Property**

'Recreational Accommodation, Family' on any vacant property within the Agriculture – A, Airport Vicinity Protection – AVP, Wind Farm Industrial – WFI districts, including but not limited to a vacant lot, parcel, or quarter section, is allowed without a permit only when the requirements under Sections 48.13 through 48.21 are complied with and the following requirements are met:

48.11 The number of recreational units per lot, parcel, or quarter section allowed is as follows:

| Parcel Size (acres) | Number of Recreational Units Allowed |
|---|---|
| < 1 to 20 | *2 |
| > 20 to 1 quarter section or greater | *4 |

* A recreational unit is defined as any tent, 'Recreational Vehicle/Holiday Trailer', or similar recreational non-permanent accommodation.

48.12 The number of 'Recreational Accommodation, Family' units per lot, parcel, or quarter section allowed is as listed in Table above under Section 48.11. Where a proposal exceeds the recreational units allowed, a development permit is required under the 'Recreational Accommodation, Family limited' use and the requirements under Sections 48.13 through 48.21 shall be met.

48.13 No permanent or temporary buildings or structures are allowed in conjunction with the recreational pursuits on vacant property. Where permanent or temporary buildings or structures are desired a development permit is required under the 'Recreational Accommodation, Family limited' use.

48.14 Recreational and other vehicles, camp trailers, and 5th wheels must have current registration and be in an operable, road-worthy condition.

48.15 Trash must be managed on-site and removed from the site regularly during recreational accommodation activities and upon discontinuance of the use.

48.16 The lot, parcel, or quarter section on which recreational accommodation occurs must be maintained in a safe, clean and sanitary manner, and must not be a nuisance or create adverse impacts to surrounding property, land or land uses.

48.17 The property access (approach) must be approved by MD. The property address must be visible from the road.

48.18 Compliance with all minimum setbacks for the zone district must be met. Additional setbacks may be applied by the development authority to maintain the quiet amenity of neighboring properties.

48.19 Sewage must be disposed of at an off-site sani-dump facility or portable toilet properly disposed of off-site.

48.20 Recreational accommodation on vacant land by persons other than the property owner and/or their invited, non-paying guests is prohibited. All recreational accommodation by persons other than the property owner must have written proof of permission of the property owner, including the owner's name, address, and phone number.

48.21 Storage of Recreational and other vehicles, camp trailers, and 5th wheels in off-season periods is strictly prohibited.

**Recreational Accommodation, Family On Improved Properties**

48.22 The number of 'Recreational Accommodation, Family' units per lot, parcel, or quarter section allowed is as listed in Table above under Section 48.11. Where a proposal exceeds the recreational units allowed, a development permit is required under the 'Recreational Accommodation, Family limited' use.

48.23 Property owners who have improved their property to include a permanent residence with a permanent water supply and wastewater treatment system may allow non- paying guests and family members to stay on their property without a 'Recreational Accommodation, Family limited' permit as long as there is no commercial activity associated with the recreational accommodation.

48.24 Recreational Accommodation on improved property may be seasonal with an additional 14 days for winter activity.

48.25 Storage of 'Recreational Vehicle/Holiday Trailer' on improved lots is not included in the recreational accommodation time restriction. Storage of 'Recreational Vehicle/Holiday Trailer' is limited to 3 units per improved property.

48.26 Compliance with all minimum setbacks for the land use district must be met.

**Recreational Accommodation, Commercial Highway Or Commercial Resort**

REQUIREMENTS FOR REDESIGNATION

48.27 Prior to redesignation to Rural Recreation 1 or Rural Recreation 2, the proponent shall conduct a public meeting (open house) with all adjacent property owners and all residences along the access road(s), as determined by the Development Officer, to the proposed development site. See Part III Section 27.4 for details.

48.28 Prior to redesignation or the creation of a new development or expansion of existing development, an area structure plan or concept plan may be required depending on the size of the development or its potential impacts. This plan should include but is not limited to the following:

(a) site plans and drawings – although professional plan preparation is preferable, the diagrams may be accepted if they are clear and accurate and include the required setbacks as described in the district in relation to all proposed development;
(b) compliance with all local and provincial policies or requirements including but is not limited to Stepping Back from the Water, National Building Code – Alberta Edition, the Recreation Area Regulation, Bear Smart, FireSmart, and the Public Lands Act;
(c) identification of other hazards such as flood or mass wasting prone lands or environmentally sensitive areas, including historic and other resources;
d) sewer system – which will be determined using the soils data provided in accordance with the Alberta Private Sewage Systems: Standard of Practice. Pump out systems are preferred adjacent to water bodies;
(e) domestic water – these systems will be to the satisfaction of the approval authority and in compliance with the Water Act;

(f) roadways and access points – including the standards for construction and signage both on-site and off-site;
(g) provision for other utilities and services – including comments from the appropriate supplier;
(h) stormwater surface drainage control – which is required to protect water bodies and adjacent parcels;

(i) development concept – including lot density, permanent vs non-permanent buildings, how the proposal minimizes its development footprint and preserves agricultural land, and land tenure;
(j) analysis of impact on adjacent property or structures including a locational plan that includes distances to all other development and the location and number of residences along the access road(s), as determined by the Development Officer, to the proposed development site.
(k) landscaping and appearance; and
(l) any other information that Council or the development officer may consider necessary.

48.29 An emergency response plan outlining fire and medical procedures shall be submitted to the municipality as part of the requirements of Section 48.12 and as a condition of the development permit. Acceptance of the plan will be at the sole discretion of the Municipality.

48.30 Proposals for recreational accommodation, commercial shall provide the intention for duration of stay as part of the requirements of 48.12 and as part of the development application process.

48.31 Recreational Accommodation, Commercial development may include as supplementary uses any or all of the following:

(a) bathroom facility,

(b) laundry facility,

(c) camp kitchen(s)

(d) manager's residence.

Each shall be identified in the area structure plan or concept plan.

DEVELOPMENT APPLICATION REQUIREMENTS

48.32 All applications must follow the requirements provided in Section 18 and the designated land use district.

48.33 All applications must provide a copy of the approved area structure plan or concept plan, where applicable.

48.34 Applications which propose to establish or enlarge a 'Recreational Accommodation, Commercial' site shall be evaluated with respect to Alberta Economic Development and Tourism's Minimum Standards for Approved Campgrounds and Trailer Parks or its replacement document.

48.35 In conjunction with the approved emergency response plan, as a condition of development each individual accommodation site must have an address post equipped

with a numbered and color coded sign. Each entrance to the site must contain a key map of the site locations with road names and directional signage.

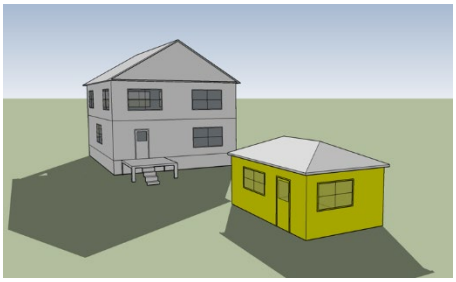
## SECTION 49 GARDEN AND SECONDARY SUITES

GARDEN SUITE

49.1 A Garden suite shall:

(a) not exceed one (1) storey in height;

(b) require a development permit which shall expire in 5 years and is renewable once at the discretion of the Development Officer based on the original criteria of the approval and renewable thereafter at the discretion of the Municipal Planning Commission.



49.2 A Garden suite shall be used to house individuals providing care to or receiving care from the resident(s) of the principal building.

49.3 Garden suites are subject to National Building Code – Alberta Edition.

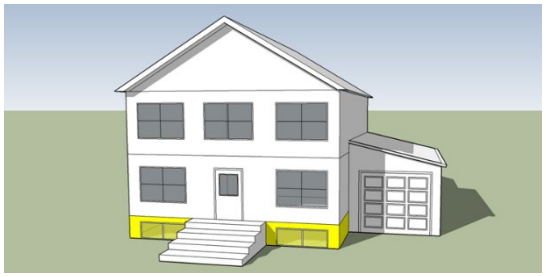
49.4 The structure being proposed shall be shown to be readily moveable upon expiry of the approval period.

SECONDARY SUITE

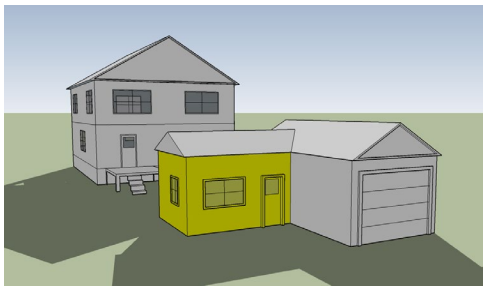
49.5 All secondary suites shall meet the following general requirements:

(a) only one secondary suite may be developed where a 'Single-detached dwelling', 'Modular home', 'Manufactured home', or 'Moved-in dwelling' has been established;

(b) in all districts where listed as a permitted or discretionary use, a secondary suite may be considered (as shown in figures below) as a basement suite, a garage suite under the roof of the principal dwelling, and as a single storey at grade garage suite.

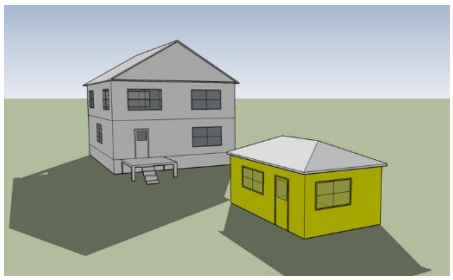






(c) in the Agriculture – A, Airport Vicinity Protection – AVP, Grouped Country Residential – GCR, Urban Fringe – UF, Wind Farm Industrial – WFI districts where listed as a permitted or discretionary use, a secondary suite may be considered (as shown in figure below) as a second storey garage (or shop) suite or detatched dwelling. All secondary suites in this category are limited to a maximum building footprint or floor area of 1000 $ft^2$ (28.32 $m^2$).





(d) all required off-street parking shall be designed and developed to the standards set out in Section 56;

(e) development of a new secondary suite shall meet all requirements of the National Building Code – Alberta Edition and Alberta Fire Code as a condition of approval;

(f) a secondary suite shall not be separated from the principal dwelling or any part of the title on which the principal dwelling is located through a condominium conversion or subdivision;

(g) a secondary suite shall not be permitted in a 'Duplex', 'Semi-detached dwelling', 'Multi-unit dwelling', 'Rowhouse or Townhouse', 'Manufactured home park', or 'Apartment';

(h) the Development Authority, as a condition of approval, may request proof that the utility services to the principal dwelling are capable of carrying the additional load of the proposed secondary suite;

(i) a secondary suite shall not be developed on the same title as a Home occupation (see Section 47), unless it can be proven to the Development Authority that the impact resulting from the home occupation is limited, adequate parking is provided, and the amenities of the neighbourhood are not negatively affected; and

(j) the exterior finish of a detached secondary suite, including but not limited to, materials, textures, and colours, shall match or complement the exterior finish of the principal dwelling, to the satisfaction of the Development Authority.

49.6 Existing secondary suites include any suite that existed prior to the passing of this bylaw. In addition to the requirements of Section 49.5 of this Section, excepting thereout the building code requirement of 49.5(d) if it can be proven that the suite was developed prior to December 31,2006, existing secondary suites shall meet the following requirements;

(a) an existing secondary suite developed prior to December 31, 2006, shall meet all applicable requirements of the Alberta Fire Code as a condition of approval;

(b) an existing secondary suite developed after December 31, 2006, shall comply with all National Building Code – Alberta Edition and Alberta Fire Code requirements, including separate heating and ventilation systems for the principal dwelling unit and secondary suite, as a condition of approval;

(c) an existing secondary suite shall meet all other requirements of this Schedule and any other applicable Section or schedule of this bylaw; and

(d) should an existing secondary suite be unable to reasonably meet the requirements of this bylaw, to the discretion of the Development Authority, the use of the suite for rental purposes shall not be permitted.

## SECTION 50 SURVEILLANCE SUITES

50.1 A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Officer or Municipal Planning Commission, as the case may be, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.

50.2 Where a surveillance suite is attached to the building on a site by a roof, an open or enclosed structure, floor or a foundation, it is to be considered a part of the principal building.

50.3 The minimum and maximum floor area of any detached surveillance suite shall be 50 $m^2$ (538 $ft^2$) and 102 $m^2$ (1098 $ft^2$) respectively.

50.4 Where a surveillance suite is a manufactured home unit, the following shall apply:

(a) the unit shall have a Canadian Standards Association certification or equivalent, proof of which shall accompany the development permit application;

(b) the unit shall be secured and skirted to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.

DWELLING UNIT OR SLEEPING UNIT AS AN ACCESSORY USE

50.5 When considering an application for “Dwelling Unit as a secondary use” or “sleeping unit as an accessory use”, the Municipal Planning Commission shall, among other factors, consider:

(a) the size of the parcel;

(b) the impact of the proposed use on the existing water and sewer systems;

(c) side yard setbacks in relation to adjacent uses; and

(d) potential traffic generation, and parking requirements.

## SECTION 51 AMMONIA STORAGE FACILITIES

51.1 The Municipal Planning Commission shall consider the "Guidelines for the Location of Stationary Bulk Ammonia Facilities" prepared by Alberta Environment before the Municipal Planning Commission makes a decision on a development application concerning a bulk ammonia storage facility.

## SECTION 52 HAZARDOUS INDUSTRIES

REFERRALS

52.1 The Municipal Planning Commission shall solicit and consider the comments of Alberta Environment and Alberta Health Services before making a decision on a development application concerning a hazardous industry.

52.2 The Municipal Planning Commission shall solicit and consider the comments of an urban municipality before making a decision on a development application which proposes to establish or enlarge a hazardous industry:

(a) less than 3.2 km (2 miles) from the boundaries of any jurisdiction; and

(b) consider any relevant policies in the Intermunicipal Development Plan.

52.3 Prior to a decision being made on a hazardous industry, the Municipal Planning Commission shall hold a public meeting in order to solicit the views of the public in regard to the application.

GENERAL LOCATIONS

52.4 The Municipal Planning Commission may require that a hazardous industry shall be located in a designated industrial area, in accordance with the Municipal Development Plan.

## SECTION 53 NATURAL RESOURCE EXTRACTIVE USES

REDESIGNATION REQUIREMENT

53.1 All 'Natural resource extractive uses' shall apply for redesignation to Direct Control – DC.

53.2 Prior to a decision being made, the proponent shall hold a public meeting (open house) in order to solicit the views of the public in regard to the application for a natural resource extractive uses development. Notices for the meeting shall be circulated to every household within 1.6km of the proposed development. See Part III 27.4 for details.

53.3 Application for redesignation shall include:

(a) operation plans;

(b) details of roads, access points and traffic volumes;

(c) location and phasing of vegetation clearance, stripping of topsoil and storage of topsoil;

(d) identification of areas to be left undisturbed;

(e) weed control and management plan;

(f) reclamation planning;

(g) acknowledgement of the historic resources value for the property and need to gain clearance where appropriate; and

(h) analysis of impact (noise, dust, hours of operation, security, ground water) on adjacent property or structures including a locational plan that includes distances to all other development and the location and number of residences along the entire access road from the nearest highway to the proposed development site.

53.4 The Council shall consider the effects of visual intrusion, dust, noise, traffic, and water pollution when evaluating applications for redesignation.

DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

53.5 Both Category 1 and Category 2 pits, as defined in the provincial Code of Practice for Pits, shall require a municipal development permit in order to operate.

53.6 An applicant shall be required to submit a reclamation plan to Council's satisfaction before Council approves a development application for natural resource extraction site, whether or not a reclamation plan is required by other provincial agencies, departments or authorities. Such reclamation plans shall be referred to Alberta Environment for comment before a development permit is issued. Copies of any Alberta Environment registrations, permits or approvals shall be provided to the municipality by the pit operator.

53.7 The following shall be submitted with a development permit application for surface mineral excavation:

(a) engineered plans including regulatory considerations;

(b) details of roads, access points and traffic volumes;

(c) surface access agreement with the landowner, where needed;

(d) location and phasing of vegetation clearance, stripping of topsoil and storage of topsoil;

(e) identification of areas to be left undisturbed;

(f) historic resources approval;

(g) weed control;

(h) reclamation plan in accordance with Part 5 of the Code of Practice for Pits and security payment of a minimum $15,000/hectare (increases to the amount are at the discretion of council as a condition of Direct Control) in the form of cash or irrevocable letter of credit for Class II pits; and

(i) any other matter requested by Council or the Development Officer.

REFERRALS

53.8 The municipality shall solicit and consider the comments of:

(a) Alberta Environment;

(b) any landowners within 1600 m (5249.3 ft.) of the lot proposed for a natural resource extractive use; and

(c) Alberta Transportation where applicable;

before approving a development application for a natural resource extractive use.

LOCATION RESTRICTIONS

53.9 Subject to 53.10 below, a natural resource extractive use shall not be developed at a location which, in the opinion of Council, would lead to land use conflicts with adjoining or nearby uses.

53.10 The municipality may require that a natural resource extractive use and any storage or disposal of a natural resource or any finished or semi-finished materials or waste, shall be located not less than 100 m (328 ft.) from the bed and shore of a permanent or intermittent waterbody or watercourse.

53.11 Sections 53.1 and 53.2 above do not apply where a land use district has established and contains use restrictions and development requirements pertaining to natural resource extractive uses.

53.12 Within the Burmis Lundbreck Corridor Area Structure Plan boundary, a redesignation application which proposes to locate a sand or gravel pit:

(a) at a location which, in the opinion of the Council is highly visible to the travelling public from Provincial Highways 3, 3A, 22 or 507;

(b) on a lot lying within 0.8 km (½ mile) of an existing approved sand or gravel pit;

shall not be approved unless the applicant establishes, to the satisfaction of the Council, that it is reasonable and appropriate to reduce the 0.8 km separation distance.

53.13 In consultation with the MD's Public Works department, the resource extraction industry shall be directed to specific haul routes to minimize impact on municipal roads. Where appropriate and in consideration of Section 53.11, the designated haul route shall be the shortest route to the provincial highway network. At the discretion of Public Works, a Road Use Agreement may be required. At the discretion of Planning and Development, a development agreement may be required for road improvements.

## SECTION 54 MANUFACTURED HOMES AND RELOCATED BUILDINGS

MANUFACTURED HOME DESIGN AND APPEARANCE

54.1 The quality of the exterior treatment and design of all manufactured homes shall be to the satisfaction of the Development Authority.

54.2 The design, character and appearance of a manufactured home must:

(a) be compatible with any other building existing in the vicinity unless the building is setting a new standard of design, character and appearance for the land use district or a particular locality;

(b) be consistent with the purpose of the land use district in which the building is located; and

(c) comply with all applicable provisions of a statutory plan.

54.3 Where listed in a land use district, Manufactured homes placed in the Hamlet Single-Detached Residential, Agriculture and Grouped Country Residential designations shall:

(a) have Canadian Standards Association label;

(b) have a minimum gross floor area of 60 $m^2$ (646 $ft^2$), unless otherwise permitted in a land use district;

(c) be finished from the floor level to the ground within 90 days of placement. All finish material shall either be factory fabricated or of equivalent quality, so that the design and construction complements the dwelling to the satisfaction of the development authority;

(d) be placed on a permanent foundation (e.g. grade beam), or a basement which satisfies the requirements of the National Building Code – Alberta edition.

54.4 As a condition of approval for a development permit the Development Authority may require financial guarantees in accordance with Section 18.

MANUFACTURED HOME ADDITIONAL REQUIREMENTS

54.5 In addition to the information that may be required pursuant to this or any other Section of the bylaw, the Development Officer, or Municipal Planning Commission may require:

(a) that colour photographs showing the front, side and rear of the manufactured home be submitted with the development permit application;

(b) that a letter confirming the manufactured home's design, construction or foundation meets or exceeds the requirements of this Section be submitted within 60 days of the installation of the manufactured home.

MOVED-IN BUILDINGS

54.6 No person shall:

(a) place on a parcel a residential building or accessory building that has previously been erected or placed on a different parcel or lot; or

(b) alter the location on a parcel of a residential building or accessory building that has already been constructed on that parcel or lot;

unless the Development Authority approves the placement or alteration.

54.7 The quality of the exterior treatment and design of all relocated buildings shall be to the satisfaction of the Development Authority.

54.8 The Development Authority may issue a development permit for the proposed building, with or without conditions, as it deems necessary to ensure that the building is constructed to a satisfactory standard and may require that financial guarantees be posted to insure the satisfactory completion of any conditions stipulated.

54.9 In addition to any other information that may be required by this or any other section of this bylaw, the Development Authority may require the submission of colour photos showing the front, rear and side views of the building proposed to be relocated.

## SECTION 55 SIGN PROVISIONS

DEFINITIONS

The following definitions apply to this part:

55.1 Billboard

A sign greater than 3 $m^2$ (32.3 $ft^2$) that may or may not contain advertising copy related to the development within the parcel upon which the billboard sign is located. This does not include an identification sign under Section 55.7.

55.2 Canopy Sign

A sign placed on a permanent projection from the exterior wall of a building where the projection or canopy has been primarily designed to provide shelter to pedestrians or vehicles.

55.3 Directional and Informational Sign




A sign, the message of which is limited to providing direction guidance, distance, facility, or similar information and which may contain a name or logo.

55.4 Electronic Sign

A form of sign copy that makes use of technologies that allow the copy to be changed without manually or mechanically replacing the sign face or components. Electronic display includes technologies such as but not limited to electronic screens, televisions, computer video monitors, liquid crystal displays, and light emitting diode displays. Electronic display copy can include animation or motion. Signs that are externally illuminated with LED light bulbs do not constitute electronic display.

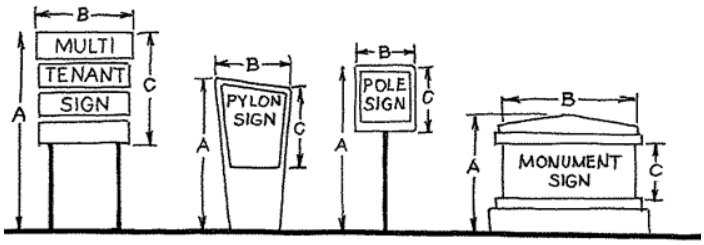
55.5 Fascia Sign

(a) Any sign where the copy face is parallel to and projects not more than 0.3 m (1 ft.) horizontally from the exterior wall of the building to which the sign is attached; and

(b) a sign where the copy face projects not more than 50 percent above the exterior wall to which the sign is attached.

55.6 Freestanding Sign

A sign 3 $m^2$ (32.3 $ft^2$) or less defined by dimensions B and C below, which stands independently of a building and may or may not contain advertising copy. This sign must be located on the lot where the service or business is located.



55.7 Identification Sign

A sign where the copy contains only the following information:

(a) the name and/or address of a building, use or person; and/or

(b) the activity carried out by that person, or at that location.

This sign must be located on the lot where the service or business is located.

55.8 Merchandising Aid

A device, such as statues, inflatables, and tethered balloons intended to call attention to a business and which may or may not contain a name, logo, advertising message or announcement.

55.9 Off-premises

Any type of sign that may contain sign content that advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

55.10 Portable Sign

A sign supported on a vehicle, structure or trailer so that it can be easily and readily moved.

55.11 Projecting Sign

(a) Any sign except a canopy sign which extends more than 0.3 m (1 ft.) horizontally from the wall of the building to which it is attached; and

(b) a sign where the copy face projects not more than 50 percent above the exterior wall to which the sign is attached.

55.12 Roof Sign

(a) A sign that is placed on, above or is incorporated as part of the roof of a building; or

(b) a sign where more than 50 percent of the copy face projects above the roof of a building.

55.13 Temporary Sign

A sign other than a portable sign which is not permanently attached to a supporting structure or building.

