# Municipal District of Willow Creek No. 26





# LAND USE BYLAW NO. 2025

Adopted September 24, 2025
Cons. to Bylaw 2048, August 2026

**Prepared by**




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**Prepared for the MD of Willow Creek**

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## MUNICIPAL DISTRICT OF WILLOW CREEK
### IN THE PROVINCE OF ALBERTA

# BYLAW NO. 2025
## REVISED BYLAW NO. 2030

**BEING** a bylaw of the Municipal District of Willow Creek in the Province of Alberta to revise Bylaw No. 2025, being the Municipal District of Willow Creek Land Use Bylaw, to correct a clerical error.

**WHEREAS** Section 63(1) and Section 63(2)(g)(i) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a council may by bylaw authorize the revision of a bylaw to make changes, without materially affecting the bylaw in principle or substance, to correct clerical, technical, grammatical or typographical errors in the bylaw; and

**WHEREAS** Section 692(6) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a bylaw under Section 692(1), Planning bylaws, may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the bylaw in principle or substance; and

**WHEREAS** a clerical error has been identified in the reading page of Bylaw No. 2025, being the Municipal District of Willow Creek Land Use Bylaw, whereby the reference to the former Land Use Bylaw No. 1826, which was repealed by Bylaw No. 2025, was mistakenly referred to as Land Use Bylaw No. 1896; and

**WHEREAS** the Council of the Municipal District of Willow Creek deems it proper and expedient to correct the clerical error and deems that the correction does not materially affect the bylaw in principle or substance;

**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 Willow Creek in the Province of Alberta duly assembled does hereby enact the following:

1. Bylaw No. 1826, being the former Land Use Bylaw, and any amendments thereto, excepting Bylaws 1959 to 1974, is hereby rescinded.
2. Bylaw No. 2025 is hereby revised.
3. This bylaw shall come into effect upon third and final reading hereof.

READ a first time this 26th day of November 2025.

Reeve – Maryanne Sandberg  Chief Administrative Officer – Derrick Krizsan

READ a second time this 26th day of November 2025.

Reeve – Maryanne Sandberg  Chief Administrative Officer – Derrick Krizsan

READ a third time and finally PASSED on this 26th day of November 2025.

Reeve – Maryanne Sandberg  Chief Administrative Officer – Derrick Krizsan

# Municipal District of Willow Creek No. 26 Land Use Bylaw No. 2025 – Amendments

| Bylaw No. | Amendment Description | Legal Description | Passed |
|---|---|---|---|
| 1985 | Rural General - RG to Natural Resource Extraction - NRE | A Portion of NE ¼ 8-9-26-W4M | 14-Jan-2026 |
| 2023 | Rural General - RG to Natural Resource Extraction - NRE<br>Natural Resource Extraction - NRE to Rural General - RG | A Portion of SE ¼ 18-9-26-W4M | 14-Jan-2026 |
| 2026 | Rural General - RG to Natural Resource Extraction - NRE<br>Natural Resource Extraction - NRE to Rural General - RG | A Portion of SW ¼ 18-9-26-W4M | 14-Jan-2026 |
| 2033 | Rural General - RG to Rural Industrial – RI | A Portion of NW ¼ 10-9-25-W4M | 25-Feb-2026 |
| 2035 | Rural General - RG to Rural Industrial – RI | Lot 1, Block 1, Pan 121 0373 | 25-Mar-2026 |
| 2047 | Rural General - RG to Natural Resource Extraction - NRE<br>Rural Industrial - RI to Natural Resource Extraction - NRE | Portion of SE ½ 13-9-27-W4M | 12-Aug-2026 |
| 2048 | Hamlet Residential – HR to Hamlet Business – HB<br>No Zoning to Hamlet Business – HB | Portions of Lot 1, Block 1, Plan 2610920 | 12-Aug-2026 |

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# ENACTMENT

## SECTION 1 TITLE

1.1 This bylaw may be referred to or cited as the "Municipal District of Willow Creek No. 26 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 land use districts;

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

(c) establish the role of approving authorities;

(d) establish a method for making decisions on applications for redesignations and development permits, including issuing development permits for a development;

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

(f) implement the Municipal Development Plan and other statutory plans of the municipality, as may be developed.