SIGNS FOR WHICH NO DEVELOPMENT PERMIT IS REQUIRED

55.14 No permit is required for the following signs:

(a) one unilluminated sign per parcel if the sign is 0.5 $m^2$ (5.4 $ft^2$) or less in area and is located within the boundaries of a designated hamlet in all public, commercial and industrial districts;

(b) one unilluminated sign per parcel if the sign is 1 $m^2$ (10.8 $ft^2$) or less in area and is located outside the boundaries of a designated hamlet in all public, commercial and industrial districts;

(c) signs 3 $m^2$ (32.3 $ft^2$) or less, painted or erected on extensive agricultural parcels, farm buildings and structures promoting or identifying agricultural pursuits;

(d) on-site signs advertising the sale, rental or lease of land or buildings provided that such signs do not exceed 0.6 $m^2$ (6.5 $ft^2$) in a residential district within a hamlet, or 3 $m^2$ (32.3 $ft^2$) in all other districts;

(e) on-site directional and informational signs for the guidance, warning or restraint of people or signs indicating on-site traffic circulation and parking restrictions;

(f) temporary signs (other than portable signs) on lots or parcels in all rural districts and commercial and industrial districts advertising a special promotion on the premises provided that the sign is removed within seven days of the end of the special promotion;

(g) window signs in commercial or industrial districts meeting the development criteria in 55.29;

(h) signs or billboards erected by a public authority, public agency or public department and railway operating signs;

(i) election signs officially sanctioned by an registered political party;

(j) on-site signs identifying an approved construction project and/or the parties involved in that project;

(k) signs pertaining to home occupations, which are addressed in Section 47.

GENERAL RESTRICTIONS

The intent of this section is to limit the proliferation of signs within the Municipal District of Pincher Creek and to encourage those signs that are permissible to be aesthetically pleasing, well maintained, safely erected and non-distracting.

55.15 No sign shall be placed or project within a public roadway, or be attached to any object in a public roadway except as may be allowed by Alberta Transportation or the Municipal District of Pincher Creek.

55.16 On privately held land adjacent to secondary and primary provincial highways, the applicant shall be required to obtain a Municipal Sign Permit and receive approval from Alberta Transportation ensuring the signage is in compliance with the Alberta Highway Control Regulations.

55.17 A sign shall not be allowed or located if, in the opinion of the Development Authority, it obstructs the vision of vehicular traffic or confuses or interferes with the interpretation of a traffic control sign, signal or device, or if it utilizes or employs revolving lights or beacons or emits amplified sounds or music.

55.18 The Development Authority may require that any sign be an identification sign only.

55.19 All signs shall only advertise the principal use of the premises or the principal products offered for sale on the premises.

55.20 Unless otherwise specified in the specific land use district or by Alberta Transportation, the footing or projection of each sign shall not be less than 3 m (9.8 ft.) from the property line.

55.21 Variances may be considered by the Development Authority in exceptional circumstances if warranted by the merits of the case.

55.22 All signs shall be maintained in a safe and tidy manner to the satisfaction of the Development Officer.

55.23 All sign structures shall be securely built, constructed, and erected to conform to the standards set forth in this bylaw and the current National Building Code – Alberta Edition, as applicable.

55.24 When a sign cannot be clearly categorized as one of the sign types as defined in this bylaw, the Development Authority shall determine the sign type and any and all applicable standards.

SPECIFIC SIGN REQUIREMENTS

55.25 Projecting, fascia, roof and freestanding signs shall only be permitted subject to the following limitations:

(a) not more than two signs shall be permitted on the premises;

(b) no fascia sign shall be in excess of 11.1 $m^2$ (120 $ft^2$) in area, but the two permitted signs may be combined if total fascia area does not exceed 11.1 $m^2$ (120 $ft^2$);

(c) no sign shall be illuminated unless the source of light is steady and suitably shielded;

(d) no freestanding sign shall be in excess of 3 $m^2$ (32.3 $ft^2$);

(e) the maximum height of any freestanding sign shall be 6.0 m (19.7 ft.);

(f) the bottom of any freestanding sign shall be less than 1.8 m (5.9 ft.) from ground level.

(g) approval of any projecting sign or canopy signage overhanging public land under the sign schedule is conditional upon the owners and/or occupiers of the premises upon which said sign is located providing to the MD of Pincher Creek a written waiver of liability as authorized by Council or an indemnification agreement for any injury or damage resulting from said sign.

(h) projecting or canopy signs shall have a minimum vertical clearance of 2.4 m (8 ft.) measured between the lower sign edge and grade.

(i) a projecting sign shall not extend horizontally more than 2.0 m (6.5 ft.) from a structure or building face or extend within 0.9 m (3 ft.) of the edge of a curb or a roadway.

(j) the maximum allowable height for a projecting sign excluding roof signs, measured from the top of the sign to grade, shall not exceed the lesser of:

(i) the height of the eave line or roof line,

(ii) 6.0 m (20 ft.),

(iii) or to the satisfaction of the Development Authority.

55.26 Off-premise, Directional and Informational signs may be permitted if warranted by the merits of each case.

55.27 Recognizing 55.25(a), additional Fascia signs for clustered, comprehensive mall-like developments may be permitted if warranted by the merits of the case.

55.28 Portable signs

(a) A development permit for a portable sign will be valid for a period of no longer than 60 days;

(b) after the lapse of the permit, the sign shall be removed;

(c) no sign shall be located in such a way as to create traffic hazards.

55.29 Window signs shall not exceed 50% coverage of any single pane of glass.

55.30 Electronic Signs

All electronic signs must adhere to the requirements of the sign type which they are displayed as well as the following:

(a) All electronic signs within 304.8 metres (1,000 ft.) of a provincial highway right-of- way or within 800 metres (2,625ft.) of the centerline of a highway and a public road intersection to a designated Alberta Highway shall during the application process be circulated to Alberta Transportation for comment and may be subject to an Alberta Transportation roadside development permit.

(b) A sign featuring electronic display must be equipped with a functioning ambient light sensor and must be set to operate so as not to exceed the following limits at all times when the electronic display feature is functioning, as measured from the sign face at its maximum brightness:

(i) a maximum of 7,500 nits from sunrise to sunset, based on the times established by the sunrise/sunset calculator of the National Research Council of Canada; and

(ii) a maximum of 500 nits from sunset to sunrise, based on the times established by the sunrise/sunset calculator of the National Research Council of Canada; and

(iii) the light levels around the Electronic Display must not at any time exceed the ambient light level by more than 5.0 LUX.

(c) If a Development Authority determines that the brightness or light level of an electronic display exceeds the limits set out in subsection 53.30(b), or impairs the vision of motorists, the Development Authority may direct the Development Permit holder to change the settings in order to bring the electronic display into compliance with this bylaw with 24 hours notice.

(d) If any component of electronic display fails or malfunctions such that the electronic display is no longer operating in compliance with this bylaw or with the conditions of a Development Permit, the Development Permit holder must ensure that the electronic display is turned off until all components are fixed and operating in compliance.

(e) The Development Permit holder for a sign with electronic display must ensure that a Development Authority is at all times in possession of the name and telephone contact information of a person(s) having access to the technology controls for the sign, who can be contacted 24 hours a day if the sign malfunctions.

PROHIBITED SIGNS

55.31 All signs that are not in accordance with the definitions for signs under Section 55 or deemed to be similar to by the Development Authority shall be prohibited from development. Specific types of signs prohibited include, but are not limited to, the following:

(a) signs attached to or painted on Shipping Containers (C-containers/sea-containers) which are located on parcels of land for the purpose of communicating a message or advertising;

(b) signs attached to or painted on licensed or un-licensed vehicles or trailers which are parked for the purpose of communicating a message or advertising;

(c) flashing or animated signs that are moving or contain digital or electronic message boards, unless approved on commercial or industrial parcels in conjunction with Section 55.25 of this Part of the bylaw;

(d) any merchandising aid;

(e) billboard or similar type signs, as defined in the definitions of this bylaw, whose main purpose is off- premises or third party commercial advertising.




*Billboard sign example*




*Trailer/vehicle sign example*

## SECTION 56 OFF-STREET PARKING AND LOADING REQUIREMENTS

APPLICATIONS

56.1 Each use or building shall provide and maintain the minimum number of parking spaces shown in Table 56.3 unless otherwise required by the Development Authority.

56.2 Where a use is not identified in Table 56.3 or where there is uncertainty, in the opinion of the Development Authority, as to the minimum parking spaces required for that use, the minimum number of parking spaces shall be as determined by the Municipal Planning Commission.

LOCATION OF PARKING SPACES

56.3 A parking space required by this section shall be located:

(a) on the same lot as the use or building for which it is required;

(b) on a lot abutting the lot containing the use for which parking is required provided that:

(i) both lots are a single parcel and contained in the same Certificate of Title, and

(ii) both lots are described in a plan of subdivision that was registered prior to July 1, 1950.

56.4 Where required parking will be provided on a lot abutting a lot for which parking is required and that abutting lot is either:

(a) described in a separate Certificate of Title; or

(b) contained in a plan of subdivision that was registered after July 1, 1950;

then the Development Authority, as a condition of issuing a development permit, shall require that both lots are consolidated into one lot by plan of subdivision or descriptive plan, as appropriate.

56.5 In a commercial or industrial district, where required parking will be provided on a lot that does not abut the lot for which parking is required, the Development Authority, as a condition of development approval, may require that a restrictive covenant shall be registered against the lot to ensure that the lot is not disposed of, and that the required parking is maintained for the use of development for which it is required.

GENERAL REQUIREMENTS

56.6 Parking areas or lots shall be constructed in a manner which will permit adequate drainage, snow removal and maintenance to the satisfaction of the Development Authority.

56.7 The Development Authority may require that a parking area be paved, hard-surfaced or otherwise surfaced to its satisfaction.

56.8 The Development Authority may limit vehicular access to a corner lot from:

(a) the secondary front property boundary;

(b) a lane, where one is provided; or

(c) a cul-de-sac or minor roadway.

56.9 The Development Authority may require that the parking spaces for any use, other than a dwelling unit with four or fewer dwelling units, be provided in a parking lot, which has limited access to the street.

56.10 A stacked parking arrangement as described in Section 56.11 shall be permitted for all dwellings containing only one or two dwelling units, but a stacked parking arrangement shall be strictly prohibited for all other development or uses, where a stacked arrangement is proposed in order to meet the minimum parking space requirements of this section.

56.11 A stacked parking arrangement as referred to in Section 56.10 above means a parking arrangement where two or more vehicles are parked in tandem, without a parallel and abutting aisle, laneway or maneuvering space, so that one or more vehicles must be moved before the remaining vehicle or vehicles can enter or exit from their parking space.

56.12 All parking spaces shall be in accordance with the minimum dimensions as stated in Table 56.1 and as shown in Figure 5, subject to Section 56.13 and Section 56.16.

56.13 Where a parking space parallels a wall or door, or where a parking space abuts a column or similar obstruction, the minimum width of the parking space shall be increased by 0.3 m (1 ft.).

**Table 56.1**

| Type of Parking Space | Width | | Length | | Overhead Clearance | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| **Standard size**: | | | | | | |
| Parallel parking spaces, or spaces with direct access onto a lane | 2.8 | 9.2 | 7.3 | 24.0 | 2.0 | 6.6 |
| All other spaces | 2.8 | 9.2 | 6.0 | 19.7 | 2.0 | 6.6 |
| **Recreation vehicle parking**: | | | | | | |
| Parallel parking spaces or spaces with direct access onto a lane | 3.8 | 12.5 | 7.3 | 24.0 | 3.0 | 9.8 |
| All other spaces | 3.8 | 12.5 | 6.0 | 19.7 | 3.0 | 9.8 |

RECREATION VEHICLE PARKING

56.14 The Development Authority may require oversized parking spaces for recreational vehicle parking where the Development Authority considers it reasonable and appropriate to do so, subject to the minimum dimensions specified in Section 56.12 above.

BARRIER FREE PARKING

56.15 Parking spaces for persons with physical disabilities shall be:

(a) located closest to the entrance of the building for which they are intended;

(b) identified by a sign;

(c) identified by pavement markings, if the parking surface is paved, to the satisfaction of the Development Authority; and

(d) in accordance with National Building Code – Alberta Edition for the number of spaces and dimensional requirements for those spaces.

OVERSIZED VEHICLE PARKING AND MANEUVERING AISLES

56.16 Notwithstanding the minimum parking space and maneuvering aisle dimensions specified in Section 56.12 above and Section 56.17 below, where a use or a development such as a truck stop, a bulk fuel station or any other use will accommodate oversized vehicles such as semi-trailers, large recreation vehicles, buses and similar vehicles, the Development Authority may require larger parking space and maneuvering aisle dimensions that are specified in this Section.

MANEUVERING AISLES AND DRIVEWAY WIDTHS

56.17 All maneuvering aisles shall be in accordance with the minimum dimensions as stated in Table 56.2 and as shown in Figure 5, subject to Section 56.16.

**Table 56.2**

| Parking Space Angle | Aisle Width | |
|---|---|---|
| | m | ft. |
| 90° | 7.0 | 23.0 |
| 60° | 5.5 | 18.0 |
| 45° or less | 4.0 | 13.1 |

LOADING SPACE REQUIREMENTS

56.18 One loading space shall be provided for each loading door in a commercial or industrial land use district.

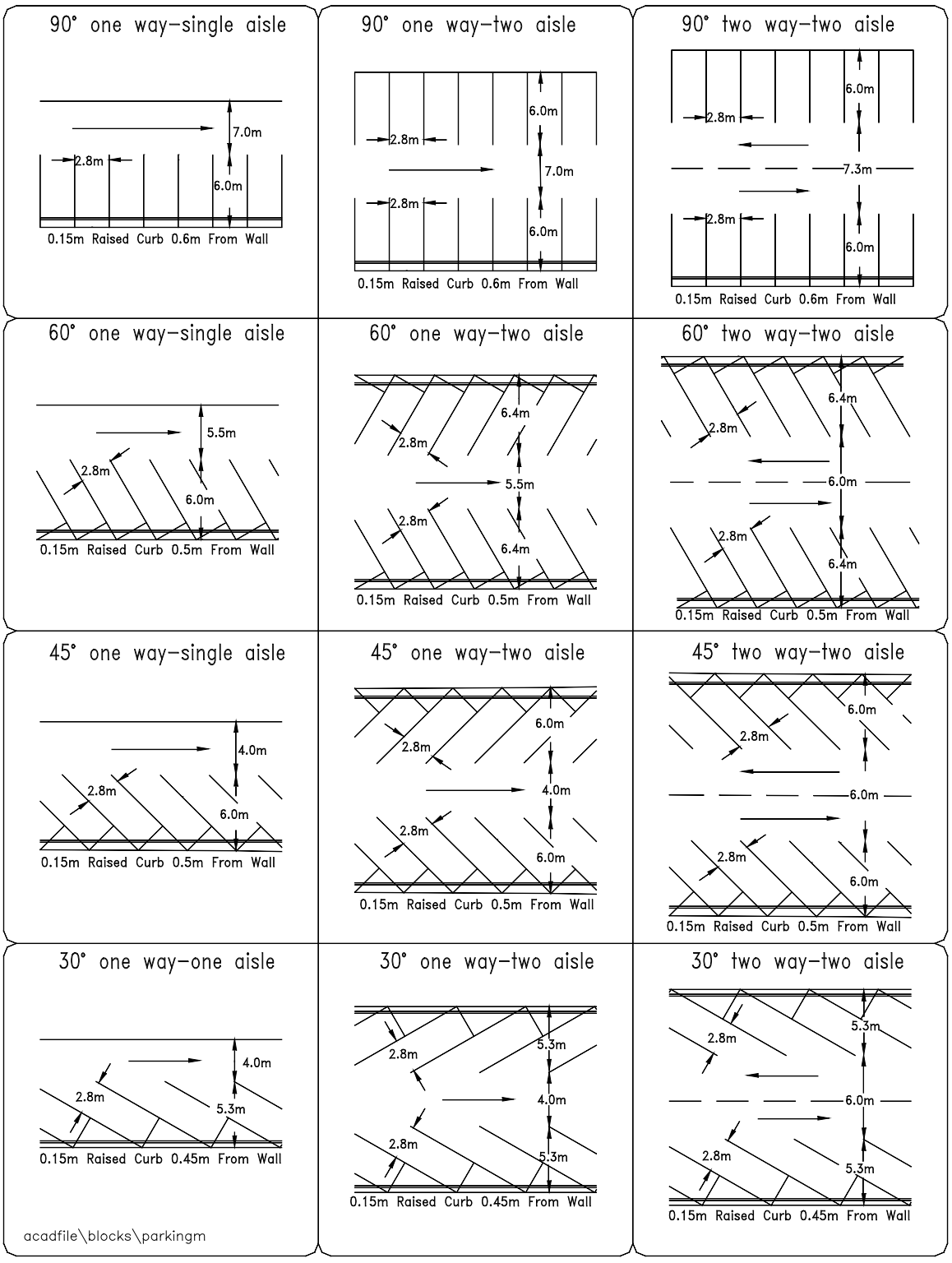
56.19 The minimum dimensions for a loading space shall be as follows:

(a) width – 3 m (9.8 ft.)

(b) length – 9 m (29.5 ft.)

(c) overhead clearance – 4 m (13.1 ft.)

56.20 The Development Authority may require loading spaces with larger dimensions than those specified in Section 56.19 above where vehicles using a loading space may project into a public roadway, or where the Development Authority considers it reasonable and appropriate to do so having regard to the size of the vehicles which will likely utilize the loading space.


PARKING LAYOUT ALTERNATIVES-METRES
90° one way–single aisle
7.0m
2.8m
6.0m
0.15m Raised Curb 0.6m From Wall
90° one way–two aisle
6.0m
2.8m
7.0m
2.8m
6.0m
0.15m Raised Curb 0.6m From Wall
90° two way–two aisle
6.0m
2.8m
7.3m
2.8m
6.0m
0.15m Raised Curb 0.6m From Wall
60° one way–single aisle
5.5m
2.8m
6.0m
0.15m Raised Curb 0.5m From Wall
60° one way–two aisle
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60° two way–two aisle
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0.15m Raised Curb 0.45m From Wall
acadfile\blocks\parkingm

**Figure 5**

**Table 56.3**

| Use | Minimum Number of Parking Spaces Required | GFA = Gross Floor Area |
|---|---|---|
| **Agri-Business** | | |
| Agricultural / Industrial machinery sales, rental and service | 1 space / GFA | 65 $m^2$ (700 $ft^2$) |
| Agricultural-related industry | As required by the MPC | As required by the MPC |
| Animal care service, minor and major | 1 space/ GFA | 50 $m^2$ (538 $ft^2$) |
| Auctioning establishment | 1 space/ GFA | 65 $m^2$ (700 $ft^2$) |
| Farmer's market | As required by the MPC | As required by the MPC |
| Farm supplies and service | 1 space/ GFA | 65 $m^2$ (700 $ft^2$) |
| **Automotive and Related** | | |
| Autobody and/or paint shop | 1 space/ GFA | 53 $m^2$ (571 $ft^2$) |
| Automotive repair and service | 1 space/ GFA | 45 $m^2$ (484 $ft^2$) |
| Service station | 1 space/ GFA | 40 $m^2$ (431 $ft^2$) |
| Vehicle sales and rental | 1 space/ GFA | 45 $m^2$ (484 $ft^2$) |
| **Commercial / Retail** | | |
| Bowling alley, billiard or exercise parlour | 1 space/ GFA | 20 $m^2$ (215 $ft^2$) |
| Bingo hall | 1 space/ GFA of patron seating or standing space | 5 $m^2$ (53.8 $ft^2$) |
| Dining, entertainment and beverage | 1 space/ GFA of patron dining, beverage seating or standing space plus 1 space per employee | 5 $m^2$ (53.8 $ft^2$) |
| Drive-in restaurant | 15 spaces or 1 space / GFA of dining and beverage space whichever is greater plus 1 space per employee | 10 $m^2$ (108 $ft^2$) |
| Financial institution | 1 space/ GFA | 40 $m^2$ (431 $ft^2$) |
| Household repair service | 1 space/ GFA | 50 $m^2$ (538 $ft^2$) |
| Manufactured home sales and service | 1 space/ GFA | 45 $m^2$ (484 $ft^2$) |
| Personal service | 1 space/ GFA | 20 $m^2$ (215 $ft^2$) |
| Publishing, broadcasting or recording establishments | 1 space/ GFA | 45 $m^2$ (484 $ft^2$) |
| Racquetball and tennis courts | 3 spaces per court | |

**Table 56.3 (continued)**

| Use | Minimum Number of Parking Spaces Required | GFA = Gross Floor Area |
|---|---|---|
| Restaurant | 1 space/ GFA of dining, patio and beverage space plus 1 space per employee | 5 $m^2$ (53.8 $ft^2$) |
| Retail store | 1 space/ GFA | 30 $m^2$ (323 $ft^2$) |
| Retail warehouse | 1 space/ GFA | 30 $m^2$ (323 $ft^2$) |
| **Hotel / Motel** | | |
| Tourist home | 2 spaces per dwelling unit plus 1 space for every additional rental bedroom | |
| Hotel | 1 space per guest room or suite | |
| Hotel meeting and assembly | 1 space/ GFA of patron dining, beverage seating or standing space plus 1 parking space per employee | 5 $m^2$ (53.8 $ft^2$) |
| Motel | 1 space per guest room or suite | |
| **Industrial** | | |
| Bulk fuel station – excluding area of storage facilities and tanks | 1 space/ GFA | 65 $m^2$ (700 $ft^2$) |
| Construction supply and contractors | 1 space/ GFA | 65 $m^2$ (700 $ft^2$) |
| Equipment sales, rental and service | 1 space/ GFA | 50 $m^2$ (538 $ft^2$) |
| Freight and storage | 1 space/ GFA | 65 $m^2$ (700 $ft^2$) |
| Manufacturing | 1 space/ GFA | 55 $m^2$ (592 $ft^2$) |
| Natural resource extractive | As required by the MPC | As required by the MPC |
| Hazardous industry | 1 space/ GFA | 55 $m^2$ (592 $ft^2$) |
| Recycling facility | 1 space/ GFA | 65 $m^2$ (700 $ft^2$) |
| Salvage or waste disposal facility | As required by the MPC | As required by the MPC |
| Warehousing/wholesale | 1 space/ GFA | 65 $m^2$ (700 $ft^2$) |
| **Medical** | | |
| Auxiliary hospital | 1 space per 3 beds | |
| Hospital | 1 space per bed | |
| Nursing home and sanatorium | 1 space per 5 beds | |

**Table 56.3 (continued)**

| Use | Minimum Number of Parking Spaces Required | GFA = Gross Floor Area |
|---|---|---|
| **Public, Institutional and Recreational** | | |
| Recreation accomodation | As required by the MPC | As required by the MPC |
| Child care service | 2 spaces per dwelling unit plus 1 space per employee | |
| College and technical school | 1 space per 10 seats | |
| Commercial school | 1 space/ GFA | 18 $m^2$ (194 $ft^2$) |
| Community use | 1 space per patron dining, beverage, seating or standing space plus 1 parking space per employee | |
| Curling rink | 6 spaces per ice sheet | |
| Elementary and high school | 1 space per classroom | |
| Public utility | As required by the MPC | As required by the MPC |
| Sport facility<br>Golf Course | 1 space per 5 seating spaces<br>4 spaces per golf hole | <br>As required by the MPC |
| **Residential** | | |
| Secondary suite | 1 space per bedroom | |
| Dwelling or residence containing only one dwelling unit (e.g. conventional single-detached residence, manufactured home, etc.) | 2 spaces per unit | |
| Group home | 1 space per dwelling unit plus 1 space for every two supervisors | |
| Multiple dwelling units with fewer than two bedrooms (including apartments) | 1.25 spaces per unit | |
| Multiple dwelling units having two or more bedrooms(including apartments) | 1.5 spaces per unit | |
| Semi-detached or duplex | 2 spaces per dwelling unit | |
| Senior citizen housing | 1 space per 2.5 dwelling units or sleeping units | |

## SECTION 57 WIND ENERGY CONVERSION SYSTEMS (WECS)

DEFINITIONS

The following definitions apply to this part:

57.1 Blade

An element of a WECS rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

57.2 Blade Clearance

In reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

57.3 Commencement of Construction

For the purposes of this section, commencement of a development shall be defined as the moment any excavation has begun.

57.4 Horizontal Axis Rotor

A wind energy conversion system where the rotor is mounted on an axis horizontal to the earth's surface.

57.5 Rotor's Arc

The largest circumferential path travelled by a WECS' blade.

57.6 Shadow or flicker

The repetitive moving shadows or reflection cast by the rotor blades as they cut through the sun or sunlight.

57.7 Total Height

The height from grade to the highest vertical extension of a WECS. In the case of a WECS with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

57.8 Towers

The structure which supports the rotor above grade.

57.9 Vertical Axis Rotor

A wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

57.10 Wind farm or Project

A power plant consisting of a group of wind turbines and related facilities connected to the same substation or metering point used for the production of electric power. The wind farm boundary is defined by all titled parcels participating in the project.

57.11 Wind Energy Conversion System (WECS)

A wind energy conversion system is a structure designed to convert wind energy into mechanical or electrical energy. For the purposes of this bylaw, WECS are categorized as follows:

**Category 1 WECS**: WECS in this category may be a permitted or a discretionary use dependent on the applicable land use district, and where allowed by an Area Structure Plan. The WECS total height shall be 15 m (49.2 ft.) or less. Only one WECS shall be approved per titled parcel. (see 57.12-57.14)

**Category 2 WECS**: WECS in this category shall be a discretionary use in all applicable land use districts and where allowed by an Area Structure Plan. The WECS total height shall be greater than 15 m (49.2 ft.) and less than 35 m (114.8 ft.). Only one WECS shall be approved per titled parcel. (see 57.12-57.14)

**Category 3 WECS**: WECS in this category shall be designated to the Wind Farm Industrial land use district. A Category 3 WECS is defined by either:

- a single WECS with a total height of 35 m (114.8 ft.) or greater,
- or where the applicant proposes a wind farm with more than one WECS of any height per titled parcel.

APPLICATION REQUIREMENTS FOR CATEGORY 1 and 2 WECS

57.12 Applications for Category 1 and 2 WECS shall be accompanied by:

(a) the manufacturer's information on power generation and the tower;

(b) appropriate letter of approval from Transport Canada and NAV Canada for WECS Category 2;

(c) shadow and flicker, and noise data which shall be considered for approval according to Section 18.15 of this bylaw;

(d) an analysis for noise to any property line;

(e) scaled drawings of foundation and tower showing compliance with Canadian Standards Association standards and be certified by a professional engineer;

(f) an accurate site plan showing and labeling the information including the exact location of the turbine (tower and rotor arc) including setbacks and building locations;

(g) unless otherwise required by the MPC, a category 1 and 2 WECS shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a WECS to the satisfaction of the MPC;

(h) no advertising shall appear on the tower or blades;

(i) other information that may be required by the Development Authority.

57.13 The MPC may require a public meeting prior to consideration of the permit.

SETBACKS FOR CATEGORY 1 and 2 WECS

57.14 The tower base of the Category 1 and 2 WECS shall be located no less than two times the total height of the WECS from the property line.

APPLICATIONS FOR CATEGORY 3 WECS

57.15 A WECS application shall be submitted for each titled parcel.

57.16 The MPC may approve a WECS application on a case-by-case basis subject to Part III – Development Permits Section 18.

57.17 Prior to a decision being made, the MPC shall hold a public meeting in order to solicit the views of the public in regard to the application for a Category 3 WECS development.

57.18 The applicant shall forward to the MD of Pincher Creek copies of all regulatory and utility permits, approvals, and conditions prior to commencement of construction.

57.19 A Category 3 WECS development permit shall have a maximum five (5) year development time line as outlined in subsections (a), (b) and (c) below.

(a) Commencement of construction shall occur within two (2) years of the issuance of the development permit. A time extension as described in (c) or a timeline suspension as described in (d) must be applied for prior to the expiration of the two (2) year commencement of construction period;

(b) Construction shall be completed within two (2) years of commencement of construction. The one (1) year time extension described in (c) may be granted by MPC provided it was not previously granted under subsection (a). A time extension as described in (c) or a timeline suspension as described in (d) must be applied for prior to the expiration of the two (2) year construction period;

(c) A time extension considered by MPC in (a) and (b) may be approved for a single one (1) year term and the applicant must provide reasons why the extension is necessary;

(d) The MPC may consider suspending the five (5) year timeline described above in cases where a development hardship is proven to the satisfaction of MPC. The MPC shall specify the duration of any timeline suspension as part of the approval.

(e) The development permit shall expire if the suspension period in (d) is not granted or any period described in (a), (b) (c) or (d) lapses.

57.20 In balancing existing land uses and the development of Category 3 WECS, the MPC may require developers to minimize impacts:

- within 1.6 km (1.0 miles) of a Provincially controlled highway;
- within 3.2 km (2.0 miles) of the boundary of a Provincially or Federally designated parks;
- along ridge lines;
- within 2 km (1.2 miles) of a developed Group Country Residential land use designation or Hamlet, Town or Village boundary.

APPLICATION REQUIREMENTS FOR CATEGORY 3 WECS

57.21 All development applications for a Category 3 WECS shall be accompanied by:

(a) an accurate site plan showing and labeling the information including the exact location of each existing and proposed wind turbine (tower and rotor arc) including setbacks as defined in Section 57.24 through 57.29 (also to be provided in chart form), all

associated substations, collection and transmission system on or abutting the subject lot or parcel, and contours of the land and access roads for the complete wind farm;

(b) an accurate plan showing the titled parcels and location of WECS within each application;

(c) a digital database listing exact location and base elevation of each wind turbine in a format acceptable to the MD (NAD 83 Geographic Coordinates, decimal degrees only);

(d) a visual representation depicting the wind farm from:

- no further than 5 km (3.1-miles) away;
- each accessible residence within 2 km (1.2 miles) of the wind farm boundaries;
- any significant sites as determined by MPC.

Visual representation shall include:

- scale elevations,
- photographs and/or digital information of the proposed WECS showing total height, tower height, rotor diameter, colour and the landscape, and
- photographs and/or digital information modeled on ideal visual conditions;

(e) the turbine specifications indicating:

- the WECS maximum rated output in kilowatts;
- safety features and sound characteristics;
- type of tower;
- dimensions of tower and rotor

(f) the following analyses:

1. the potential for noise at the following:
   - the site of the tower,
   - the boundary of the development,
   - at any habitable or occupied residence within 2 km (1.2 miles) of any turbine;
2. the potential for shadow or flicker at the following:
   - the boundary of the development,
   - at any habitable or occupied residence within 2 km (1.2 miles) of any turbine;

(g) a report regarding any public information meetings or other process conducted by the developer;

(h) any impacts to the local road system including required approaches from public roads having regard to Municipal District of Pincher Creek standard;

(i) post-construction reclamation plan;

(j) decommissioning plans.

57.22 Prior to making a decision on a development application for a WECS, the developer shall provide copies of appropriate reports, comments and requests for approvals from the following:

- Transport Canada
- NAV Canada
- Alberta Culture
- Alberta Environment
- Alberta Transportation
- Alberta Electric System Operator (AESO)
- MD of Pincher Creek No. 9 - Utility Permit
- STARS

REFERRALS FOR CATEGORY 3 WECS

57.23 Prior to making a decision on a development application for a WECS, the MPC shall refer and consider the input from the following:

- an adjacent jurisdiction if its boundaries are located within 2 km (1.2 miles) of the proposed wind farm project boundary;
- municipal district landowners within a 2 km (1.2 miles) of the wind farm project boundary; and
- other relevant regulatory authorities and agencies.

SETBACKS for CATEGORY 3 WECS

57.24 The minimum setbacks related to undeveloped or developed municipal roadways measured from the tower base shall be the total height (as defined in this section) plus ten (10) percent.

57.25 The minimum setback related to an Alberta Highway right-of-way shall be determined by Alberta Transportation.

57.26 The minimum setback related to the Pincher Creek and Cowley Airports shall be 4000m as measured from the center of the runway.

57.27 At no time shall the cumulative modeled sound level of a WECS at the wind farm boundary exceed 45dBA unless:

(a) an easement, as approved by the Municipal Planning Commission, is agreed to by the affected land owner and registered on the affected title, or

(b) the affected landowner is the crown or an agent of the crown, excluding statutory roads or road plans, and will be asked for comment under a different clause in this bylaw.

57.28 Where adjacent properties (inside the wind farm boundary) are located without a road allowance separation, the setback from the property line shall be 7.5m (24.6 ft.) from outside of the rotor arc.

57.29 Where adjacent properties (outside the wind farm boundary) are located without a road allowance separation, the setback to the property line measured from the tower base shall be no less than the total height (as defined in this section) plus ten (10) percent unless a caveat is registered on title, in which case a variance may be granted.

57.30 Where, in the opinion of the MPC, the setbacks referred to in Section 57.24 through 57.29 are not sufficient to reduce the impact of a WECS, the Development Authority may increase the required setback.

MINIMUM BLADE CLEARANCE FOR CATEGORY 3 WECS

57.31 The minimum vertical blade clearance from grade shall be 7.5 m (24.6 ft.) for a WECS employing a horizontal axis rotor unless otherwise required by the Development Authority.

TOWER ACCESS AND SAFETY FOR CATEGORY 3 WECS

57.32 To ensure public safety, the approval authority may require that:

(a) a security fence with a lockable gate shall surround a WECS tower not less than 1.8 m (5.9 ft.) in height if the tower is climbable or subject to vandalism that could threaten tower integrity;

(b) no ladder or permanent tower access device shall be located less than 3.7 m (12.1 ft.) from grade;

(c) a locked device shall be installed on the tower to preclude access to the top of the tower;

(d) all of the above be provided or such additional safety mechanisms or procedures be provided as the MPC considers reasonable and appropriate;

(e) the use of tubular towers, with locked door access, will preclude the above requirements.

DISTRIBUTION LINES FOR CATEGORY 3 WECS

57.33 All collector lines (less than 69 Kv), within the wind farm boundary will be underground except where the MPC approves overhead installations.

COLOUR AND FINISH FOR CATEGORY 3 WECS

57.34 Unless otherwise required by the MPC, a WECS shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a WECS to the satisfaction of the MPC.

57.35 No advertising shall appear on the towers or blades. On other parts of the WECS, the only lettering will be the manufacturer's and/or owner's identification.

REPOWERING FOR CATEGORY 3 WECS

57.36 Should a developer propose alteration, retooling or repowering of an existing wind farm where the equipment has changed from the original approval, the developer shall apply for a new development permit.

57.37 Should a developer propose infill development (adding new wind turbines) within an existing wind farm, the developer shall apply for a new development permit.

57.38 A repowering project as described in 57.36 or 57.37 shall require a redesignation to the Wind Farm Industrial (WFI) district.

DECOMMISSIONING FOR CATEGORY 3 WECS

57.39 Should a WECS discontinue producing power for two years, the WECS operator shall provide a status report to MPC. A review of the status report may result in a request for the WECS to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the designated officer in accordance with the provisions of the *Municipal Government Act*.

## SECTION 58 SHIPPING CONTAINERS

REGULATIONS

58.1 Shipping containers shall only be allowed in land use districts where listed as a Discretionary Use within Part IX Districts. Shipping containers are prohibited in all other districts.

58.2 There shall be a legal principal use on the property where it is proposed to be located.

58.3 Only three (3) shipping containers shall be allowed per lot or parcel.

58.4 The square footage of the cargo container when added to the square footage of principal and accessory buildings on the property does not exceed the maximum site coverage as defined by the district.

58.5 Shipping containers shall be stacked no more than two (2) containers high.

58.6 As a condition of the Application for Development Permit, the Municipal Planning Commission may require any shipping container to be screened from view or landscaped to make the site aesthetically pleasing.

58.7 All shipping containers must be painted to match the color(s) of the principal building or to the satisfaction of the Development Authority.

58.8 All shipping containers must be located in the rear or side yards only, with a side yard setback of 3.0 m (10 feet) and a rear yard setback of 6.1 m (20 feet).

58.9 The Municipal Planning Commission may issue a temporary permit for the placement of any shipping container, where listed as a discretionary use in a land use district, with all or some of the above noted requirements being applied to these temporary shipping containers. Approvals for temporary permits shall be valid for one year from the date of Application.

## SECTION 59 SOLAR ENERGY SYSTEMS

SOLAR ENERGY SYSTEM, HOUSEHOLD

59.1 Including the requirements of Administration Section 16 and 18, development permit applications for ‘Solar energy system, household’, shall be accompanied by the following additional information:

(a) documentation demonstrating the system is designed to produce energy primarily for sole use and consumption on-site by the landowner, resident or occupant;

(b) manufacturer's specifications for system design and rated output;

(c) orientation of the solar panels;

(d) for panels mounted to the roof of a building or accessory structure or affixed to the wall of a building or accessory structure, a description of how the panels are to be mounted or affixed, maximum projection from roof or wall, and structural capacity of the building/wall to support the proposed development;

(e) for free-standing solar panels, a description of the proposed ground mount design and maximum height from existing grade;

(f) all systems for mounting and securing solar panels shall meet to all Alberta Safety Code requirements.

59.2 Solar panels must be located such that they do not create undue glare on neighbouring parcels or public roadways.

59.3 Solar panels mounted to the roof of a building or accessory structure must not extend beyond the outermost edge of the roof.

59.4 The maximum projection of solar panels affixed to the wall or mounted to the roof of a building or accessory structure shall be 1.5 ft. (0.45 m).

59.5 Setback requirements are as prescribed in the applicable land use district. In land use districts where accessory building setbacks are defined, those setbacks shall prevail and be applied.

59.6 The maximum height of a free-standing solar panel shall not exceed 13.8 ft. (4.2 m).

59.7 Solar panel installations may be affixed to a building wall (principal and/or accessory), mounted to the roof of a building (principal and/or accessory) or mounted to the ground as a free-standing structure. The maximum number of solar panel installations per parcel and location may be regulated based on the existing use of the parcel and/or adjacent parcels.

SOLAR ENERGY SYSTEM, COMMERCIAL/INDUSTRIAL

59.8 Solar energy systems, Industrial Scale, or solar farms or facilities that are those developments that feed power back into the general provincial power grid, are distributing to other properties, or are selling power for a profit at an industrial scale as determined by the Development Officer or the Development Authority.

59.9 Proponents for 'Solar Energy System, Commercial/Industrial' are required to redesignate the land to 'Wind Farm Industrial – WFI'.

59.10 In the "Agriculture – A", "Wind Farm Industrial – WFI" and "Urban Fringe – UF" land use districts, applicants shall consider the following when selecting sites:

(a) use of the lowest productive land, dry corners, and poor agricultural land with Canada Land Inventory (CLI) soil classification of 4 through 7, is preferred;

(b) to the extent possible, use of irrigated land, native prairie grassland and high quality agricultural soils with a CLI classification of Class 1 through 3, is not preferred.

59.11 Prior to an application being made, the applicant shall hold a public meeting (open house) in order to solicit the views of the public in regard to the application and report the information received to the Development Authority. (See Part III Section 27.4 for details)

59.12 Development permit applications for commercial/industrial solar energy installations shall be submitted for each titled parcel and be accompanied by the following information:

(a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;

(b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;

(c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;

(d) any information regarding general public safety and security measures;

(e) preliminary grading/drainage plan;

(f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;

(g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;

(h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14);

(i) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;

(j) a soils erosion management plan with the plan to address:

(i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and

(ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;

(k) if required by the Development Authority, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;

(l) if required by the Development Authority, a Fire and Emergency Response plan prepared by a qualified professional and approved by the Pincher Creek Emergency Services; and

(m) if required by the Development Authority, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.

59.13 Upon receipt of a development permit application, the Development Authority shall review the application for completeness and, prior to making a decision on the application:

(a) notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development site (or more, at the discretion of the Development Authority);

(b) notify adjacent municipalities in accordance with the applicable Intermunicipal Development Plan;

(c) refer the application to all relevant agencies and government departments; and

(d) may require the developer to hold a public information meeting and provide a summary of the meeting.

**Setbacks**

59.14 A Solar Energy System, Commercial/Industrial development shall be setback:

(a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and

(b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and

(c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.

59.15 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

59.16 In balancing existing land uses and the development of Solar Energy System, Commercial/Industrial, the Development Authority may require developers to minimize impacts:

(a) within 1.6 km (1.0 miles) of a Provincially controlled highway;

(b) within 3.2 km (2.0 miles) of the boundary of a Municipally, Provincially or Federally designated parks;

(c) within 2 km (1.2 miles) of land designated Group Country Residential or a designated Hamlet or Town boundary.

**Conditions of Approval**

59.17 The Development Authority may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.

59.18 The Development Authority may impose as a condition that the operator and/or landowner of an commercial/industrial solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:

(a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project; and

(b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and

(c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;

and may require

(d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by the Development Authority to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner.

59.19 The Development Authority shall impose as a condition that the operator and/or landowner of a commercial/industrial solar energy installation use submit a copy of a vegetation and weed management plan to the satisfaction of the municipality. This plan is to be reviewed and approved by the Agricultural Fieldman and the municipality shall upon review of the plan impose as conditions:

(a) The operator and/or landowner shall be responsible for controlling invasive plant threats and weeds in accordance with the Alberta Weed Control Act.

(b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.

(c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.

(d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.

(e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.

(f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.

(g) A security deposit shall be posted during the construction period in a form and amount, no less than $50,000 per quarter section of development to a maximum amount to be determined appropriate by the Development Authority based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.

(i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development

(ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

**OTHER COMMERCIAL/INDUSTRIAL RENEWABLE ENERGY PROJECTS**

59.20 This section is specific and applicable to those commercial/industrial development projects whose primary intent and purpose is to sell and/or export energy (or any other by-product of a particular process) off-site using any of the following energy productions, such as but not limited to, solar thermal, geo-exchange, micro-hydro, carbon capture and storage, geothermal, micro-hydro, waste-to-energy, anaerobic digesters, biodiesel, biofuel or fuel cells. All of these developments require a development permit.

59.21 All development applications shall be required to be accompanied by the following information:

(a) an accurate site plan showing and labelling the proposed development and the location of overhead utilities on or abutting the subject lot or parcel, and identification of any sensitive, environmental or topographical features which may be present on the parcel, including canals, streams or water wells;

(b) detailed information on the type of facility, structure or system and the energy process involved;

(c) the manufacturer's specifications indicating (if applicable):

(i) the rated output in megawatts,

(ii) safety features and sound characteristics.

(f) information regarding setbacks from property lines and the proximity to structures or uses on both the site and adjacent parcels of land;

(g) information or verification of the proposed source of water if required for the type of facility;

(l) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14);

(m) an analysis of environmental consideration including roadways, on-site potential for fluid leaks, impact upon wildlife, or any other identified issues;

(n) a fire and emergency response plan prepared by a qualified professional and approved by the Pincher Creek Emergency Services; and

(o) a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.

(i) large commercial/industrial facilities shall submit studies identifying noise, odour and pollutant impacts and how these impacts will be addressed;

(k) a summary report of any and all public consultation that was undertaken by the applicant, and

(l) any other information as required by the Development Authority.

59.22 The structures of a use shall comply with all the setbacks as established in the district in which it is located. In addition to the requirements of the district in which the use is located, structures or facilities related to waste-to-energy, anaerobic digesters, biodiesel, or biofuels developments shall not be located within:

(a) a minimum of 250 m (820 ft) from any residential dwelling, food establishment or public use facility or building;

(b) a minimum of 122 m (400 ft) from the boundary or right-of-way of an irrigation district canal, creek, stream, river, lake shore or water body;

(c) the parts of the project related to the transmission lines and associated structures and to the roads, docks, water crossings, culverts, etc. associated with the facility may be allowed within 30 m (100 ft) of a water body or within the water body itself (to the satisfaction of the Municipal District and/or all other federal and provincial departments that may have jurisdiction with respect to a proposed project);

(d) the Development Authority may require a larger minimum setback than required as per the above and in the applicable land use district having regard for the location of the development, potential environmental impacts (e.g. air, water – surface and subsurface, soil, etc.), adjacent land uses and any determined natural, scenic or ecologically significant features of the landscape.

59.23 Depending on the type of use proposed, the Development Authority may require that the applicant comply with any or all of the following standards and requirements:

(a) the preferred location of uses is on parcels designated for industrial land use and located in proximity to highways or railway corridors;

(b) the Development Authority may require a parcel redesignation to the applicable industrial land use district to be considered and approved prior to accepting a development permit application;

(c) all surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off;

(d) the applicant is responsible for preparing at their own expense an engineered surface drainage management plan and submitting an application for approval to Alberta Environment and Protected Areas (if applicable);

(e) any biodiesel waste or water contaminated with biodiesel is prohibited to be discharged directly into any sewers or surface waters;

(f) all feedstock and materials are to be stored and contained within buildings, and no outside storage is permitted;

(g) the semi-truck traffic used for the hauling and shipment of raw material or feedstock and finished/processed goods associated with the development shall be limited to a designated truck haul route as stipulated by the Municipal District;

(h) all energy transmission lines on the site of the Renewable Energy, Commercial/Industrial use to the substation or electrical grid shall be underground unless otherwise approved by the Development Authority;

(i) the applicant is responsible for securing any necessary approvals from agencies including but not limited to Alberta Environment and Parks, Alberta Utilities Commission and the Alberta Energy Regulator;

(j) the Development Authority may apply any other standards that are provided for in this Bylaw, including but not limited to:

  (i) require the applicant/developer to enter into a road use agreement and/or development agreement with the municipality,

  (ii) the provision of financial security in an amount and type acceptable to the municipality to ensure the decommissioning plan is implemented,

  (iii) a condition to allow the developer to proceed with a phased project,

  (iv) the provision of site improvements like landscaping, berming or buffering.

59.24 Prior to making a decision on a development application, the Development Authority may refer and consider the input of the following agencies and departments:

(a) Alberta Utility Board Commission (AUC);

(b) Alberta Electrical Systems Operators (AESO);

(c) Alberta Transportation and Economic Corridors;

(d) Alberta Environment and Protected Areas;

(e) Alberta Culture;

(f) Alberta Agriculture and Irrigation;

(g) Transport Canada;

(h) Navigation Canada;

(i) Innovation, Science and Economic Development Canada;

(j) STARS (Air ambulance).

59.25 Upon receipt of a development permit application, the Development Authority shall review the application for completeness and, prior to making a decision on the application:

(a) notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development site (or more, at the discretion of the Development Authority);

(b) notify adjacent municipalities in accordance with the applicable Intermunicipal Development Plan;

(c) refer the application to all relevant agencies and government departments; and

(d) may require the developer to hold a public information meeting and provide a summary of the meeting.

59.26 Depending on the type of energy project proposed, the Development Authority may require that the applicant comply with any or all of the following standards or requirements:

(a) All surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off.

(b) The applicant is responsible for preparing at their own expense an engineered surface drainage management plan and submitting an application for approval to Alberta Environment, if applicable.

(c) Any biodiesel waste or water contaminated with biodiesel, is prohibited to be discharged directly into any sewers or surface waters.

(d) All feedstock and materials are to be stored and contained within buildings, and no outside storage is permitted.

(e) That the semi-truck traffic used for the hauling and shipment of raw material or feedstock and finished/processed goods associated with the development shall be limited to a designated truck haul route as agreed to or specified by the Municipal District.

(f) The preferred location of alternative/renewable energy commercial or industrial developments is on parcels designated for industrial land use and located in proximity to highways or railway corridors. The Development Authority may require a parcel redesignation to the applicable industrial land use district be approved prior to accepting a development application.

(g) The applicant is responsible to apply for any Alberta Environment, AUC, ERCB or other applicable provincial approvals or permits that may be required, and must provide the municipality with a copy to be kept on file.

(h) The Development Authority may stipulate any or all of the Section 59 criteria listed above to be addressed by the applicant as a condition of a development permit application approval.

(i) Any license permit, approval or other authorization granted by AUC, AER or ERCB shall prevail over any land use bylaw requirements or development permit decisions or conditions if there is a perceived conflict.

(j) All energy transmission lines on the site of the energy generating facility to the substation or grid shall be underground unless otherwise approved by the Development Authority.

(k) The Development Authority may apply to any alternative/renewable energy generating facility any other standards that are provided for in the Land Use Bylaw, including:

(i) a condition to enter into a road use agreement with the Municipal District to address road maintenance and repairs that may arise from the development;

(ii) a condition to post security with the Municipal District; and

(iii) a condition to allow the developer to register the approved project in phases.

## SECTION 60 TELECOMMUNICATION SITING PROTOCOL

### 60.1 PURPOSE

This section serves as the protocol for the installation and modification of telecommunication, radiocommunication and broadcasting antenna systems (antenna systems) in the MD of Pincher Creek. The protocol establishes the procedural standard for public participation and consultation that applies to proponents of antennas systems and identifies the MD of Pincher Creek's preferred development and design standards.

### 60.2 APPLICABILITY

The federal Minister of Innovation, Science and Industry is the approval authority for the development and operation of antenna systems, pursuant to the Radiocommunication Act. Innovation, Science and Economic Development (ISED) Canada recognizes the importance of considering input from local Land Use Authorities and the public regarding the installation and modification of antenna systems and encourages Land Use Authorities to establish a local protocol to manage the process of identifying and conveying concerns, questions and preferences to the proponent of an antenna system and Innovation, Science and Economic Development (ISED) Canada.

The local protocol established in this Section applies to any proposal to install or modify a telecommunication, radiocommunication or broadcast antenna system within the MD of Pincher Creek which is not excluded from the consultation requirements established by Innovation, Science and Economic Development (ISED) Canada in Client Procedures Circular CPC-2-03 [or subsequent/amended publications]. Proponents of excluded antenna systems are nevertheless encouraged to contact the MD of Pincher Creek to discuss the proposal and identify any potential issues or concerns and give consideration to the development and design standards in Section 60.5.

(a) Antenna Systems Siting Protocol Exclusion List:

Innovation, Science and Economic Development (ISED) Canada has determined that certain antenna structures are considered to have minimal impact on the local surroundings and do not require consultation with the local Land Use Authority or the public. Innovation, Science and Economic Development (ISED) Canada's publication, Radiocommunication and Broadcast Antenna Systems CPC-2-0-03 lists the types of antenna installations exempted from the requirement to consult with the local Land Use Authority and the public. The installations listed in CPC-2-03 are therefore excluded from the MD of Pincher Creek Land Use Bylaw and include:

(i) maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;

(ii) addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an

overall height increase above the existing structure of 25% of the original structure's height;

(iii) maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;

(iv) installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and

(v) new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

Proponents, who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the MD of Pincher Creek or Innovation, Science and Economic Development (ISED) Canada for guidance.

60.3 MUNICIPAL REVIEW AND ISSUANCE OF CONCURRENCE OR NON-CONCURRENCE

(a) The MD of Pincher Creek Development Authority shall be responsible for reviewing and issuing municipal concurrence or non-concurrence for all antenna system proposals within the MD of Pincher Creek which are not excluded under Section 60.2.

(b) Concurrence with a proposal will be measured against the requirements of the applicable land use district within which the antenna system is proposed, the development and design standards in Section 60.5, applicable policies of the MD of Pincher Creek Municipal Development Plan, and consideration of comments received during the public consultation process (section 60.7) and any other matter deemed relevant by the Development Authority:

(i) when a proposal is given a concurrence decision, the proponent will receive a letter of concurrence from the Development Authority documenting its decision;

(ii) when a proposal is given a non-concurrence decision, the proponent will receive a letter of non-concurrence from the Development Authority describing the reasons for the decision.

(c) Municipal concurrence does not constitute approval of uses, buildings and structures which require issuance of a development permit under the Land Use Bylaw. A proposal which includes uses, buildings or structures in addition to the antenna system, is required to obtain development permit approval for such uses, buildings and structures in accordance with the provisions of the Land Use Bylaw.

60.4 MUNICIPAL REVIEW PROCESSING PERIOD

(a) Except as provided in subsection 60.4(b), the Development Authority will issue a decision of either concurrence or non-concurrence within 40 days of receiving a complete application package.

(b) The 40-day processing time period may be extended by the proponent or the MD of Pincher Creek, through mutual consent.

60.5 DEVELOPMENT AND DESIGN STANDARDS

The MD of Pincher Creek requests that the following antenna systems development and design standards be adhered to:

(a) Co-utilization

Co-utilization of existing antenna systems is the preferred option within the MD of Pincher Creek and is encouraged whenever feasible. The MD of Pincher Creek recognizes that while this is the preferred option, co-utilization of existing antenna systems is not always possible.

(b) Public Roadway Setbacks

Rural:

(i) In order to facilitate future widening/service road dedication and reduce potential snow drifting/sight restrictions, an antenna system (excluding any guy wires or similar support mechanisms) should be placed no closer than 30.0 metres (98.4 ft.) from the property line abutting a rural road. A lesser setback may be considered at the discretion of the Development Authority on a site-specific basis.

Hamlet:

(ii) An antenna system (including any guy wires or similar support mechanisms) proposed within a hamlet should be placed no closer than 7.62 metres (25 ft.) from the property line abutting the public road. A lesser setback may be considered at the discretion of the Development on a site-specific basis.

(c) Locational Criteria

(i) Antenna systems should maintain an adequate setback from hazard lands, as required in Part VII, Section 35.

(ii) Proponents should consult the MD of Pincher Creek Municipal Development Plan, to determine whether the proposed location of the antenna system is within an environmentally significant area. If the proposed site of the antenna systems is located within an identified environmentally significant area, the proponent should submit documentation to the Development Authority demonstrating site suitability.

(iii) The Pincher Creek Airport (CZPC) is vital to fighting forest fires in the region and integral to future economic development. Further, the Cowley aerodrome (CYYM) is integral to recreational glider aircraft. It is the preference of the MD of Pincher Creek that no telecommunication antenna systems be developed within 4000m of either runway to help minimize aeronautical hazard.

(d) Lighting Signage and Appearance

(i) Antenna structures shall be lit with Transport Canada approved lighting;

(ii) Proponents for antenna structures which are visible from higher density residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the Municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

(iii) The placement of signage on antenna systems is not permitted, except where required by applicable federal agencies.

60.6 APPLICATION SUBMITTAL REQUIREMENTS

(a) Proponents are encouraged to contact the MD of Pincher Creek in advance of making their submission to obtain information about this Protocol and identify any preliminary issues or concerns.

(b) The following application package shall be submitted to the MD of Pincher Creek for consideration of a proposed antenna system:

(i) a completed Telecommunication Antenna Siting Protocol application, including site plan;

(ii) the prescribed fee;

(iii) a description of the type and height of the proposed antenna system and any guy wires or other similar support mechanisms (e.g. support cables, lines, wires, bracing);

(iv) the proposed lighting and aeronautical identification markings for the antenna and any supporting structures;

(v) documentation regarding potential co-utilization of existing towers within 800 metres (0.5 miles) of the subject proposal; and

(vi) any other additional information or material the Development Authority determines to be necessary and appropriate to properly evaluate the proposed submission.

(c) Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit unless buildings or structures are also proposed in addition to the antenna system and supporting structures. For such proposals, the following shall be submitted in addition to the requirements of 60.6(b):

(i) a completed development permit application;

(ii) the prescribed fee.

60.7 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

(a) Upon receipt of an application package, the Development Authority shall review the application for completeness and, if deemed complete, will:

(i) coordinate and schedule a date for a public meeting (open house) to be held by the proponent, at which the proposal will be presented to the public for questions and comment;

(ii) notify and invoice the proponent and/or representative of the antenna system of the costs associated with the public meeting (open house) notification;

(iii) post a notice of the public meeting (open house) in a newspaper, on the MD website or social media page; and

(iv) notify by mail persons likely to be affected by the proposal of the public meeting (open house), including:

a. landowners within 1.61 km (1 mile) of the proposed antenna system;

b. any review agencies deemed affected, as determined by the Development Authority;

c. any other persons deemed affected, as determined by the Development Authority;

d. The notifications must be sent 19 days prior to the public meeting date.

(b) Following the public meeting (open house), proponent or a representative shall attend the development hearing and be prepared to explain all aspects of the proposal including the siting, technology, and appearance of the proposed antenna system.

## SECTION 61 CANNABIS PRODUCTION FACILITY

61.1 The owner or applicant must provide as a condition of development a copy of the current license for all activities associated with Cannabis production as issued by Health Canada.

61.2 The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

61.3 The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building.

61.4 The development shall not operate in conjunction with another approved use.

61.5 The development shall not include an outdoor area for storage of goods, materials or supplies.

61.6 The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.

61.7 The required distance a development may be from a residential or a public institutional district, will be at the discretion of the Municipal Planning Commission and be measured from the building foundation containing the use to the nearest property line of a parcel designated as a residential or a public institutional district.

61.8 The Development Authority may require, as a condition of a development permit, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes detail on:

(a) the incineration of waste products and removal of airborne emissions, including smell;

(b) the quantity and characteristics of liquid and waste material discharged by the facility; and

(c) the method and location of collection and disposal of liquid and waste material.

61.9 The minimum number of motor vehicle parking stalls shall be based on the parking requirements of the Manufacturing use found in Section 56.

## SECTION 62 RETAIL CANNABIS STORE

### Use Eligibility

62.1 Retail Cannabis Stores uses may only be allowed on parcels of land where the use is listed as either permitted or discretionary in a designated district.

**Redesignation Requirements:**

62.4 The applicant must submit details of the proposed store location and a detailed listing and site plan of surrounding business and uses, both on adjacent (contiguous) parcels and those identified as sensitive sites (as outlined in subsection 62.8 below) within 200 m (drawn on a high quality and clearly legible site plan with text descriptions).

62.5 The Municipal District of Pincher Creek Council may require neighbourhood consultation to be conducted by the applicant. If a public consultation process is requested, the applicant must then provide to Council a description of when and what type of consultation was carried-out by the proponent and a general summary of the public input provided on the proposal (and a complete description of any objections or concerns raised).

62.6 Council may take into account the following factors when making a decision respecting an application to redesignate premises for a Retail Cannabis Store:

(a) the extent and nature of opposition from community members or groups to establishment of a Retail Cannabis Store in a particular location; and

(b) the suitability of the site in relation to adjacent land uses or other uses in proximity (200 m or less) to the proposed Retail Cannabis Store site.

62.7 The applicant must demonstrate to Council's satisfaction how the site and proposal conforms to the criteria as stipulated.

62.8 Council may consider that a site for a Retail Cannabis Store shall not be approved for redesignation or the issuance of a development permit if the premises parcel boundary is located within a 200 metre distance of:

(a) the boundary of a parcel of land on which a provincial health care facility is located; or

(b) the boundary of a parcel of land containing a school (public or private) facility; or

(c) the boundary of a parcel of land containing an approved child or daycare facility; or

(d) the boundary of a parcel of land that is designated as a school reserve or municipal and school reserve under the *Municipal Government Act*; or

(e) the boundary of a parcel of land containing a municipal park or playground facility, if the land is not designated as a school reserve or municipal and school reserve under the *Municipal Government Act*; or

(f) the boundary of the parcel of land of which contains a church, community centre, library or recreation facility where persons under 18 years of age may attend or congregate.

62.9 Additionally, a Retail Cannabis Store shall not be approved for a development permit if the premises is located within the distance of (as measured wall to wall of the buildings):

(a) 100 metres of a building containing a separate Retail Cannabis Store that has been approved (in the absence of any provincial set of rules regarding how closely the standalone stores will be allowed to operate to one another, otherwise the provincial rules apply); and

(b) 50 metres of a building containing a licensed liquor store.

62.10 The specified separation distances are reciprocal and also apply to those described in subsection 62.8 above applying for development permit locating in proximity of established Retail Cannabis Stores.

**Development Permit Application Requirements:**

In addition to the development application requirements as stipulated in Part I Section 16 of the of the Land Use Bylaw, the following additional requirements for an application for a development permit for a Retail Cannabis Store must also be provided when requested by the Development Authority to make a decision:

62.11 If a redesignation is granted, the applicant is required to apply to the Alberta Gaming, Liquor and Cannabis (AGLC) for a determination of eligibility to obtain a licence and submit verification of the AGLC eligibility as part of the development application for a municipal development permit for a Retail Cannabis Store.

62.12 All Retail Cannabis Stores approved for a development permit must obtain a Retail Cannabis Store license from the AGLC and failure to secure an AGLC license will make the local development permit approval null and void. Proof of provincial license (for a Retail Cannabis Store) shall be required as a condition of a development permit approval.

**Development Criteria and Standards:**

62.13 In issuing a development permit for a Retail Cannabis Store, Development Auhtority will consider and may place as a condition of approval the following:

(a) A Retail Cannabis Store must be a separate use from any other business activities (i.e. non-Cannabis store) unless it is an activity or use expressly authorized by the AGLC.

(b) Maximum hours of operation, applicable to all approved Retail Cannabis Store operations, shall be limited between 11:00 a.m. and 10:00 p.m. which will be placed as a condition on a development permit approval, unless the Development Authority decides otherwise.

(c) All signage, including the contents, must comply with the Land Use Bylaw Part VIII, Section 55, Sign Provisions, and municipal development permit approval is required. The applicant/developer is also responsible to ensure any signage and its message contents comply with all federal and provincial requirements, including AGLC policies.

(d) All parking requirements shall be provided in accordance with Part VIII, Section 56, Off-Street Parking and Loading Requirements, and shall be deemed to be similar to other 'Retail store' uses for determining the number and size of the required parking spaces.

(e) If an approved Retail Cannabis Store's existing AGLC license expires, the business must provide verification to the municipality that a new license has been obtained within 12-months of the expiry date, otherwise, the use will be deemed to have been discontinued and any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

(f) The Development Authority may, as a condition of approval on a development permit, specify a time limit on the development permit in regards to its validity. At the time of expiry, the applicant/developer must reapply to the municipality for a development permit approval to continue the use.

(g) A developer/operator of a Retail Cannabis Store is responsible for meeting and adhering to all provincial requirements for the physical security for the premises.

(h) The design and construction of a Retail Cannabis Store must meet all provincial building code requirements.

## SECTION 63 DATA CENTRE OPERATION

### Redesignation Requirement

63.1 All 'Data Centre Operation' uses shall apply for redesignation to Direct Control – DC.

63.2 Prior to a decision being made, the proponent shall hold a public meeting (open house) in order to solicit the views of the public in regard to the application for a data centre operation. Notices for the meeting shall be circulated to every household within 1.6 km of the proposed development.

63.3 Application for redesignation shall include:

(a) operation plans including water (source, usage and disposal) and number of employees;

(b) details of roads, access points and traffic volumes;

(c) details on any proposed power plant including battery energy storage systems;

(d) weed control and management plan;

(e) reclamation planning and security;

(f) acknowledgement of the historic resources value for the property and the need to gain provincial clearance where appropriate; and

(g) analysis of impacts including noise, fencing and security lighting on adjacent properties or structures including a locational plan that includes distances to all other development.

63.4 The applicant shall provide noise impact assessment in accordance with Section 63.10.

### Referrals

63.5 The municipality shall solicit and consider the comments of:

(a) Alberta Environment;

(b) any landowners within 1.6km (1.0 mile) of the lot; and

(c) Alberta Transportation where applicable;

before approving a development application for a data centre operation use.

### Development Permit Application Requirements

63.6 An application for a data centre operation shall be accompanied by all the application submission requirements in accordance Part III - Development Permits, Section 16.2, 16.3 and 18.2 as well as the following information:

(a) floor plans, elevations and renderings conveying all proposed buildings and structures that will form part of the facility including trailers, shipping containers, back-up power generators and related storage buildings;

(b) a breakdown of the number of computer units, fans and any pertinent information concerning their anticipated noise impacts;

(c) noise impact assessment (NIA) completed by a qualified APEGA professional which measures sound from the proposed facility to all dwellings and other buildings within

1 mile (1.6km). The assessment shall be undertaken in accordance with the principles specified in AUC Rule 012 or a comparable standard, regardless of whether the proposed operation involves the on-site generation of electric energy.

(d) a fire protection plan (including code compliance) and emergency response plan;

(e) any proposed signage to be presented in accordance with Section 55 of this part; and

(e) any other information that may be required by the Development Officer or Council.

63.7 Proposals for data centre operations integrating an on-site power plant or backup power source shall indicate the total MW at full build-out, and any pertinent information concerning their anticipated noise impacts. All structures related to energy generation shall be indicated on the site plan.

63.8 An application for a data centre operation that draws its power from the electricity grid shall be accompanied by verification in writing from the electrical service provider that the projected electrical consumption of the proposed use can be accommodated and that the utility supply equipment and related infrastructure is sufficiently sized to accommodate the proposal.

63.9 The applicant shall submit from the Alberta Utilities Commission:

(a) a copy of proof of exemption of an approval for applications utilizing an on-site power plant generating less than 10 megawatts (MW);

(b) a copy of any approvals required by for applications utilizing an on-site power plant generating 10 MW or more.

63.10 At all times during the operation of the data centre operation noise compliance shall be:

| | **Dwelling density per quarter section of land** | | | | | |
|---|---|---|---|---|---|---|
| **Proximity to Transportation** | **1 to 8 dwellings** | | **9 to 160 dwellings** | | **Greater than 160 dwellings** | |
| | Daytime | Nighttime | Daytime | Nighttime | Daytime | Nighttime |
| Category 1 | 50 dB | 40 dB | 53 dB | 43 dB | 56 dB | 46 dB |
| Category 2 | 55 dB | 45 dB | 58 dB | 48 dB | 61 dB | 51 dB |
| Category 3 | 60 dB | 50 dB | 63 dB | 53 dB | 66 dB | 56 dB |

*Category 1: dwelling(s) distance is more than or equal to 500 metres (m) from heavily travelled roads or rail lines and not subject to frequent aircraft flyovers from proposed development.*

*Category 2: dwelling(s) distance is more than or equal to 30 m, but less than 500 m from heavily travelled roads or rail lines and not subject to frequent aircraft flyovers from proposed development.*

*Category 3: dwelling(s) distance is less than 30 m from heavily travelled roads, or rail lines or subject to frequent aircraft flyovers from proposed development.*

| | Daytime | Nighttime |
|---|---|---|
| Adjacent parcels zoned for Industrial purposes | 75 dB | 70 dB |

63.11 Facilities used in conjunction with data centre operation shall integrate noise management strategies to achieve noise compliance, including but not limited to exhaust baffles, roof and side extensions on the exhaust side of buildings, sound-absorbent padding, and fire-resistant sound-absorbing walls. Where the above measures do not adequately mitigate sound to achieve noise compliance specified in section 63.10, more sophisticated sound mitigation solutions shall be required prior to commencement of operations.

63.12 At no time shall the cumulative modelled sound level of a Data Centre (and its associated improvements) at the development property boundary exceed the sound levels of section 63.10 unless:

(a) an easement, as approved by the Municipal Planning Commission, is agreed to by the affected landowner and registered on the affected title, or

(b) the affected landowner is the crown or an agent of the crown, excluding statutory roads or road plans, and will be asked for comment under a different clause in this bylaw.

63.13 In response to noise complaints:

(a) by residents, the data centre operation that is the subject of those complaints may, at the discretion of Council, be required to undertake sound level testing at the location of the most affected dwelling to demonstrate that the noise threshold in is not exceeded.

(b) by operators of other properties, the Council may determine that noise compliance testing is required to demonstrate compliance.

(c) any required compliance testing shall be undertaken at the cost of the developer.

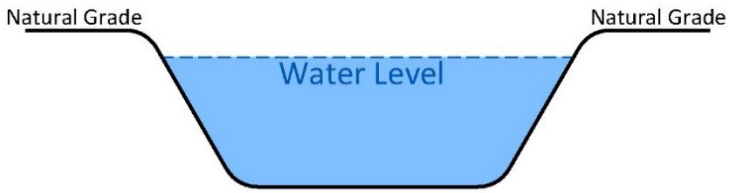
## SECTION 64 DUGOUTS AND AGRICULTURAL WATER RESERVOIRS

### Dugouts

64.1 A dugout used by a landowner to store water for the purposes of agricultural or domestic use that has a capacity of less than 7,500 cubic metres (264,860 cubic ft.) will not require a development permit if located outside the sight triangle and is a minimum of 30.0 m (98.4 ft.) from the right-of-way of a highway or municipal road to the designed capacity of the dugout.

64.2 Any requests for a variance to setbacks shall be accompanied by a soil analysis and/or engineered design for the dugout to indicate the ability of the dugout to function without leakage beyond the property line.

Dugout




64.3 Where a variance has been granted, a barricade shall be installed along 100 percent of the length of that part of the dugout fronting the highway or public road and 25 percent of the length of the sides of the dugout. The minimum standard of a barricade that may be required around a dugout

shall be a post and cable barricade as per Alberta Transportation and Economic Corridors standards.

64.4 Perimeter fencing may be required to be installed in proximity of residential dwellings if deemed necessary by the Development Officer or the Municipal Planning Commission.

**Agricultural water reservoirs**

64.5 Development permit application for an above grade water reservoir or dugout greater than 1 acre (0.40 ha) for agricultural purposes with a capacity greater than 7,500 cubic metres (264,860 cubic ft.) shall submit the following information:

(a) a detailed site plan including all setbacks from property lines, location of municipal road, location of easements in proximity of the proposed reservoir site; and

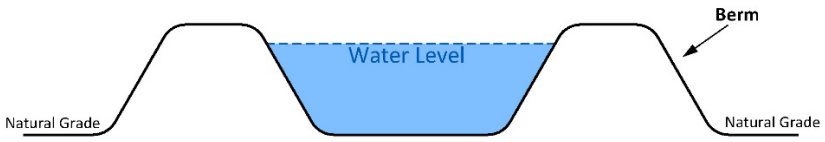
(b) if the water source to fill the reservoir is not located on the parcel of land, a site plan indicating the location of the source, information regarding the proposed conveyance route, any proposed road crossings, distances between the proposed development and any existing residences, grouped residential developments, or recreational areas;

(c) engineered design plans prepared by a professional engineer.

64.6 Agricultural reservoirs may require an approval under the Water Act. Proof of approval or an active application process shall be submitted as part of the development application to determine application completeness.

64.7 Upon completion, the developer shall submit a certified copy of the “as built” construction drawing to the municipality.

Above-grade Storage



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# PART IX – DISTRICTS

## AGRICULTURE – A

1. INTENT

The intent of the Agriculture – A district is to ensure that agricultural land will facilitate agricultural pursuits while allowing some flexibility to accommodate limited non-agricultural uses in accordance with the Municipal Development Plan.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 15.1(d)(l) and Section 37)
Accessory use
Agricultural Water Reservoir (see Section 15.1 (aa) and Section 64)
Dugout (see Section 15.1 (aa) and Section 64)
Extensive agriculture (see Section 15.1(b))
Farm buildings and structures (see Section 15.1(a))
Home occupation (see Section 47)
Manufactured home, singlewide and doublewide (see Section 54)
Modular home
Public utility
Recreational Accommodation, Family (see Section 48 and 15.1(x))
Single-detached residence
Solar energy system, household (see Section 15.1(r))
Wind Energy Conversion System - Category 1 (see Section 57)

2.2 Discretionary Uses

Airstrip
Animal care service, major and minor
Aquaculture
Aquaponics
Auctioning establishment
Big game farm
Cannabis production facility
Cemetery
Club or fraternal organization
Construction/Field/Work Camp (see Section 15.1(e); Section 26)
Existing commercial / Private recreation
Farmer's market
Group home
Intensive horticultural operation
MET Tower
Moved-in residential building (see Section 54.6 - 54.9)
Moved-in accessory building (see Section 54.6 - 54.9)
Outdoor storage (See Section 2.4 below)
Public and institutional uses
Public park or recreation
Recreational Accommodation, Family limited (see Section 48)

Secondary farm residence
Secondary suite (see Section 49)
Shipping container (see Section 58)
Shooting range
Sign (see Section 55)
Specialty manufacturing / Cottage industry, minor
Solar energy system, household (see Section 59)
Stockpile (see Section 15.1(o))
Tourist home (see Section 47)
Wind Energy Conversion System - Category 2 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

2.4 Outdoor Storage Use

A development application which proposes to locate an outdoor storage use within the boundary of the Burmis Lundbreck Corridor Area Structure Plan:

(a) at a location which, in the opinion of the MPC, is highly visible to the travelling public from Provincial Highways 3, 3A, 22 or 507; or

(b) at a location which is highly visible to an adjoining or nearby residence, a public park or recreation use, a commercial / private recreation use or a public and institutional use;

shall not be approved.

3. MAXIMUM DENSITY

For all subdivided parcels that are less than 32.4 ha (80 acres) the maximum number of dwelling units is two (2). This can be any combination of a principal dwelling with a secondary suite as defined by Section 49. For those properties that were approved for a secondary farm residence and were subdivided the secondary farm residence will need a permit to transition to a secondary suite. Where a subdivided parcel contains more than 2 dwelling units, each dwelling unit greater than two will be considered legal non-conforming and cannot be altered or added to with an addition or secondary suite.

4. MINIMUM LOT SIZE

All residences: 1.2 ha (3 acres) to a maximum of 4.05 ha (10.00 acres)

Other uses: 1.2 ha (3 acres)

5. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Setbacks from public roadways: | 30 m (98.4 ft.) |
| All other property lines: | 7.5 m (24.6 ft.) |
| Provincial highways: | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Railways | |
| (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.**See Section 57 for setbacks pertaining to WECS.**

6. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES
See Sections 35, 44 and 45.

7. OFF-STREET PARKING AND LOADING REQUIREMENTS
See Section 56.

8. WIND ENERGY CONVERSION SYSTEMS (WECS) DENSITY
See Section 57.
Only one wind turbine allowed per titled parcel within this district.

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# AIRPORT VICINITY PROTECTION – AVP

1. INTENT

The intent of the Airport Vicinity Protection - AVP district is to:

(a) protect the lands near the airport and ensure all development within this district occurs in a manner consistent with federal legislation relating to airports and air traffic;

(b) allow only extensive agriculture developments or appropriate commercial, industrial, or residential development or uses directly related to, or supporting the operations of the airport;

(c) allow for the operations of appropriate federal, provincial, or municipal departments or agencies.

2. USES

2.1 Permitted Uses

Airport related buildings and use
Agricultural Water Reservoir (see Section 15.1 (aa) and Section 64)
Dugout (see Section 15.1 (aa) and Section 64)
Extensive agriculture (see Section 15.1(b))
Recreational Accommodation, Family (see Section 48 and 15.1(x))
Solar energy system, household (see Section 15.1(r))
Stockpile (see Section 15)

2.2 Discretionary Uses

Accessory building under 10.5 $m^2$ (113 $ft^2$) (see Section 36)
Accessory structure (see Section 15.1(d)(l) and Section 37)
Accessory use
Farm buildings and structures (see Section 15.1(a))
Home occupation (see section 47)
Manufactured home, doublewide and singlewide (see Section 54)
Moved-in accessory building (see Section 54.6 - 54.9)
Moved-in residential building (see Section 54.6 - 54.9)
Outdoor storage
Public utility
Secondary suite (see Section 49)
Shipping container (see Section 58)
Sign (see Section 55)
Single-detached residence
Solar energy system, household (see Section 59)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MAXIMUM DENSITY

For all subdivided parcels that are less than 32.4 ha (80 acres) the maximum number of dwelling units is two (2). This can be any combination of a principal dwelling with a secondary suite as defined by Section 49. For those properties that were approved for a secondary farm residence and were subdivided the secondary farm residence will need a permit to transition to a secondary suite. Where a subdivided parcel contains more than 2 dwelling units, each dwelling unit greater

than two will be considered legal non-conforming and cannot be altered or added to with an addition or secondary suite.

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

4.1 Setback Requirements

As required by the Development Authority in consultation with Transport Canada and NAV Canada.

4.2 Height Restrictions

As required by the Development Authority in consultation with Transport Canada and NAV Canada.

4.3 Noise Exposure

The impact of noise on a proposed use may be considered with the assistance of Transport Canada and NAV Canada.

4.4 Architectural Controls

All proposed buildings shall be subject to Canada Mortgage and Housing Corporation guidelines, where appropriate.

4.5 Limitation on Development

A maximum of one (1) dwelling unit per lot or parcel will be allowed on lands adjoining the airport property within the Airport Vicinity Protection district.

4. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

## CASTLE CARBONDALE RESOURCES – CCR

1. INTENT

The intent of the Castle Carbondale Resources - CCR district is to identify lands within the Provincial Forest Reserve, which are under the jurisdiction of Alberta Environment.

2. USES

2.1 Permitted Uses

All uses and development on Crown land which is carried on by the Crown or its agents.

2.2 Discretionary Uses

All uses and development on lands leased from the Crown are discretionary unless such uses are permitted uses, or unless such uses do not require a development permit in accordance with this bylaw.

3. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

The Development Authority shall not issue a development permit for a discretionary use or a development requiring such a permit unless the use or development has been authorized or otherwise approved by the Alberta Environment. All development must be serviced to the satisfaction of the Development Authority.

4. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

5. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Front yard setback (frontage on public roadway): | 30 m (98.4 ft.) (if applicable) |
| Side yard setback: | 7.5 m (24.6 ft.) |
| Rear yard setback: | 7.5 m (24.6 ft.) |
| Provincial highways: | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Railways (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

6. MAXIMUM BUILDING HEIGHT

2.5 storeys

7. REFUSE SCREENING AND STORAGE

Refuse and garbage must be kept in a suitably sized container, which must be bear-resistant.

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## CASTLE MOUNTAIN RESORT MEDIUM DENSITY RESIDENTIAL – CMMDR

1. INTENT

The intent of the Castle Mountain Resort Medium Density Residential - CMMDR district is to facilitate development of resort visitor residential accommodations and other compatible uses.

2. USES

2.1 Permitted Uses

Accessory structure (see Section 37 and Section 15.1(l))
Country inn (see Section 48.4 - 48.10)
Duplex
Public parks
Single-detached residence
Secondary suite
Semi-detached dwelling
Ski resort facility
Solar energy system, household roof or wall mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory building (See Section 36)
Accessory use
Apartment
Multi-unit dwelling
Modular home
Parking facility
Recreational Vehicle / Holiday Trailer Park
Rowhouse or townhouse
Solar energy system, household – freestanding (see Section 59)
Tourist home (see Section 47)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. DEVELOPMENT STANDARDS

3.1 Resort Theme

The resort theme should be evident in the design elements of each development on each site and accepted by the Castle Mountain Resort Development Committee (or its equivalent). A copy of their approval must accompany each application to the MD.

3.2 Decks

Decks that are greater than 0.6 m (2 ft.) above the finished grade shall require the same setbacks as the new buildings.

3.3 Projections

Into yard setbacks shall be as follows:

| | |
|---|---|
| Eave overhangs of principal buildings: | 0.6 m (2 ft.) |
| Eave overhangs of accessory buildings: | 0.3 m (1 ft.) |
| Fireplaces and uncovered landings: | 0.6 m (2 ft.) |
| Uncovered patios and decks with a maximum height above grade of 0.6 m (2 ft.): | Unlimited |
| Retaining walls and landscaping: | Unlimited |

4. MINIMUM LOT SIZE

| | |
|---|---|
| Semi-detached dwelling (unsubdivided): | 600 $m^2$ (6458.5 $ft^2$) |
| (subdivided): | 300 $m^2$ (3229.5 $ft^2$) |
| Multi-unit lots: | 900 $m^2$ (9687.5 $ft^2$) |
| Single-detached and Duplex residence: | 400 $m^2$ (4305.6 $ft^2$) |

All other uses: per the subdivision and development authorities

5. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| Multi-dwelling units: | 14 m (45.9 ft.) |
| All other uses except accessory buildings: | 10 m (32.8 ft.) |

Accessory buildings: 4.5 m (14.8 ft.)

6. MINIMUM SETBACKS

The following setbacks apply:

| | |
|---|---|
| Front yard setback: | 2.5 m (8.2 ft.) |
| Rear yard setback: | 2.5 m (8.2 ft.) |
| Side yard setback: | 2.5 m (8.2 ft.) |

7. MINIMUM SEPARATION

Measured from foundations between buildings: 5 m (16.4 ft.)

8. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

9. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.
There shall be no parking on the roadways.

## CASTLE MOUNTAIN RESORT PUBLIC UTILITY – CMPU

1. INTENT

The intent of the Castle Mountain Resort Public Utility - CMPU district is to facilitate the appropriate siting of infrastructure support facilities and other complementary uses in a manner that will minimize the visual impact of such facilities.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Parking facility
Public parks or recreation
Outdoor recreation use
Outdoor storage
Public utility
Shipping Container (see Section 58)
Ski resort facility
Solar energy system, household wall or roof mounted (see Section 15.1(r))
Wastewater treatment plant

2.2 Discretionary Uses

Solar energy system, household - freestanding (see Section 59)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. DEVELOPMENT STANDARDS

3.1 The resort theme should be evident in the design elements of each development on each site and accepted by the Castle Mountain Resort Development Committee (or its equivalent). A copy of their acceptance must accompany each application to the MD.

4. MAXIMUM BUILDING HEIGHT

All uses: 10 m (32.8 ft.)

5. MINIMUM SETBACKS

Between structures: 5 m (16.4 ft.)
From lot lines: 1.2 m (4 ft.)

6. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

7. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.
There shall be no parking on the roadways.

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## CASTLE MOUNTAIN RESORT RESIDENTIAL 1 – CMR-1

1. INTENT

The intent of the Castle Mountain Resort Residential 1 - CMR-1 district is to facilitate redevelopment of the original residential area of the resort in recognition of development that occurred prior to the introduction of a development plan and of those buildings that were constructed after introduction of a development plan but prior to changes in MD land use bylaw standards.

2. USES

2.1 Permitted Uses

Accessory structure (see Section 37 and Section 15.1(l))
Modular home
Single-detached residence
Ski resort facility
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory building (see Section 36)
Accessory use
Duplex
Moved-in accessory building
Moved-in residential building
Multi-unit dwelling
Parking facility
Secondary suite (see Section 49)
Semi-detached dwelling
Solar energy system, household - freestanding (see Section 59)
Tourist home (see Section 47)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. DEVELOPMENT STANDARDS

3.1 In order to avoid future encroachments resulting from inadequate stakeout procedures, applicants will be required to provide a Real Property Report (survey) prior to development proceeding beyond the foundation stage.

3.2 The resort theme should be evident in the design elements of each development on each site and accepted by the Castle Mountain Resort Development Committee (or its equivalent). A copy of their acceptance must accompany each application to the MD.

4. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| All uses except accessory buildings: | 10 m (32.8 ft.) |
| Accessory buildings: | 4.5 m (14.8 ft.) |

5. MINIMUM SETBACKS

5.1 Existing dwelling units: All separations shall be as indicated on the Plan For Leasehold Purposes (PLP) BOA surveys diagram #99-5385 TC attached as Figure 6.

5.2 New dwelling units:

| | |
|---|---|
| Principal front yard: | 1.5 m (4.9 ft.) |
| Rear yard: | 5.0 m (16.4 ft.) |
| Sideyard: | 1.5 m (4.9 ft.) |

5.3 In the case of new construction a minimum separation of 5 m (16.4 ft.) between residences measured from the foundation.

5.4 Decks that are greater than 0.6 m (2 ft.) above the finished grade shall require the same setbacks as indicated on the Plan for Leasehold Purposes (PLP) or the new dwelling unit, whichever the case may be.

5.5 Accessory buildings and structures setback: 1.5 m (4.9 ft.)

6. PROJECTIONS INTO MINIMUM YARD SETBACKS

Unless otherwise provided by the accepted rules of variances as outlined (see Section 18), the following projections into minimum yard setbacks may be allowed:

| | |
|---|---|
| Eave overhangs of principal buildings: | 0.6 m (2 ft.) |
| Eave overhangs of accessory buildings: | 0.3 m (1 ft.) |
| Fireplaces and uncovered landings: | 0.6 m (2 ft.) |
| Uncovered patios and decks, the surface of which is a maximum of 0.6 m (2 ft.) above grade: | Unlimited |
| Retaining walls and landscaping: | Unlimited |

7. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

8. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.
There shall be no parking on the roadways.

LOT 2

PLAN NO. 971 1993

LOT 1

BLOCK 3

PLAN NO. 991 1497

ROAD PLAN 971 1993

N.E.1/4 SEC. 24 - 4 - 4 - 5

UNSURVEYED

TERRITORY

LOT 1 0.048ha
LOT 2 0.049ha
LOT 3 0.057ha
LOT 4 0.055ha
LOT 5 0.053ha
LOT 6 0.056ha
LOT 7 0.054ha
LOT 8 0.052ha
LOT 9 0.055ha

BLOCK 4

LOT 102
0.686ha

LOT 100
0.306ha

DAY LODGE

SKI PATROL

LOT 101
0.046ha

'T' BAR & PUB GRUB

HOSTEL

LOT 1
BLOCK 5
0.263ha

LOT 27
0.040ha

LOT 22
0.042ha

LOT 10
0.037ha

LOT 11
0.041ha

LOT 12
0.039ha

LOT 13
0.042ha

LOT 14
0.045ha

LOT 15
0.052ha

LOT 16
0.045ha

LOT 17
0.050ha

LOT 18
0.044ha

LOT 19
0.041ha

LOT 20
0.049ha

LOT 21
0.056ha

LOT 104
0.045ha

LOT 53
0.064ha

LOT 54
0.048ha

LOT 55
0.053ha

LOT 51
0.048ha

LOT 52
0.038ha

LOT 50
0.059ha

LOT 49
0.043ha

LOT 48
0.056ha

LOT 47
0.061ha

LOT 45
0.047ha

LOT 46
0.059ha

LOT 44
0.045ha

LOT 43
0.054ha

LOT 42

LOT 41
0.049ha

LOT 40
0.065ha

LOT 39
0.049ha

LOT 38
0.057ha

LOT 37
0.049ha

LOT 33
0.047ha

LOT 32
0.037ha

LOT 34
0.050ha

LOT 31
0.054ha

LOT 35
0.034ha

LOT 30
0.069ha

LOT 36
0.047ha

LOT 29
0.053ha

LOT 28
0.044ha

LOT 24
0.038ha

LOT 23
0.040ha

LOT 26
0.051ha

LOT 25
0.044ha

LOT 107
0.036ha

WASH HOUSE

LOT 105
0.039ha

AREA B
0.497ha

BLOCK 4
LOT 103
0.656ha

AREA A
PLAN NO. 001 2472

LOT 1
BLOCK 3
PLAN NO. 991 1497

LOT 56

LOT 57
BLOCK 4

LOT 58

LOT 59

LOT 60

LOT 61

PLAN NO. 001 2472

LOT 79

LOT 78
BLOCK 3

LOT 77
PLAN NO. 001 2472

LOT 76

LOT 75

BUILDING KEY

CANTILEVERS

DECK

EAVE LINE

N

# Figure 6

Total Area for Leasehold Purposes
is 5.274 ha. and is bound thus... -----

| NO. | REVISION | DATE | BY |
|---|---|---|---|
| 7 | REMOVED HOUSE FROM LOT 44 | FEB.10'05 | CB |
| 6 | REVISED LOT 37 & RENUMBER LOTS 105 & 107 | JAN.17'05 | CB |
| 5 | REVISED LOTS | DEC.10'04 | CB |
| 4 | REVISED LOTS & ADDED HOUSES | NOV.17'04 | CB |
| 3 | REVISED LOT NUMBERING | NOV.17'03 | TH |
| 2 | ADDED LOT 60(day lodge 100) & EXTENDED R/W | DEC.19/02 | MJ |
| 1 | VARIOUS AMENDMENTS | OCT.15/01 | MJ |


brown okamura & associates ltd.
Survey Engineering Consultants
314 Stafford Drive, Lethbridge, Alberta


## CASTLE MOUNTAIN RESORT INC.

TENTATIVE PLAN SHOWING AREAS FOR LEASEHOLD PURPOSES
of part of
LOT 1, BLOCK 3, PLAN 991 1497
in part of
N.E.1/4 SEC. 24; & S.E. 1/4 SEC. 25;
TWP. 4; RGE. 4; W.5M.
M.D. OF PINCHER CREEK NO. 9

| | | |
|---|---|---|
| APPROVED | DRAWN MJ | DATE DEC.8, 1999 |
| | CHECKED | JOB 99-5385 |
| | DESIGN | SHEET |
| | TRACED | DRAWING 99-5385TC |
| R.F. BAKER, A.L.S. | SCALE 1:500 | ISSUE |

( 8.6 sq. ft. )

## CASTLE MOUNTAIN RESORT RESIDENTIAL 2 – CMR-2

1. INTENT

The intent of the Castle Mountain Resort Residential 2 - CMR-2 district is to facilitate development of the existing, newer residential area of the resort for single-detached residence dwellings and other compatible uses.

2. USES

2.1 Permitted Uses

Accessory structure (see Section 37 and Section 15.1(l))
Modular home
Public park and recreation
Secondary suite
Single-detached residence
Ski resort facility
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory building (see Section 36)
Accessory use
Duplex
Moved-in accessory building
Moved-in residential building
Multi-unit dwelling
Parking facility
Secondary suite (see Section 49)
Semi-detached dwelling
Solar energy system, household - freestanding (see Section 59)
Tourist home (see Section 47)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. DEVELOPMENT STANDARDS

3.1 In order to avoid future encroachments resulting from inadequate stakeout procedures, applicants will be required to provide a Real Property Report (survey) prior to development proceeding beyond the foundation stage.

3.2 The resort theme should be evident in the design elements of each development on each site and accepted by the Castle Mountain Resort Development Committee (or its equivalent). A copy of their acceptance must accompany each application to the MD.

4. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| All uses except accessory buildings: | 10 m (32.8 ft.) |
| Accessory buildings: | Storage facilities are required to be part of the house |

5. MINIMUM SETBACKS

| | | | |
|---|---|---|---|
| 5.1 | New housing units: | Principal front yard: | 2.5 m (8.2 ft.) |
| | | Secondary front yard: | 2.5 m (8.2 ft.) |
| | | Side yard: | 2.5 m (8.2 ft.) |
| | | Rear yard: | 2.5 m (8.2 ft.) |

5.2 Minimum separation of 5 m (16.4 ft.) between residences measured from foundation.

5.3 Decks that are greater than 0.6 m (2 ft.) above the finished grade shall require the same setbacks as the new dwelling unit.

6. PROJECTIONS INTO MINIMUM YARD SETBACKS

Unless otherwise provided by the accepted rules of variances as outlined (see Section 18), the following projections into minimum yard setbacks may be allowed:

| | |
|---|---|
| Eave overhangs of principal buildings: | 0.6 m (2 ft.) |
| Eave overhangs of accessory buildings: | 0.3 m (1 ft.) |
| Fireplaces and uncovered landings: | 0.6 m (2 ft.) |
| Uncovered patios and decks, the surface of which is a maximum of 0.6 m (2 ft.) above grade: | Unlimited |
| Retaining walls and landscaping: | Unlimited |

7. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

8. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.
There shall be no parking on the roadways.

## CASTLE MOUNTAIN RESORT SEASONAL RESIDENTIAL – CMSR

1. INTENT

The intent of the Castle Mountain Resort Seasonal Residential - CMSR district is to facilitate a planned approach to the relocation and site development of a new recreational vehicle park and complementary uses.

2. USES

2.1 Permitted Uses

Accessory structure (see Section 37 and Section 15.1(l))
Public parks or recreation
Public utility
Recreation facility
Recreational accommodation, Commercial Highway (see Section 48)
Ski resort facility
Solar energy system, household wall or roof mounted (see Section 15.1(r))
Wash house

2.2 Discretionary Uses

Accessory building that may consist of ski lockers, storage sheds of less than 10 $m^2$ (107.6 $ft^2$) or similar temporary buildings
Parking facility
Solar energy system, household - freestanding (see Section 59)
Tourist home (see Section 47)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. DEVELOPMENT STANDARDS

3.1 Resort Theme

The resort theme should be evident in the design elements of each development on each site and accepted by the Castle Mountain Resort Development Committee (or its equivalent). A copy of their acceptance must accompany each application to the MD.

3.2 Decks

Decks greater than 0.6 m (2 ft.) above the finished grade shall require the same setbacks as the new buildings.

3.3 Projections

Into yard setbacks shall be as follows:

| | |
|---|---|
| Eave overhangs of principal buildings: | 0.6 m (2 ft.) |
| Eave overhangs of accessory buildings: | 0.3 m (1 ft.) |
| Fireplaces and uncovered landings: | 0.6 m (2 ft.) |
| Uncovered patios and decks with a maximum height above grade of 0.6 m (2 ft.): | Unlimited |
| Retaining walls and landscaping: | Unlimited |

4. MINIMUM LOT SIZE

Seasonal Residential Lots: 100 $m^2$ (1076.4 $ft^2$)

5. MAXIMUM BUILDING HEIGHT

All uses: 10 m (32.8 ft.)

6. MINIMUM SETBACKS

The following setbacks apply:

Front yard setback: 2.5 m (8.2 ft.)
Rear yard setback: 2.5 m (8.2 ft.)
Side yard setback: 2.5 m (8.2 ft.)

7. MINIMUM SEPARATION

Measured from foundations between building: 5 m (16.4 ft.)

8. MINIMUM SEPARATION DISTANCE BETWEEN RECREATIONAL VEHICLE UNITS

8.1 Recreational vehicle units: Front yard: 1 m (3.3 ft.)
Side yard: 1 m (3.3 ft.)
Rear yard: 1 m (3.3 ft.)

8.2 Measurements shall be from furthest extension of the recreational vehicle.

9. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

10. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.
There shall be no parking on the roadways.

## CASTLE MOUNTAIN RESORT SKI RESORT CORE – CMSRC

1. INTENT

The intent of the Castle Mountain Resort Ski Resort Core - CMSRC district is to establish the theme, character and ambiance of the Castle Mountain Resort. The community core will contain the widest variety of uses and will function as the service and amenity focal point within the resort.

2. USES

2.1 Permitted Uses

Accessory structure (see Section 37 and Section 15.1(l))
Amusement facility
Club and fraternal organization
Country inn (see Section 48.4 - 48.10)
Child care service
Hostel
Hotel / Motel
Medical facility
Mixed-use residential
Multi-unit dwelling
Outdoor recreation use
Parking facility
Personal service
Professional, financial, office and business support service
Public and institutional uses
Restaurant
Retail store
Secondary suite (see Section 49)
Ski resort facility
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory building (see Section 36)
Accessory use
Entertainment establishment
Moved-in accessory building
Moved-in residential building
Outdoor storage
Recreational Vehicle / Holiday Trailer Park
Retail Cannabis Store
Shipping Container (see Section 58)
Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)
Surveillance suite
Tourist home (see Section 47)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. DEVELOPMENT STANDARDS

3.1 Resort Theme

The resort theme should be evident in the design elements of each development on each site and accepted by the Castle Mountain Resort Development Committee (or its equivalent). A copy of their acceptance must accompany each application to the MD.

3.2 Residential Development

The provision of privacy in residential areas and the avoidance of potential conflict between adjacent land uses shall be resolved through site design considerations such as building placement, window locations, visual screening and the adequate buffering and separation of potentially incompatible areas.

3.3 Decks

Decks greater than 0.6 m (2 ft.) above the finished grade shall require the same setbacks as the new buildings.

3.4 Projections

Into yard setbacks shall be as follows:

| | |
|---|---|
| Eave overhangs of principal buildings: | 0.6 m (2 ft.) |
| Eave overhangs of accessory buildings: | 0.3 m (1 ft.) |
| Fireplaces and uncovered landings: | 0.6 m (2 ft.) |
| Uncovered patios and decks with a maximum height above grade of 0.6 m (2 ft.): | Unlimited |
| Retaining walls and landscaping: | Unlimited |

4. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| All uses except accessory buildings: | 14 m (45.9 ft.) |
| Accessory buildings: | 4.5 m (14.8 ft.) |

5. MINIMUM SETBACKS

The following setbacks apply:

| | |
|---|---|
| Front yard setback: | 2.5 m (8.2 ft.) |
| Rear yard setback: | 2.5 m (8.2 ft.) |
| Side yard setback: | 2.5 m (8.2 ft.) |

6. MINIMUM SEPARATION

Measured from foundations between buildings: 5 m (16.4 ft.)

7. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

8. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.
There shall be no parking on the roadways.

## DIRECT CONTROL – DC

1. INTENT

The intent of the Direct Control - DC district is to enable land use and development to occur in areas of special character or circumstance. Proposed developments are subject to the regulations below and such rules with respect to land generally or specifically as Council may make from time to time and as described within the policies of the Municipal Development Plan or any other statutory plan in effect. Pursuant to Part III of this bylaw, all proposals will be received, considered, and decided upon by Council.

2. USES

As prescribed by Council.

3. GENERAL DEVELOPMENT CONDITIONS

3.1 All development and parcel regulations, including but not limited to general parcel provisions, special land use provisions, parking and loading regulations and sign regulations shall be at the discretion of Council.

3.2 The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in this land use district or abutting land use districts.

3.3 In evaluating a proposed land use or development, Council shall have regard for, but not be limited to:

(a) the existing use of the land;

(b) the uses, regulations and development criteria specified in the land use district superseded by this land use district;

(c) the general and specific regulations as contained elsewhere in this bylaw;

(d) the land use regulations or adjoining land use districts.

3.4 Council shall insure the development complies with the *SSRP*, Part 17 of the *Municipal Government Act* and associated regulations, the MD's Municipal Development Plan, and any statutory plan in effect.

4. DEVELOPMENT AGREEMENT

4.1 An applicant may be required to enter into a legal development agreement with the municipality to ensure that the use and development of land and buildings on the parcel complies with the approved development plan, as a condition of a development permit issued pursuant to the Direct Control district.

4.2 The development agreement shall run as a restrictive covenant against the title of the parcel and shall serve to restrict the development of the land in accordance with the approved development plan.

4.3 The development agreement may also provide that the applicant post security in such form and amount as may be approved by Council to ensure performance with the terms of the agreement.

4.4 An agreement made pursuant to this Direct Control district may specify a time period in which the agreement shall remain in effect.

4.5 An agreement made pursuant to this Direct Control district may specify conditions under which the agreement shall remain in effect or identify the means by which the use and development shall be transferred to another district.

5. NOTICE

Upon receipt of an application for a use in the Direct Control district, the Development Officer shall cause notice to be given in accordance with sections 19.1(b) and (d).

## GROUPED COUNTRY RESIDENTIAL – GCR

1. INTENT

The intent of the Grouped Country Residential - GCR district is to accommodate grouped or multi-lot country residential development in accordance with the Municipal Development Plan.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l)))
Accessory use
Home occupation (see Section 47)
Modular home
Single-detached residence
Solar energy system, household wall or roof mounted (see Section 15.1(r))
Stockpile (see Section 15)

2.2 Discretionary Uses

Farm buildings and structures
Child care service
Garden suite (see Section 49)
Manufactured home, singlewide and doublewide (see Section 54)
Moved-in accessory building (see Section 54.6 - 54.9)
Moved-in residential building (see Section 54.6 - 54.9)
Public and institutional uses
Public park or recreation
Public utility
Secondary suite (see Section 49)
Sign (see Section 55)
Specialty manufacturing / Cottage industry, minor
Solar energy system, household - freestanding (see Section 59)
Tourist home (see Section 47)
Wind Energy Conversion System - Category 1 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE AND DIMENSIONS

3.1 The minimum lot size for all uses shall be 1.2 ha (3 acres) or as required by the MPC in accordance with an area structure plan.

3.2 The maximum parcel size shall be 4.05 ha (10 acres).

3.3 The length and width of any lot shall be:

(a) sufficient to ensure compliance with all yard dimensions and setback requirements,

(b) to the satisfaction of the MPC.

4. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Front yard internal setback: | 30 m (98.4 ft.) (setback from public access or internal municipal roads that service multi-lot plans of subdivision) |
| Side yard setback: | 7.5 m (24.6 ft.) |
| Rear yard setback: | 15 m (49.2 ft.) |
| Municipal roads: | 30 m (98.4 ft.) Provincial highways: Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Railways | |
| (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**See Section 57 for setbacks pertaining to WECS.**

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variance as outlined in Section 18.

5. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| All uses: | 9.5 m (31.1 ft.) |

6. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.6.

7. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

## HAMLET SINGLE-DETACHED RESIDENTIAL 1 – HR-1

1. INTENT

The intent of the Hamlet Single-Detached Residential - HR-1 district is to provide a district primarily for the development of conventional single-detached residences on comparatively large lots.

2. USES

2.1 Permitted Uses

Accessory building less than 80 $m^2$ (861 $ft^2$) (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Home occupation (see Section 47)
Modular home
Single-detached residence
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory building greater than 80 $m^2$ (861 $ft^2$) (see Section 36)
Accessory use
Child care service
Garden suite (see Section 49)
Group home
Moved-in accessory building (see Section 54.6 - 54.9)
Moved-in residential building (see Section 54.6 - 54.9)
Public and institutional uses
Public park or recreation
Public utility
Secondary suite (see Section 49)
Senior citizen housing
Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)
Tourist home (see Section 47)
Wind Energy Conversion System - Category 1 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

An existing or proposed lot shall not be less than:

(a) 464.5 $m^2$ (5,000 $ft^2$) in area if it is serviced or proposed to be serviced with a municipal water and sewage disposal system;

(b) 1858 $m^2$ (20,000 $ft^2$) lot if it is non-serviced or partially serviced.

4. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

5. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Front yard setback (frontage on public roadway): | 6 m (19.7 ft.) |
| Front yard setback (frontage from (Provincial highways): | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Side yard setback: | 1.5 m (4.9 ft.) |
| Rear yard setback: | 7.5 m (24.6 ft.) |
| Railways (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**See Section 57 for setbacks pertaining to WECS.**

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

6. MINIMUM SETBACK REQUIREMENTS – Accessory Buildings

| | |
|---|---|
| Front yard setback (frontage on public roadway): | 6 m (19.7 ft.) |
| Front yard setback (frontage from Provincial highways): | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Side yard setback: | 1.5 m (4.9 ft.) |
| Rear yard setback: | 1.5 m (4.9 ft.) |

7. MINIMUM FLOOR AREA

Single-detached residence – 74.5 $m^2$ (802 $ft^2$)

8. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| Principal buildings: | 8.5 m (27.9 ft.) |
| Accessory buildings and structures: | 4.6 m (15.1 ft.) |
| Fences and gates: | Shall be constructed in accordance with Sections 37 and 38 |

9. MAXIMUM LOT COVERAGE

| | |
|---|---|
| Principal building: | 35 percent |
| Accessory buildings: | 10 percent |
| Principal and accessory buildings: | 45 percent |

10. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

11. LANDSCAPING AND SCREENING

See Section 46. The Development Officer or their designate may determine an exceptional and excessive accumulation of storage on residential premises to be unsightly. Such premises shall be reviewed under the guidelines of Unsightly Premises Bylaw as amended.

## 12. SERVICING

12.1 All newly subdivided lots and any development proposed for parcels, lots and unserviced areas shall be required to connect to both the municipal water supply and sewerage system of the hamlet.

12.2 Developers shall pay any municipal connection fees or infrastructure levies applicable to the land in relation to the landowner's proportionate share of the cost of the municipality installing the municipal services.

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## HAMLET RESIDENTIAL 2 – HR-2

1. INTENT

The intent of the Hamlet Residential 2 - HR-2 district is to provide a district where conventional single-detached residences are encouraged, and other types of residential development may be allowed on a selective basis.

2. USES

2.1 Permitted Uses

Accessory building less than 80 $m^2$ (861 $ft^2$) (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Home occupation (see Section 47)
Modular home
Single-detached residence
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory building greater than 80 $m^2$ (861 $ft^2$) (see Section 36)
Accessory use
Apartment
Child care service
Duplex
Garden suite (see Section 49)
Group home
Manufactured home, singlewide and doublewide (see Section 54)
Moved-in accessory building (see Section 54.6 - 54.9)
Moved-in residential building (see Section 54.6 - 54.9)
Multi-unit dwelling
Public and institutional uses
Public park or recreation
Public utility
Rowhouse or townhouse
Secondary suite (see Section 49)
Semi-detached dwelling
Senior citizen housing
Sign (see Section 55)
Solar energy system, household freestanding (see Section 59)
Tourist home (see Section 47)
Wind Energy Conversion System - Category 1 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

3.1 Existing Serviced Lots

The following minimum lot sizes apply to lots that are serviced with municipal water and a municipal sewage system:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Conventional single-detached residence | 15 | 49.2 | 30 | 98.4 | 450 | 4844 |
| Singlewide manufactured home | 15 | 49.2 | 30 | 98.4 | 450 | 4844 |
| Doublewide manufactured home | 15 | 49.2 | 36 | 118.4 | 540 | 5813 |
| Two-family dwelling | 20 | 65.6 | 30 | 98.4 | 600 | 6459 |
| Rowhouse or townhouse<br>– interior unit<br>– end unit | <br>6<br>10 | <br>19.7<br>32.8 | <br>30<br>30 | <br>98.4<br>98.4 | <br>180<br>300 | <br>1938<br>3229 |
| Multi-Unit Dwelling | Width, length and area as required by the MPC | | | | | |
| All other dwellings including apartments | Width, length and area as required by the MPC | | | | | |

3.2 Proposed Serviced Lots

(a) Proposed lots for single-detached residences in new subdivisions that will be serviced with a municipal water and sewage system shall be not less than 19 m (62.3 ft.) in width.

(b) Except for proposed lots for single-detached residences, the lot width of all other proposed lots shall be in accordance with 3.1 above.

(c) All proposed lots intended to be used for single-detached residences, doublewide manufactured homes, singlewide manufactured homes, duplexes, semi-detached dwellings, fourplexes and rowhouses or townhouses shall be not less than 36 m (118 ft.) in depth.

(d) All proposed lots intended for sixplexes, apartments, manufactured home parks and other dwellings not referred to in 3.2(a), (b) or (c) above shall be to the satisfaction of the MPC with respect to length, width, area and shape.

3.3 Non-Serviced or Partially Serviced Lots

Lots intended to be used for conventional single-detached residences, doublewide manufactured homes and singlewide manufactured homes that will not be serviced with either a municipal water supply or a municipal sewage system shall be not less than 1858 $m^2$ (20,000 $ft^2$) in area.

4. MINIMUM LOT SIZE VARIANCE – Singlewide Manufactured Homes

Unless otherwise required by the MPC, for the purpose of allowing development of a singlewide manufactured home on an existing lot or parcel, the MPC may reduce the minimum lot depth of 36 m (118 ft.) and the minimum lot width of 15 m (49.2 ft.) provided that:

(a) a minimum lot width of 12 m (39.4 ft.) is maintained; and

(b) the minimum setback requirements and yard dimensions contained in section 5 of this district are complied with.

5. MINIMUM SETBACK REQUIREMENTS – Principal Buildings

5.1 Interior Lots

Where an interior lot abuts a public roadway, all principal buildings and uses shall be setback in accordance with the following:

| Use | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| Apartments | 9.0 | 29.5 | 3.0 | 9.8 | 8.0 | 26.2 |
| Conventional single-detached residences, child care services, doublewide manufactured homes, duplexes, group homes, moved-in residential buildings, semi-detached dwellings | 6.0 | 19.7 | 1.5 | 4.9 | 7.5 | 24.6 |
| Multi-Unit Dwelling, rowhouses or townhouses, senior citizens housing | 6.0 | 19.7 | 3.0 | 9.8 | 8.0 | 26.2 |
| Singlewide manufactured homes | 6.0 | 19.7 | 4.6 m (15.1 ft.) between homes and not less than 1.5 m (4.9 ft.) side yard | | 7.5 | 24.6 |

5.2 Corner Lots

Setbacks shall be the same as 5.1 above except that the setback from a secondary front property boundary may be reduced by one-half where the principal building faces the principal front property boundary in the opinion of the MPC or the Development Officer.

5.3 Prevailing Setbacks

Where development is subject to a 6 m (19.7 ft.) setback from the front property boundary, the MPC may require a greater or lesser setback where existing development on adjoining lots in a well-established area has, in the opinion of the MPC, established a predominant and prevailing setback that differs from the stated setback.

5.4 Setbacks along Highway 6 may be reduced within the Hamlet of Twin Butte subject to approval from Alberta Transportation.

5.5 See Section 57 for setbacks pertaining to WECS.

6. MINIMUM SETBACK REQUIREMENTS – Accessory Buildings

| | |
|---|---|
| Front yard setback (frontage on public roadway): | 6 m (19.7 ft.) |
| Front yard setback (frontage from Provincial highways): | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Side yard setback: | 1.5 m (4.9 ft.) |
| Rear yard setback: | 1.5 m (4.9 ft.) |

7. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

8. MINIMUM FLOOR AREA

Unless otherwise required by the MPC, the following minimum gross floor areas apply:

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Conventional single-detached dwellings | 74.5 | 802 |
| Duplex, each dwelling unit | 65.0 | 700 |
| Rowhouse or townhouse, each dwelling unit | 65.0 | 700 |
| Singlewide or doublewide manufactured homes | 67.0 | 721 |
| Semi-detached dwelling, each dwelling unit | 65.0 | 700 |
| Other uses | as required by the MPC | |

9. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| Apartments: | 3 storeys |
| Other principal buildings: | 8.5 m (27.9 ft.) |
| Accessory residential buildings and accessory buildings: | 4.6 m (15.1 ft.) |
| Fences and gates: | Shall be constructed in accordance with Sections 37 and 38 |

10. MAXIMUM LOT COVERAGE

| | |
|---|---|
| Principal building: | 35 percent |
| Accessory buildings: | 10 percent |
| Principal and accessory buildings: | 45 percent |

11. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

12. LANDSCAPING AND SCREENING

See Section 46. The Development Officer or their designate may determine an exceptional and excessive accumulation of storage on residential premises to be unsightly. Such premises shall be reviewed under the guidelines of Unsightly Premises Bylaw as amended.

13. SERVICING

13.1 All newly subdivided lots and any development proposed for parcels, lots and unserviced areas shall be required to connect to both the municipal water supply and sewerage system of the hamlet.

13.2 Developers shall pay any municipal connection fees or infrastructure levies applicable to the land in relation to the landowner's proportionate share of the cost of the municipality installing the municipal services.

## HAMLET MANUFACTURED HOME PARK 3 – HR-3

1. INTENT

The intent of the Hamlet Manufactured Home Park 3 - HR-3 district is to facilitate either:

(a) the development of serviced manufactured home parks in accordance with an approved detailed design plan, where each manufactured home site is not subdivided into a separately titled lot; or

(b) the development of serviced manufactured home subdivisions where each manufactured home has its own separately titled lot.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Home occupation (see Section 47)
Manufactured home, singlewide and doublewide (see Section 54)
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory use
Child care service
Garden suite (see Section 49)
Public and institutional uses
Public park or recreation
Public utility
Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

The following minimum lot or site sizes shall apply to each lot or site intended to be occupied by one manufactured home or any other principal building:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Singlewide and doublewide manufactured homes | 12.19 | 40.0 | 30.48 | 100 | 371.61 | 4000 |
| Other uses | As required by the MPC | | | | | |

4. MINIMUM LOT OR SITE SIZE VARIANCE

4.1 The minimum lot or site width for a singlewide manufactured home may be reduced at the discretion of the MPC to not less than 12 m (39.4 ft.) provided that:

(a) each corner lot in a manufactured home subdivision or park will remain at least 15 m (49.2 ft.) in width; and

(b) at least one-half of the lots in a manufactured home park or subdivision shall be not less than 15 m (49.2 ft.) in width.

4.2 Where a corner lot abuts a public roadway, a residential street or a private roadway in a manufactured home park, the setbacks for a principal building shall be the same as in 5 below, except that the setback from a secondary front property boundary may be reduced by one-half where the principal building faces the principal front property in the opinion of the MPC or the Development Officer.

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MINIMUM SETBACK REQUIREMENTS – Principal Buildings

| | |
|---|---|
| Front yard setback: | 6 m (19.7 ft.) |
| Side yard setback: | 2.0 m (6.5 ft.) |
| Side yard setback (singlewide manufactured home on one side): | 6 m (19.7 ft.) |
| Rear yard setback: | 2.29 m (7.5 ft.) |
| Railways (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

**Note:** Accessory buildings shall maintain the same setbacks as the principal building except that the setback from a rear property boundary shall be 1.5 m (4.9 ft.)

7. MINIMUM FLOOR AREA

Manufactured homes: 67 $m^2$ (721 $ft^2$)

8. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| Principal buildings: | 4.6 m ( 15.1 ft.) |
| Accessory residential buildings and accessory buildings: | 4.6 m (15.1 ft.) |
| Fences and gates: | Shall be constructed in accordance with Sections 37 and 38 |

9. MAXIMUM LOT COVERAGE

The percentage of a serviced lot that may be covered by principal and/or accessory buildings shall not exceed 50 percent.

10. LANDSCAPING AND SCREENING

See Section 46. The Development Officer or their designate may determine an exceptional and excessive accumulation of storage on residential premises to be unsightly. Such premises shall be reviewed under the guidelines of Unsightly Premises Bylaw as amended.

11. PERIMETER FENCING

The perimeter of a manufactured home park or subdivision shall be fenced to the satisfaction of the Development Authority.

12. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

13. SERVICING

13.1 All newly subdivided lots and any development proposed for parcels, lots and unserviced areas shall be required to connect to both the municipal water supply and sewerage system of the hamlet.

13.2 Developers shall pay any municipal connection fees or infrastructure levies applicable to the land in relation to the landowner's proportionate share of the cost of the municipality installing the municipal services.

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## HAMLET COMMERCIAL – HC

1. INTENT

The intent of the Hamlet Commercial - HC district is to:

(a) facilitate, in an orderly manner, the development or location of downtown commercial uses, including offices, financial institutions, personal service uses, restaurants and retail stores, as defined; and

(b) allow, where appropriate, the development or location of other uses, including other commercial and highway commercial uses.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Automotive sales and service
Drive-in restaurant
Hotel / Motel
Personal service
Professional, financial, office and business support service
Public and institutional uses
Restaurant
Retail store
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Animal care service, minor
Apartment
Auctioning establishment
Child care service
Club or fraternal organization
Dwelling unit as a secondary use to an approved use (see Section 50)
Entertainment establishment
Equipment sales, rental and service
Farmer's market
Fleet and transportation service
Hostel
Medical facility
Mini storage
Mixed use residential
Moved-in accessory building (see Section 54.6 - 54.9)
Parking facility
Public park or recreation
Public utility
Recycling facility
Retail Cannabis Store
Service station
Sign (see Section 55)
Sleeping unit as an accessory use to an approved use (see Section 50)

Specialty manufacturing / Cottage industry, minor
Solar energy system, household - freestanding (see Section 59)
Surveillance suite (see Section 50)
Wholesale or storage warehousing
Wind Energy Conversion System - Category 1 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

3.1 Existing Serviced Lots

The following minimum lot sizes apply to lots that are serviced or will be serviced with municipal water and a municipal sewage system:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Automotive repair and service uses, financial institutions, offices, personal service uses, restaurants, retail stores | 15 | 49.2 | 30.0 | 98.4 | 450 | 4,844 |
| Drive-in restaurants and service stations | 30 | 98.4 | 36.5 | 119.7 | 1400 | 15,070 |
| All other uses | As required by the MPC | | | | | |

3.2 Partially-Serviced or Non-Serviced Lots

The minimum lot size for lots that are serviced with either municipal water or a municipal sewage system, or neither shall be as required by the Development Authority.

4. MINIMUM SETBACK REQUIREMENTS

4.1 Setback Requirements

| Use | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| Apartments | 9 | 29.5 | 3 | 9.8 | 8 | 26.2 |
| Service stations | 15 | 49.2 | As required by the MPC | | | |
| All other uses | 0 | 0 | 0 | 0 | 0 | 0 |

**See Section 57 for setbacks pertaining to WECS.**

4.2 Public Roadway - Corner Lots

Where a corner lot abuts two public roadways, principal building setbacks from property boundaries shall be as follows:

(a) service station setbacks shall be the same as 4.1 above except that the minimum setback from a front property boundary applies to both property boundaries;

(b) apartment setbacks shall be the same as 4.1 above except that the setback from the secondary front property boundary may be reduced by one-half the requirement

stated in 4.1 above where the principal building faces the principal front property boundary in the opinion of the MPC or the Development Officer;

(c) where a lot in this district abuts a lot in a residential district, without an intervening public roadway or lane, the principal and accessory building on the commercial lot shall be setback from the yard abutting the residential lot equal to or greater than the setback required for the residential lot;

(d) setbacks along Highway 774 may be reduced within the Hamlet of Beaver Mines subject to approval from Alberta Transportation;

(e) setbacks along Highway 6 may be reduced within the Hamlet of Twin Butte subject to approval from Alberta Transportation.

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MAXIMUM BUILDING HEIGHT – Principal and Accessory Buildings

| | |
|---|---|
| Apartments: | 3 storeys |
| Other principal buildings: | 8.5 m (27.9 ft.) |

7. MAXIMUM LOT COVERAGE

| | |
|---|---|
| Apartments: | 45 percent |
| All other uses: | 80 percent |

8. LANDSCAPING AND SCREENING (see Section 46)

Unless otherwise stated in this bylaw, the Development Authority may require that any side or rear yard areas that abut a residential district with or without an intervening lane shall be screened to a height of not less than 1.8 m (5.9 ft.) nor more than 2 m (6.6 ft.) by fences, privacy walls or landscaping.

9. REFUSE SCREENING AND STORAGE

9.1 Refuse and garbage shall be kept in suitably sized containers until such time as collection or disposal is possible.

9.2 Refuse and refuse containers shall be effectively screened and the Development Authority may require:

(a) that refuse container enclosures to screen refuse and refuse containers are provided for each principal use; and

(b) those refuse container enclosures are located and designed to the satisfaction of the Development Authority.

10. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

## 11. SERVICING

11.1 All newly subdivided lots and any development proposed for parcels, lots and unserviced areas shall be required to connect to both the municipal water supply and sewerage system of the hamlet.

11.2 Developers shall pay any municipal connection fees or infrastructure levies applicable to the land in relation to the landowner's proportionate share of the cost of the municipality installing the municipal services.

## HAMLET GENERAL INDUSTRIAL AND WAREHOUSING – HGIW

1. INTENT

The intent of the Hamlet General Industrial and Warehousing - HGIW district is to facilitate a wide range of predominantly light industrial and warehousing uses, and to accommodate, where possible, other uses which may:

(a) be considered hazardous since they involve operations, processes or substances which require safety or other precautions;

(b) require special precautions and/or siting to minimize land use conflicts;

(c) require exceptionally large parcels; or

(d) require careful consideration because they require services beyond those which are readily available.

2. USES

2.1 Permitted Uses

Accessory structure (see Section 37 and Section 15.1(l))
Agricultural / Industrial machinery sales, rental and service
Automotive sales and service
Construction supply and contractors
Equipment sales, rental and service
Farm supplies and service
Fleet and transportation service
Industrial / Manufacturing
Manufactured home sales and service
Solar energy system, household wall or roof mounted (see Section 15.1(r))
Specialty manufacturing / Cottage industry, minor
Wholesale and storage warehousing

2.2 Discretionary Uses

Accessory building (see Section 36)
Accessory use
Animal care service, major and minor
Auctioning establishment
Autobody and paint shops
Bulk fuel station
Cannabis production facility (see Section 61)
Farmer's market
Intensive horticultural operation
Livestock auctioning establishment
Mini storage
Moved-in accessory building (see Section 54.6 - 54.9)
Outdoor storage
Public and institutional uses
Public park or recreation
Public utility
Recycling facility
Salvage and waste facility
Shipping container (see Section 58)

Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)
Specialty Manufacturing / Cottage Industry, major
Truck stop
Wind Energy Conversion System - Category 1 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

3.1 Industrial lots facing:

(a) a provincial highway; or

(b) a major arterial roadway maintained by the municipality; or

(c) a non-industrial land use district;

either with or without an intervening roadway or lane shall be developed with building intensive uses to provide an attractive perimeter to the industrial area. Non-perimeter lots, or those lots facing other industrial development, shall be developed for land extensive uses, namely those uses involving extensive exterior storage with relatively small buildings.

3.2 The Development Authority shall ensure that industrial development or lots facing:

(a) a provincial highway; or

(b) a major arterial roadway maintained by the municipality; or

(c) a non-industrial land use district;

are as attractive as possible and that such lots are developed with those uses that are least likely to have a detrimental impact on adjoining development. Conversely, non-perimeter industrial lots or those facing other industrial development shall be developed for those uses which are less attractive and more likely to have a detrimental impact on adjoining development.

3.3 A use which may have a hazardous impact on adjoining or nearby uses, or a use which may pose an appearance problem, shall not be approved unless the use is located and/or developed so that the hazardous or unsightly impact is minimized or eliminated to the satisfaction of the Development Authority. Without limiting the uses which may have a hazardous or unsightly impact on nearby or adjoining development, the following uses may have one or more of these impacts: animal care services - major, autobody and/or paint shops, bulk fuel station, construction supply and contracts, exterior storage uses, farm supplies and service, livestock auctioning establishment, natural resource extractive industries, hazardous industries, public utilities, and salvage or waste disposal facilities.

4. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Front yard setback (frontage on public roadway): | 4.6 m (15.1 ft.) |
| Front yard setback (parking area or loading zone between building and front property line): | 16.5 m (54.1 ft.) |

| | |
|---|---|
| Side yard setback: | 3 m (9.8 ft.) |
| Rear yard setback: | 3 m (9.8 ft.) |
| Railways | |
| (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**See Section 57 for setbacks pertaining to WECS.**

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MINIMUM LOT SIZE

6.1 The following minimum lot size applies to all lots whether or not they are serviced, partially serviced or non-serviced:

(a) minimum length – 30 m (98.4 ft.);

(b) minimum width – 30 m (98.4 ft.);

(c) minimum area – 1393.5 $m^2$ (15,000 $ft^2$).

6.2 Where an existing lot or parcel does not provide the minimum lot area or dimensions prescribed in 6.1 above, the MPC or subdivision authority, for the purpose of allowing development on that lot, may reduce the minimum area prescribed by not more than 464.5 $m^2$ (5,000 $ft^2$).

6.3 Unless otherwise required by the MPC, the minimum lot size and dimensions for a public utility shall be the same as 6.1 above.

7. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| Principal and accessory buildings: | 15.2 m (49.9 ft.) |
| Fences and gates: | Shall be constructed in accordance with Section 37 and 38 |

8. LANDSCAPING, SCREENING AND LOCATION OF STORAGE (see Section 46)

8.1 <u>Front Yard Landscaping</u>

A landscaped strip not less than 3.6 m (11.8 ft.) shall be provided within the front yard area of an industrial lot, where that lot faces:

(a) a non-industrial land use district; or

(b) a provincial highway, a service roadway adjoining a provincial highway; or

(c) a major public roadway maintained by the municipality.

8.2 <u>Outdoor Storage and Display</u>

The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed by the MPC, but goods, materials and equipment:

(a) shall not be stored in a front yard; and

(b) shall be screened from public view.

8.3 Side and Rear Yard Screening

Where the side and/or rear property boundaries of an industrial lot adjoins:

(a) a residential or commercial lot; or

(b) lands that will likely be developed for residential or commercial purposes in the opinion of the Development Authority;

then the side and/or rear yards of that industrial lot shall be screened to a minimum height of 1.8 m (5.9 ft.) by fences or landscaping.

9. REFUSE SCREENING AND STORAGE

9.1 Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

9.2 Refuse and refuse containers shall be effectively screened and the Development Authority may require:

(a) that refuse container enclosures to screen refuse and refuse containers are provided for each principal use; and

(b) those refuse container enclosures are located and designed to the satisfaction of the Development Authority.

10. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

11. SERVICING

11.1 All newly subdivided lots and any development proposed for parcels, lots and unserviced areas shall be required to connect to both the municipal water supply and sewerage system of the hamlet.

11.2 Developers shall pay any municipal connection fees or infrastructure levies applicable to the land in relation to the landowner's proportionate share of the cost of the municipality installing the municipal services.

## HAMLET HIGHWAY COMMERCIAL – HHC

1. INTENT

The intent of the Hamlet Highway Commercial - HHC district is to:

(a) facilitate and encourage the development of those highway or auto-oriented uses which provide essential services to the motoring public;

(b) facilitate, where appropriate, the development of those highway-oriented uses which provide services to commercial traffic;

(c) provide convenient, highway proximate locations for the above uses;

(d) provide a location where other types of development, including non-highway commercial development, may be allowed on a selective basis, when other locations are not reasonably available; and

(e) provide standards which endeavour to provide attractive and functional development and streetscape.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Automotive sales and service
Drive-in restaurant
Hotel / Motel
Restaurant
Service station
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Agricultural / Industrial machinery sales, rental and service
Dwelling Unit as a secondary use to an approved use (see Section 50)
Entertainment establishment
Fleet and transportation service
Hostel
Industrial / Manufacturing
Moved-in accessory building (see Section 54.6 - 54.9)
Personal service
Professional, financial, office and business support service
Public and institutional uses
Public utility
Retail store
Shipping container (see Section 58)
Sign (see Section 55)
Sleeping unit as an accessory use to an approved use (see Section 50)
Solar energy system, household - freestanding (see Section 59)
Specialty manufacturing / Cottage industry, minor
Truck stop
Wind Energy Conversion System - Category 1 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE – Serviced Lots

3.1 The following lot sizes apply to lots that are serviced or intended to be serviced with municipal water and a municipal sewage system:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Agricultural, industrial equipment sales and service, drive-in restaurants, entertainment establishments, fleet services, hotels, motels | 36.5 | 120 | 46.0 | 151 | 1679 | 18,073 |
| Automotive repair and service use, restaurants, service stations | 36.5 | 120 | 36.5 | 120 | 1332 | 14,338 |
| Truck stops | 120.0 | 394 | 46.0 | 151 | 5520 | 59,419 |
| Public and institutional use, public utilities | as required by the MPC | | | | | |

3.2 The MPC may increase the minimum lot sizes established above where a lot or a development is located adjacent to a provincial highway without a service roadway.

3.3 Un-serviced lots may require an increase in minimum lot size to accommodate septic treatment at the discretion of MPC and subject to Provincial regulations.

4. MINIMUM SETBACK REQUIREMENTS – Principal Buildings

4.1 Minimum Setback Requirements

Front yard setback (parking in front yard): 16.5 m (54.1 ft.)
Side yard setback (parking in front yard): 3 m (9.8 ft.)
Rear yard setback (parking in front yard): 3 m (9.8 ft.)
Railways
(application: residence, dwelling or sleeping units): 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location

**See Section 57 for setbacks pertaining to WECS.**

**Note:** Setbacks along Highway 774 may be reduced within the Hamlet of Beaver Mines subject to approval from Alberta Transportation.

**Note:** Setbacks along Highway 6 may be reduced within the Hamlet of Twin Butte subject to approval from Alberta Transportation.

4.2 Access to Rear Yard

An on-site lane way not less than 6 m (19.7 ft.) in width shall be provided to ensure access to the rear yard, where a lot is not serviced by a lane so that direct legal access to the rear yard of the lot is not possible.

4.3 Vehicle-Oriented Uses

The MPC or the Development Officer may require:

(a) a 30 m (98.4 ft.) long queuing aisle for drive-in restaurants;

(b) a 11.5 m (37.7 ft.) long queuing aisle for each pump lane, car wash lane or service bay associated with a service station or automotive repair and service use;

(c) a 35 m (115 ft.) queuing aisle for each pump lane or service bay associated with a truck stop.

4.4 Corner Lots

Notwithstanding any requirement of this bylaw, the MPC and the Development Officer shall endeavour to ensure that a principal building on a corner lot is setback from both front property boundaries not less than 6 m (19.7 ft.).

4.5 Setbacks Adjacent to a Residential District

Where a lot in this district adjoins a lot in a residential district with or without an intervening lane, the principal building shall be located at least 4.5 m (14.8 ft.) from the lane way on the residential lot, whichever distance is greater.

4.6 Landscaped Strip

(a) All lots within this district shall provide a landscaped strip not less than 3 m (9.8 ft.) in width, and this landscaped strip shall abut the front property boundary of an interior lot and both front property boundaries of a corner lot.

(b) The 3 m (9.8 ft.) strip referred to above shall not be used to park, store or display any materials, vehicles, goods, or equipment, but:

(i) a sign may be located on the strip;

(ii) one or more access driveways may traverse the strip provided that the number and location of access driveways is to the satisfaction of the Development Authority.

(c) Any side yard or rear yard areas that abut a residential district with or without an intervening lane shall be screened to a height of not less than 1.8 m (5.9 ft.) nor more than 2.0 m (6.6 ft.) by fences, privacy walls or landscaping to the satisfaction of the Development Authority.

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| Principal buildings: | 10.7 m (35.1 ft.) |
| Accessory buildings: | 10.7 m (35.1 ft.) |
| Fences, privacy walls and gates: | 1 m (3.3 ft.) in all front yards and 2 m (6.6 ft.) in all side and rear yards |

7. REFUSE SCREENING AND STORAGE

7.1 Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

7.2 Refuse and refuse containers shall be effectively screened and the MPC or the Development Officer may require that:

(a) refuse container enclosures to screen refuse containers are provided for each principal use; and

(b) refuse container enclosures are located and designed to the satisfaction of the MPC or the Development Officer.

8. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

9. SERVICING

9.1 All newly subdivided lots and any development proposed for parcels, lots and unserviced areas shall be required to connect to both the municipal water supply and sewerage system of the hamlet.

9.2 Developers shall pay any municipal connection fees or infrastructure levies applicable to the land in relation to the landowner's proportionate share of the cost of the municipality installing the municipal services.

## HAMLET PUBLIC AND INSTITUTIONAL – HPI

1. INTENT

The intent of the Hamlet Public and Institutional - HPI district is to facilitate the development of public and institutional uses at suitable locations.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Public and institutional uses
Public utility
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Cemetery
Child care service
Clubs and fraternal organization
Group home
Moved-in accessory building (see Section 54.6 - 54.9)
Public park or recreation
Senior citizen housing
Sign (see Section 55)
Solar energy system, household freestanding (see Section 59)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

An existing or a proposed lot shall be not less than:

(a) 464.5 $m^2$ (5,000 $ft^2$) in an area if it is serviced, or proposed to be serviced with a municipal water supply and municipal sewage disposal system; or

(b) 1858 $m^2$ (20,000 $ft^2$) in an area if it is non-serviced or partially serviced.

4. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

5. MINIMUM SETBACK REQUIREMENTS – Principal and Accessory Buildings

| | |
|---|---|
| Front yard setback: | 10 m (32.8 ft.) |
| Side yard setback: | 2.5 m (8.2 ft.) |
| Rear yard setback: | 2.5 m (8.2 ft.) |
| Railways | |
| (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

6. MAXIMUM BUILDING HEIGHT

Accessory buildings and structures: 7.5 m (24.6 ft.)

7. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

8. SERVICING

8.1 All newly subdivided lots and any development proposed for parcels, lots and unserviced areas shall be required to connect to both the municipal water supply and sewerage system of the hamlet.

8.2 Developers shall pay any municipal connection fees or infrastructure levies applicable to the land in relation to the landowner's proportionate share of the cost of the municipality installing the municipal services.

## HAMLET TRANSITIONAL / AGRICULTURAL – HTA

1. INTENT

The intent of the Hamlet Transitional/Agricultural - HTA district is to:

(a) provide an interim land use classification for lands adjoining the built-up area of a designated hamlet, which may be subdivided and developed for urban uses in the future, but are presently essentially agricultural or un-urbanized; and

(b) discourage disorderly, incompatible or premature development and subdivision of lands within the hamlet's boundary until they are needed or suited for suitable, economical and orderly urban development.

2. USES

2.1 Permitted Uses

Accessory structure (see Section 37 and Section 15.1(l)))
Extensive agriculture (see Section 15.1(b))
Farm buildings and structures excluding those for intensive livestock facilities (see Section 15.1(a))
Home occupation (see Section 47)
Modular home
Single-detached residence
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory building (see Section 36)
Accessory use
Cemetery
Child care service
Construction / Field / Work Camp (see Section 15.1(e); Section 26)
Country inn (see Section 48.4 - 48.10)
Garden Suite (see Section 49)
Manufactured home, singlewide and doublewide (see Section 53)
Moved-in accessory building (see Section 54.6 - 54.9)
Moved-in residential building (see Section 54.6 - 54.9)
Public park or recreation
Public and institutional uses
Public utility
Secondary suite (see Section 49)
Shipping container (see Section 58)
Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)
Tourist home (see Section 47)
Wind Energy Conversion System - Category 1 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

3.1 The MPC shall not approve a discretionary use in this district if, in the opinion of the MPC, that use is likely to become a non-conforming use on subsequent reclassification of the lands.

3.2 The Development Authority shall ensure, to its satisfaction, that all proposed development is located or developed so that it:

(a) does not conflict with or jeopardize the implementation of an adopted detailed design plan, or an area structure plan, where either one or both of these affect the lands which are the subject of a development application;

(b) does not, in the case of a permitted or discretionary use, substantially conflict with the provisions of the land use district which will likely apply on subsequent reclassification of the lands.

3.3 Where a detailed design plan or an area structure plan has not been adopted for the lands that are the subject of a development application, the MPC may require that a detailed design plan or an area structure plan or both be prepared by the applicant and adopted by Council before the MPC approves the development application.

4. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Front yard setback (frontage on a public roadway): | 30 m (98.4 ft.) (or at the discretion of the MPC taking into consideration future designation of property) |
| Side yard setback: | 7.5 m (24.6 ft.) |
| Rear yard setback: | 7.5 m (24.6 ft.) |
| Provincial highways: | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Railways (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**See Section 57 for setbacks pertaining to WECS.**

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MINIMUM LOT SIZE

All residences: 1858 $m^2$ (20,000 $ft^2$)

Other uses: As required by the MPC

7. MAXIMUM BUILDING HEIGHT

The MPC may limit the height of a principal building, accessory building or accessory structure where the MPC considers it reasonable and appropriate to do so.

8. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

9. SERVICING

9.1 All newly subdivided lots and any development proposed for parcels, lots and unserviced areas shall be required to connect to both the municipal water supply and sewerage system of the hamlet.

9.2 Developers shall pay any municipal connection fees or infrastructure levies applicable to the land in relation to the landowner's proportionate share of the cost of the municipality installing the municipal services.

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## LANDFILL INDUSTRIAL – LI

1. INTENT

The intent of the Landfill Industrial - LI district is to encourage environmental protection by directing the commercial disposal of wastes to approved regional waste sites.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Landfill activity
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Bulk fuel station
Hazardous or offensive industry (see Section 51 & 52)
Industrial / Manufacturing
Outdoor storage
Public utility
Recycling facility
Salvage and waste facility
Shipping container (see Section 57)
Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

3.1 The minimum lot size and dimensions for public utilities shall be at the discretion of the MPC, but the minimum lot size and dimensions for all other uses shall be as follows:

(a) minimum length: 60 m (197 ft.)
(b) minimum width: 40 m (131 ft.)
(c) minimum area: 2 ha (4.9 acres)

3.2 The MPC may reduce the minimum area specified in 3.1(c) above, to not less than 0.4 ha (1 acre) where the MPC is satisfied that the minimum setback requirements of this bylaw can be met.

4. MINIMUM SETBACK REQUIREMENTS

4.1 Roadway Setbacks

(a) All principal and accessory buildings shall be setback not less than 50 m (164 ft.) from the right-of-way of Provincial Highway 505.

(b) Subject to 4.1(a) above, all principal and accessory buildings shall be setback not less than 30 m (98.4 ft.) from:

(i) a public roadway, where that roadway forms or abuts the boundary of this district;

(ii) the statutory roadway lying between Sections 23 and 24 in Township 4, Range 29, West of the 4th Meridian; and

(c) Except for fences and signs, and except as provided in 4.1(a) and (b) above, all development including parking areas, and the storage or display of goods, equipment, materials or livestock shall be setback not less than 15 m (49.2 ft.) from the right-of-way of the roads identified in 4.1(a) and (b) above.

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MAXIMUM LOT COVERAGE

The maximum percentage of a lot that may be covered by principal and accessory buildings shall be as required by the Development Authority.

7. BUILDING HEIGHT

7.1 Principal and Accessory Buildings

The maximum height of all principal and accessory buildings shall be as required by the Development Authority.

7.2 Fences

Fences and gates shall not be more than 2.3 m (7.5 ft.) in height nor less than 1.8 m (5.9 ft.) in height from grade unless otherwise required by the Development Authority.

8. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

8.1 General

See Section 46, Landscaping.

8.2 Landscaping Adjoining Major Roadways

A landscaped strip not less than 15 m (49.2 ft.) shall be provided adjacent to any of the roadways identified in 4.1 above.

8.3 Front Yard Landscaping

Where a lot or parcel abuts a public roadway other than a roadway referred to in 8.2 above, the Development Authority may require that a landscaped strip not less than 3.6 m (11.8 ft.) shall be provided adjacent to that public roadway.

8.4 Outdoor Storage and Display

The outdoor display of goods and materials or equipment solely for advertisement purposes may be allowed by the MPC, but unless otherwise required by the MPC, goods, materials and equipment:

(a) shall not be stored in a front yard; and

(b) shall be screened from public view.

9. REFUSE SCREENING AND STORAGE

9.1 Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

9.2 Refuse and refuse containers shall be effectively screened.

10. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

11. ACCESS

See Section 34.

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## MULTI-LOT HEAVY RURAL INDUSTRIAL – MHRI

1. INTENT

The intent of the Multi-Lot Heavy Rural Industrial (MHRI) district is to facilitate industrial development which takes advantage of the site and the facilities available in this district.

2. USES

2.1 Permitted Uses

Accessory structure (see Section 37 and Section 15.1(l)))
Extensive agriculture, excluding farm buildings and structures (see Section 15.1(b))
Outdoor storage
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory building (see Section 36)
Accessory use
Animal care major and minor
Bulk fuel station
Cannabis Production Facility (see Section 61)
Construction / Field / Work Camp (see Section 15.1(e); Section 26)
Farm supplies and service
Hazardous industry (see Section 52)
Intensive horticultural operation
Industrial / Manufacturing
MET Tower
Moved-in accessory building (see Section 54.6 - 54.9)
Natural resource extractive use (see Section 53)
Public utility
Salvage and waste facility
Shipping container (see Section 58)
Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)
Wind Energy Conversion System - Category 1 and 2 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

3.1 The minimum lot size and dimensions for public utilities shall be at the discretion of the MPC, but the minimum lot size and dimensions for all other uses shall be as follows:

(a) minimum length: 60 m (197 ft.)

(b) minimum width: 40 m (131 ft.)

(c) minimum area: 2 ha (4.9 acres)

3.2 The MPC may reduce the minimum area specified in 3.1(c) above, to not less than 0.4 ha (1 acre) where the MPC is satisfied that the minimum setback requirements of this bylaw can be met.

4. MINIMUM SETBACK REQUIREMENTS

All other property lines: 7.5 m (24.6 ft.)

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MAXIMUM LOT COVERAGE

The maximum percentage of a lot that may be covered by principal and accessory buildings shall be as required by the Development Authority.

7. BUILDING HEIGHT

7.1 Principal and Accessory Buildings

The maximum height of all principal and accessory buildings shall be as required by the Development Authority.

7.2 Fences

Fences and gates shall not be more than 2.3 m (7.5 ft.) in height nor less than 1.8 m (5.9 ft.) in height from grade.

8. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

8.1 General

See Section 46, Landscaping.

8.2 Landscaping Adjoining Major Roadways

A landscaped strip not less than 15 m (49.2 ft.) shall be provided adjacent to any public roadways.

8.3 Front Yard Landscaping

Where a lot or parcel abuts a public roadway other than a roadway referred to in 8.2 above, the Development Authority may require that a landscaped strip not less than 3.6 m (11.8 ft.) shall be provided adjacent to that public roadway.

8.4 Outdoor Storage and Display

The outdoor display of goods and materials or equipment solely for advertisement purposes may be allowed by the MPC, but unless otherwise required by the MPC, goods, materials and equipment:

(a) shall not be stored in a front yard; and

(b) shall be screened from public view.

9. REFUSE SCREENING AND STORAGE

9.1 Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

9.2 Refuse and refuse containers shall be effectively screened.

10. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

11. ACCESS

See Section 34.

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## PARKS AND OPEN SPACE – POS

1. INTENT

The intent of the Parks and Open Space - POS district is to:

(a) identify where practical, and facilitate the development of public parks and recreation areas; and

(b) identify where practical, lands dedicated as environmental and municipal and/or school reserve under the Act, and lands dedicated as community reserve under the previous Act; and

(c) provide a means whereby buffer strips and similar open spaces may be readily identified.

2. USES

2.1 Reserve Land

Notwithstanding the permitted and discretionary uses listed below, lands dedicated as environmental or municipal and/or school reserve pursuant to the Act, or community reserve pursuant to the previous Act, shall be used and administered in accordance with the Act.

2.2 Permitted Uses

Public park or recreation
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.3 Discretionary Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Golf course
Moved-in accessory building (see Section 54.6 - 54.9)
Public utility
Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)

2.4 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

Minimum lot size shall be as required by the MPC.

4. MINIMUM SETBACK REQUIREMENTS

Front yard setback: At the discretion of the Development Authority
Side yard setback: At the discretion of the Development Authority
Rear yard setback: At the discretion of the Development Authority

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MAXIMUM BUILDING HEIGHT

Accessory buildings: 7.5 m (24.6 ft.)

7. REFUSE SCREENING AND STORAGE

7.1 Refuse and garbage shall be kept in suitably-sized containers until such time as collection or disposal is possible.

7.2 Refuse and refuse containers shall be effectively screened and the Development Authority may require:

(a) that refuse container enclosures to screen refuse and refuse containers are provided for each principal use; and

(b) those refuse container enclosures are located and designed to the satisfaction of the Development Authority.

8. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

## RURAL BUSINESS – RB

1. INTENT

The intent of the Rural Business - RB district is to provide for isolated commercial uses on farm yard locations where commercial uses may be accommodated in the rural areas.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Animal care service, major and minor
Extensive agriculture (see Section 15.1(b))
Farm buildings and structures (see Section 15.1(a))
Home occupation (see Section 47)
Manufactured home, singlewide and doublewide (see Section 54)
Modular home
Personal service
Solar energy system, household wall or roof mounted (see Section 15.1(r))
Single-detached residence
Specialty Manufacturing / Cottage Industry, minor
Wind Energy Conversion System – Category 1 (See Section 57)

2.2 Discretionary Uses

Abattoir
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Animal care service, major and minor
Auto body or paint shop
Construction supply and contractors
Dwelling unit as a secondary use to an approved use (see Section 50)
Farmer's market
Intensive horticultural operation
Mini storage
Moved-in accessory building (see Section 54.6 - 54.9)
Moved-in dwelling (see Section 54.6-54.9)
Outdoor storage
Public utility
Restaurant
Retail store
Secondary suite (see Section 49)
Shipping container (see Section 58)
Sign (see Section 55)
Sleeping unit as an accessory use to an approved use (see Section 50)
Solar energy system, household – freestanding (see Section 59)
Specialty manufacturing / Cottage industry, major
Tourist home (see Section 47)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

2.4 USE REQUIREMENTS:

(a) Prior to the approval of any commercial or industrial use, a dwelling unit must be established on the parcel;

(b) Commercial and industrial uses shall be located to the rear of the dwelling unit;

(c) Commercial and industrial uses shall directly involve one or more residents of the parcel involved in the business or operation;

(d) Hours of operation of commercial and industrial uses occurring outside of an enclosed building shall be limited to between 8:00 a.m. and 7:00 p.m.;

(e) Any outdoor storage associated with a commercial or industrial use shall meet the building setback requirements for commercial and industrial buildings;

(f) A development application which proposes to locate an outdoor storage use within the boundary of the Burmis Lundbreck Corridor Area Structure Plan:

(i) at a location which, in the opinion of the MPC, is highly visible to the travelling public from Provincial Highways 3, 3A, 22 or 507; or

(ii) at a location which is highly visible to an adjoining or nearby residence, a public park or recreation use, a commercial / private recreation use or a public and institutional use;

shall not be approved.

3. MAXIMUM DENSITY

For all subdivided parcels that are less than 32.4 ha (80 acres) the maximum number of dwelling units is two (2). This can be any combination of a principal dwelling with a secondary suite as defined by Section 49. For those properties that were approved for a secondary farm residence and were subdivided the secondary farm residence will need a permit to transition to a secondary suite. Where a subdivided parcel contains more than 2 dwelling units, each dwelling unit greater than two will be considered legal non-conforming and cannot be altered or added to with an addition or secondary suite.

4. MINIMUM LOT SIZE

| | |
|---|---|
| All residences: | 1.2 ha (3 acres) to a maximum of 4.05 ha (10.00 acres) |
| Other uses: | 1.2 ha (3 acres) |

5. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Setbacks from public roadways: | 30 m (98.4 ft.) |
| All other property lines: | 7.5 m (24.6 ft.) |
| Provincial highways: | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Railways (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

**See Section 57 for setbacks pertaining to WECS.**

6. MAXIMUM BUILDING HEIGHT

| | |
|---|---|
| Principal buildings: | 10.7 m (35.1 ft.) |
| Accessory buildings: | 10.7 m (35.1 ft.) |
| Fences, privacy walls and gates: | 1 m (3.3 ft.) in all front yards |
| | 2 m (6.6 ft.) in all side and rear yards |

7. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

8. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed by the MPC, but unless otherwise required by the MPC, foods, material and equipment:

(a) shall not be stored in a front yard; and

(b) shall be screened from public view, to the satisfaction of the MPC.

9. REFUSE SCREENING AND STORAGE

Unless otherwise required by the MPC or the Development Officer:

(a) refuse or garbage shall be kept in a suitably-sized container or enclosure;

(a) refuse and refuse containers shall be effectively screened; and

(b) refuse and refuse containers shall be located in a rear yard.

10. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

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# RURAL HIGHWAY COMMERCIAL – RC

1. INTENT

The intent of the Rural Highway Commercial - RC district is to provide areas where highway commercial uses may be accommodated in the rural areas in accordance with the Municipal Development Plan.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Drive-in restaurant
Hotel / Motel
Restaurant
Service station
Solar energy system, household wall or roof mounted (see Section 15.1(r))
Truck stop

2.2 Discretionary Uses

Animal care service, major and minor
Dwelling unit as a secondary use to an approved use (see Section 50)
Entertainment establishment
Moved-in accessory building (see Section 54.6 - 54.9)
Public utility
Retail store as a secondary use to a permitted or a discretionary use
Shipping container (see Section 58)
Sign (see Section 55)
Sleeping unit as an accessory use to an approved use (see Section 50)
Solar energy system, household - freestanding (see Section 59)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

Subject to the minimum setback requirements in Section 5 of this district, the following minimum lot sizes apply:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Service stations | 61 | 200 | 45 | 148 | 2745 | 29,548 |
| Truck stops | 135 | 443 | 50 | 164 | 6750 | 72,659 |
| Other uses | as required by the Development Authority | | | | | |

4. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Front yard setback: | 30 m (98.4 ft.) (setback from public access or internal municipal roads that service multi-lot plans of subdivision) |
| Side yard setback: | 15 m (49.2 ft.) |
| Rear yard setback: | 15 m (49.2 ft.) |
| Provincial highways: | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Railways | |
| (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed by the MPC, but unless otherwise required by the MPC, foods, material and equipment:

(a) shall not be stored in a front yard; and

(b) shall be screened from public view, to the satisfaction of the MPC.

7. REFUSE SCREENING AND STORAGE

Unless otherwise required by the MPC or the Development Officer:

(a) refuse or garbage shall be kept in a suitably-sized container or enclosure;

(c) refuse and refuse containers shall be effectively screened; and

(d) refuse and refuse containers shall be located in a rear yard.

8. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

## RURAL RECREATION 1 – RR-1

1. INTENT

The intent of the Rural Recreation 1 - RR-1 district is to facilitate the development of commercial / private recreation uses at selective locations within the municipal district. Land contained within this district shall be developed in a sensitive fashion to limit or avoid compromising the municipality's natural attributes, natural aesthetics, and important scenic vistas.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Extensive Agriculture (see Section 15.1(b))
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Commercial / Private recreation
Country inn (see Section 48.4 - 48.10)
Dwelling unit as a secondary use (see Section 50)
Modular home as an accessory use
Moved-in accessory building (see Section 54.6 - 54.9)
Outdoor storage
Recreation facility as an accessory use
Recreational Accommodation, Commercial Highway (see Sections 48.27 - 48.31)
Recreational Accommodation, Family limited (see Section 48.11 – 48.26)
Restaurant as an accessory use
Retail store as an accessory use
Sign (see Section 55)
Single-detached residence as an accessory use
Sleeping unit as an accessory use (see Section 50)
Solar energy system, household - freestanding (see Section 59)
Tourist home (see Section 47)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MINIMUM LOT SIZE

Minimum lot dimensions shall be to the satisfaction of the MPC.

4. MINIMUM SETBACK REQUIREMENTS – All Buildings

| | |
|---|---|
| Setbacks from public roadways: | 30 m (98.4 ft.) |
| All other property lines: | 7.5 m (24.6 ft.) |
| Provincial highways: | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |

| | |
|---|---|
| Railways | |
| (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |
| Multi-lot Heavy Rural Industrial District (application: residence, dwelling or sleeping units): | 300 m (984 ft.) |
| All existing residential dwellings: | 300 m (984 ft.) |

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. MAXIMUM BUILDING HEIGHT

8.5 m (27.9 ft.)

7. ARCHITECTURAL CONTROL

The Development Authority may require that the exterior of any building, development, or structure, including accessory buildings and structures shall be finished in unobtrusive natural earth-tone colours.

8. REFUSE SCREENING AND STORAGE

8.1 Refuse and garbage shall be kept in suitably-sized containers and it shall be effectively screened until such time as collection or disposal is possible.

8.2 As a condition of approval, the refuse containers may be required to be bear-proof.

9. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

## RURAL RECREATION 2 – RR-2

1. INTENT

The intent of the Rural Recreation 2 - RR-2 district is to facilitate the development of single-detached residence or similar fixed roofed structures providing for recreational accommodation.

2. USES

2.1 Permitted Uses

Accessory structure (see Section 37 and Section 15.1(l))
Extensive Agriculture
Modular home
Single-detached residence
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Accessory building (see Section 36)
Accessory use
Commercial / Private recreation
Home occupation (see Section 47)
Manufactured home, singlewide and doublewide (see Section 54)
Moved-in accessory building (see Section 54.6 - 54.9)
Moved-in residential building (see Section 54.6 - 54.9)
Outdoor storage
Public utility
Recreational Accommodation, Commercial Resort (See 48.27-48.31)
Recreation facility
Retail store
Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)
Tourist home (see Section 47)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above or contained in the sections of this district below.

3. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS – General

3.1 Residential development, including replacement dwellings or manufactured homes, shall not be allowed unless:

(a) the Development Authority is satisfied that satisfactory arrangements have been made for sewage disposal and water supply; and

(b) a soil test, near surface water table test and a percolation test are provided to the satisfaction of the Development Authority; and

(c) a detailed site plan is submitted providing: lot size, number of lots, configuration of the lots, road system, the provision of water supply, treatment of sewer;

(d) that all refuse and garbage shall be kept in suitably-sized containers and it shall be effectively screened until such time as collection or disposal is possible; and

(d) any other information the Development Authority considers appropriate.

3.2 Minimum site size – as required by the Development Authority.

3.3 All existing residential dwellings that are not part of the development: 300 m (984 ft.)

4. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS – Lee Lake

Maximum Dwelling Units: 55 within this area

4.1 Permitted Uses

All those permitted uses listed in 2.1 of this district

4.2 Discretionary Uses – All those listed in 2.2 of this district.

4.3 Setback Requirements

| | |
|---|---|
| Setback from private roadway, other than a driveway: | 16 m (52.5 ft.) from the centerline of the roadway |
| Setback from side site boundary: | 2.4 m (7.9 ft.) |
| Setback from the property boundary: | As required by the Development Authority |
| Setback from public roadway: | 30 m (98.4 ft.) |

4.4 Maximum Building Height

| | |
|---|---|
| Residences or dwellings: | 8.5 m (27.9 ft.) |
| Accessory buildings: | 4.6 m (15.1 ft.) |
| Other buildings: | As required by the Development Authority |
| Fences and gates: | Shall generally be discouraged |

5. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS – Castle View Ridge

5.1 Permitted Uses

All those permitted uses listed in 2.1 of this district
Basements

5.2 Discretionary Uses

Recreation Vehicle/Holiday Trailer on Lots 1-9, Block 4, Plan 0815791 inclusive (see Figure 7)

5.3 Prohibited Uses

Accessory buildings except attached garages are not allowed in the Castle View Ridge.

5.4 Maximum Dwelling Units

To a maximum of 77 units within this area.

5.5 Setback Requirements

| | |
|---|---|
| Setback from front site boundary: | 6.5 m (21.3 ft.) |
| Setback from side site boundary: | 1.5 m (4.9 ft.) |
| Setback from rear site boundary: | 6.5 m (21.3 ft.) |

5.6 Maximum Building Height:

Maximum building height is 6.42 m (21.0 ft.) measured from the average grade of the lot.

5.7 Building Size and Coverage

| | |
|---|---|
| Minimum building size: | 60 $m^2$ (642 $ft^2$) |
| Total maximum area for all buildings, driveways, decks and associated structures: | 33% of total lot area |

5.8 Fences and Gates

Front yard: fences in the front yard are prohibited

Rear yard: maximum 1.8 m (5.9 ft.) in height

6. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS – Beauvais Lake

6.1 Permitted Uses

All those listed in 2.1 of this district.

6.2 Discretionary Uses

Docks (require license of occupation from Alberta Environment and be approved by the Conservation Officer)
Fences (must be approved by the Conservation Officer)
Outdoor fire pits (must be approved by the Conservation Officer)

6.3 Prohibited Uses

Manufactured home and any similar moveable dwelling unit proposed as principal dwelling.

6.4 Lot Coverage

| | |
|---|---|
| Total maximum area for all buildings: | 145 $m^2$ (1561 $ft^2$) |
| Maximum cottage building area: | 93 $m^2$ (1000 $ft^2$) |
| Minimum cottage building area: | 37 $m^2$ (400 $ft^2$) |

6.5 Setback Requirements

| | |
|---|---|
| Setback from front lease boundary: | 5 m (16.4 ft.) excluding uncovered decks which may be built to the lease boundary |
| Setbacks from rear lease boundary: | 9 m (29.5 ft.) for all buildings except where an access easement abuts the rear boundary allowing all accessory structures to be built 3 m (9.8 ft.) from the rear lease boundary |
| Setbacks from side lease boundary: | minimum 3 m (9.8 ft.) on one side and 2 m (6.6 ft.) on the opposite side |

6.6 Maximum Building Height

| | |
|---|---|
| Principal building: | 6.1 m (20 ft.) lakeside - measured on north elevation (roadside) from existing grade to roof peak |
| | 4.9 m (16 ft.) upper half of lot - measured on north elevation (roadside) from existing grade to roof peak |

7. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS – The Silos being a portion of the SW 16-3-29 W4M

7.1 Permitted Uses – None of those listed in 2.1 of this district.

Three grain bins converted as accommodation to a campground use
One grain bin converted as a gazebo/barbeque accessory to a campground use

7.2 Discretionary Uses – None of those listed in 2.2 of this district.

7.3 Lot Coverage, Setback Requirements, Maximum Building Height, and Parking

As required by the Development Authority

8. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS – River Bend Ranch Houses being a portion of Lot 1 Block 1 Plan 1911330 within the NE 20-6-1 W5M

8.1 Permitted Uses – None of those listed in 2.1 of this district.

8.2 Discretionary Uses – None of those listed in 2.1 of this district.

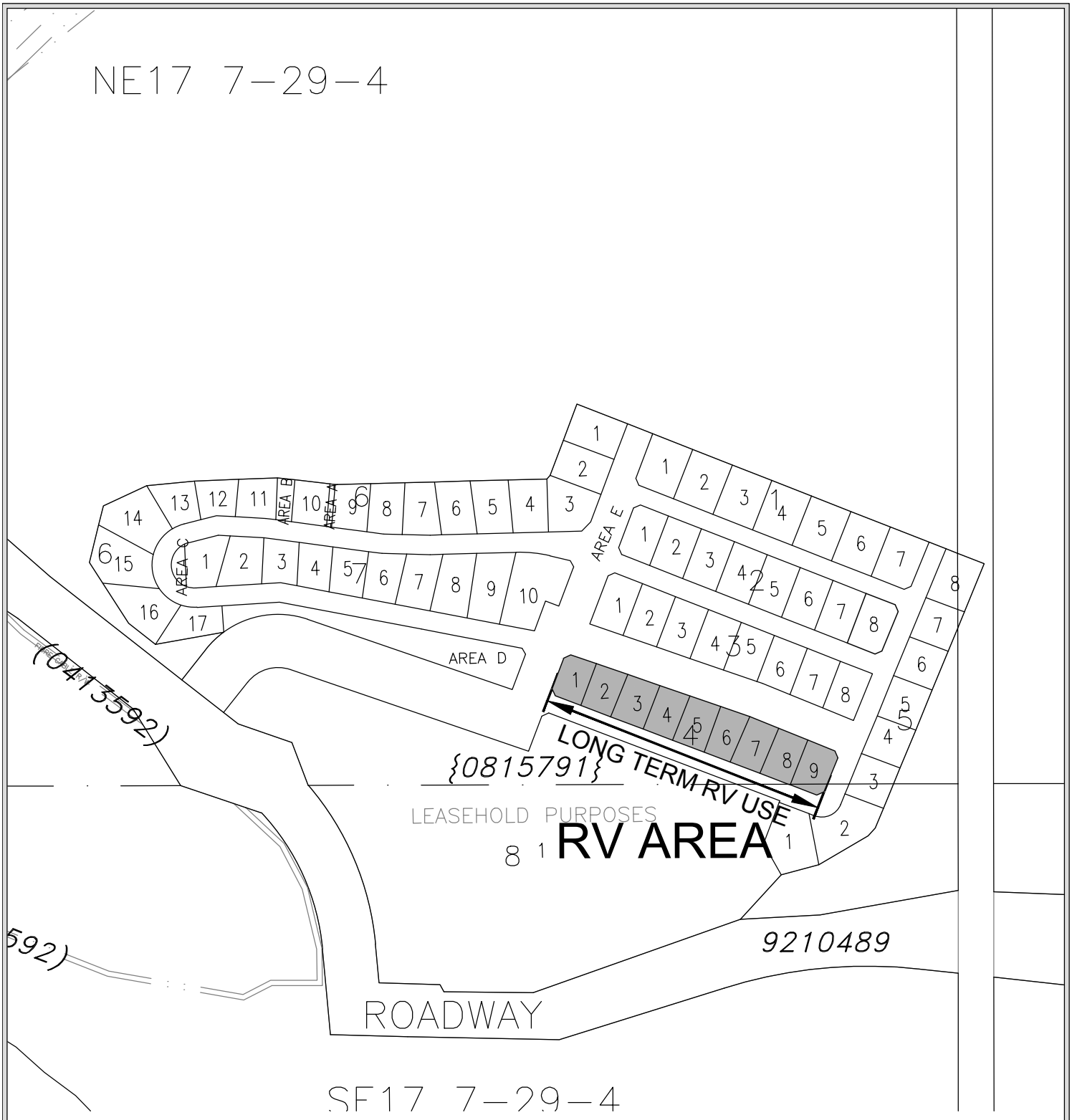
1 Shipping container
5 grain bins converted as accommodation to a recreational use

8.3 Lot Coverage, Setback Requirements, Maximum Building Height, and Parking

As required by the Development Authority

9. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS – Canadian Wilderness Recreation (CWR) Boat Club Society located on Parcel "A", SW¼-36-7-1-W5M

9.1 The commercial private recreation use located on Parcel "A", SW¼-36-7-1-W5M commonly known as the Canadian Wilderness Recreation (CWR) Boat Club Society may be allowed to undertake the year-round storage of recreational vehicles (RVs) and related vehicles (i.e. boats) on individual sites.




# CASTLE VIEW RIDGE LOT PATTERNS

FIGURE 7

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
1105 10th AVENUE NORTH, LETHBRIDGE, AB T1H 0C8
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

OLDMAN RIVER REGIONAL SERVICES COMMISSION

## URBAN FRINGE – UF

1. INTENT

The intent of the Urban Fringe - UF district is to:

(a) continue extensive agricultural use of lands surrounding urban municipalities and designated hamlets until the lands are needed for urban expansion; and

(b) discourage the development and the fragmentation of land which may compromise the logical, orderly and economic expansion of urban boundaries; and

(c) discourage uses and development which would conflict with those in the adjoining urban community; and

(d) provide coordinated and mutually satisfactory management of land uses in consultation with the adjoining urban municipality;

(e) implement the Intermunicipal Development Plans surrounding the Town of Pincher Creek and Village of Cowley.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Agricultural Water Reservoir (see Section 15.1 (aa) and Section 64)
Dugout (see Section 15.1 (aa) and Section 64)
Extensive agriculture (see Section 15.1(b))
Farm buildings and structures (see Section 15.1(a))
Manufactured homes, singlewide and doublewide (see Section 54)
Recreational Accommodation, Family (see Section 48 and 15.1(x))
Single-detached residence
Solar energy system, household wall or roof mounted (see Section 15.1(r))

2.2 Discretionary Uses

Animal care major and minor
Cemetery
Existing commercial / Private recreation
Outdoor storage
Home occupation (see Section 47)
Intensive horticultural operation
Moved-in accessory building (see Section 54.6 - 54.9)
Moved-in residential building (see Section 54.6 - 54.9)
Public and institutional uses
Public park or recreation
Public utility
Recreational Accommodation, Family limited
Secondary suite (see Section 49)
Shipping container (see Section 58)
Sign (see Section 55)
Solar energy system, household - freestanding (see Section 59)
Tourist home (see Section 47)
Wastewater treatment plant

Wind Energy Conversion System - Category 1 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MAXIMUM DENSITY

For all subdivided parcels that are less than 32.4 ha (80 acres) the maximum number of dwelling units is two (2). This can be any combination of a principal dwelling with a secondary suite as defined by Section 49. For those properties that were approved for a secondary farm residence and were subdivided the secondary farm residence will need a permit to transition to a secondary suite. Where a subdivided parcel contains more than 2 dwelling units, each dwelling unit greater than two will be considered legal non-conforming and cannot be altered or added to with an addition or secondary suite.

4. MANDATORY REFERRAL – Adjoining Urban Municipality

Except where a development permit is not required or a permitted use, the Development Officer or the MPC shall:

(a) refer all development applications in this district to the adjoining urban municipality;

(b) in the case of an application made in the Town of Pincher Creek Urban Fringe, the application may also be forwarded to the Intermunicipal Development Plan Committee for comment.

5. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Front yard setback (frontage on public roadway): | 30 m (98.4 ft.) |
| Side yard setback: | 7.5 m (24.6 ft.) |
| Rear yard setback: | 7.5 m (24.6 ft.) |
| Provincial highways: | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Railways (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**See Section 57 for setbacks pertaining to WECS.**

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

6. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

7. MINIMUM LOT SIZE

All residences: 1.2 ha (3 acres)

Other uses: 1.2 ha (3 acres)

8. MAXIMUM BUILDING HEIGHT

The Development Authority may limit the height of a principal building, accessory building or accessory structure where the Development Authority considers it reasonable and appropriate.

9. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

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## WIND FARM INDUSTRIAL – WFI

1. INTENT

The intent of the Wind Farm Industrial - WFI district is to ensure that agricultural land will facilitate agricultural pursuits while allowing flexibility to accommodate wind farm development in accordance with the Municipal Development Plan.

2. USES

2.1 Permitted Uses

Accessory building (see Section 36)
Accessory structure (see Section 37 and Section 15.1(l))
Accessory use
Agricultural Water Reservoir (see Section 15.1 (aa) and Section 64)
Dugout (see Section 15.1 (aa) and Section 64)
Extensive agriculture (see Section 15.1(b))
Farm buildings and structures (see Section 15.1(a))
Home occupation (see Section 47)
Public utility
Recreational Accommodation, Family (see Section 48 and 15.1(x))
Single-detached residence
Solar energy system, household wall or roof mounted (see Section 15.1(r))
Wind Energy Conversion System - Category 1 (see Section 57)

2.2 Discretionary Uses

Cannabis production facility
Intensive horticultural operation
Moved-in accessory building (see Section 54.6 - 54.9)
Moved-in residential building (see Section 54.6 - 54.9)
MET Tower
Outdoor storage
Recreational Accommodation, Family limited
Secondary farm residence
Secondary suite (see Section 49)
Shipping container (see Section 58)
Sign (see Section 55)
Solar energy system, commercial/industrial (see Section 59)
Solar energy system, household freestanding (see Section 59)
Tourist home (see Section 47)
Wind Energy Conversion System – Category 2 and 3 (see Section 57)

2.3 Prohibited Uses

All uses not deemed similar by the Development Authority to any permitted or discretionary use listed above.

3. MAXIMUM DENSITY

For all subdivided parcels that are less than 32.4 ha (80 acres) the maximum number of dwelling units is two (2). This can be any combination of a principal dwelling with a secondary suite as defined by Section 49. For those properties that were approved for a secondary farm residence and were subdivided the secondary farm residence will need a permit to transition to a secondary suite. Where a subdivided parcel contains more than 2 dwelling units, each dwelling unit greater than two will be considered legal non-conforming and cannot be altered or added to with an addition or secondary suite.

4. MINIMUM SETBACK REQUIREMENTS

| | |
|---|---|
| Setbacks from public roadways: | 30 m (98.4 ft.) |
| All other property lines: | 7.5 m (24.6 ft.) |
| Provincial highways: | Minimum distance as set by Alberta Transportation and may be increased by MPC where warranted |
| Railways | |
| (application: residence, dwelling or sleeping units): | 40 m (131 ft.) or less if mitigated by sound attenuation and not considered an unsafe location |

**Note:** Setbacks can be varied by the MPC if they meet the generally accepted rules of variances as outlined in Section 18.

**See Section 57 for setbacks pertaining to WECS.**

5. ENVIRONMENTAL SETBACKS AND SEPARATION DISTANCES

See Sections 35, 44 and 45.

6. OFF-STREET PARKING AND LOADING REQUIREMENTS

See Section 56.

7. WIND ENERGY CONVERSION SYSTEMS (WECS) DENSITY

See Section 57.
Multiple wind turbines allowed per titled parcel within this district.

8. LANDSCAPING

See Section 46.

APPENDIX A

# MAPS