## SECTION 4 REPEAL OF FORMER BYLAW

4.1 The Municipal District of Willow Creek No. 26 Land Use Bylaw No. 1826 and amendments thereto are hereby repealed except Bylaws 1959 through 1974 (Homestead Solar Project).

## SECTION 5 METRIC AND IMPERIAL MEASUREMENTS (NEW)

5.1 All units of measure contained within this Bylaw are metric (SI) standards. Imperial measurements and conversions are provided for convenience and information only.

5.2 Any measurement greater than the exact regulation prescribed in this Bylaw shall be considered in excess of the requirement and shall not be rounded down.

5.3 The following notations may be used in place of whole words within this Bylaw:

"m" shall mean metre(s);
"km" shall mean kilometre(s);
"ft" shall mean ft.;
"ha" shall mean hectare(s);
"$m^2$" shall mean square metre(s);
"mi" shall mean mile(s);
"$ft^2$" shall mean square feet;
"ac" shall mean acre(s).

## SECTION 6 DEFINITIONS

6.1 For "Administrative Definitions" refer to Section 67.

6.2 For "Use and Use Related Definitions" refer to Schedule 7.

## SECTION 7 FORMS AND FEES

7.1 For the purpose of administering the provisions of this Bylaw, Council may authorize by bylaw, the preparation and use of such fee schedules as it may deem necessary. Any such fee schedules are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized and issued.

7.2 For the purpose of administering the provisions of this Bylaw, the Municipality may prepare and use such forms it may deem necessary. Any such forms are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized and issued. Forms are included in Appendix A.

7.3 The reduction, refund, or any matter related to application fees requires the approval of the Municipal Planning Commission.

## SECTION 8 COMPLIANCE WITH LEGISLATIVE AND BYLAW REQUIREMENTS

***NOTE TO READER:*** *Where a reference to an applicable provincial, federal, or other regulatory requirement is listed in this Bylaw, it is for the convenience of the reader only and is not meant to be a comprehensive source for all applicable requirements. Further, where a reference to an applicable provincial, federal, or other regulatory requirement is listed in a particular district or section, the absence of a similar reference for a different development is not intended to imply that an applicable requirement does not exist. It is intended that all statutory plans will align with the Land Use Bylaw. However, where an inconsistency exists, the Development Authority's decision shall prevail, while considering all relevant plans, this Bylaw and the MGA.*

8.1 This Bylaw is enacted under Part 17 of the Municipal Government Act. This bylaw is to be read in conjunction with the Alberta Land Stewardship Act and the South Saskatchewan Regional Plan.

8.2 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 Willow Creek No. 26.

8.3 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.

8.4 For those developments requiring approval by provincial agencies, a local decision shall be provided by the Development Authority prior to or after a decision by the relevant provincial agency (at the sole discretion of the Development Authority).

## SECTION 9 SEVERABILITY

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

## SECTION 10 RULES OF INTERPRETATION

10.1 Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The Interpretation Act, as amended, shall be used in the interpretation of this Bylaw. Words have the same meaning whether they are capitalized or not.

10.2 The written regulations of this Bylaw take precedence over any graphic or diagram if there is a perceived conflict.

10.3 The Land Use Districts Map(s) takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

10.4 Where a reference to another document or piece of legislation is made in this Bylaw, it is intended that the reference apply to include any amendments or a successor document or legislation that replaces the original.

## SECTION 11 APPENDICES

11.1 Appendices attached hereto, are for information purposes, and do not form part of this Bylaw but have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized, and issued. The Appendices may be amended, updated, and/or altered independent of this Bylaw.

# APPROVING AUTHORITIES

## SECTION 12 DEVELOPMENT AUTHORITY

***NOTE TO READER**: The term "Development Authority," where used in this Bylaw, refers to either the Development Officer or the Municipal Planning Commission (as the case may be), depending on the classification of a "use" in a specific land use district or where Council has chosen to specifically authorize one entity or the other, or both. Where the Development Officer or the Municipal Planning Commission are specifically named, the relevant provision is meant to apply specifically to that individual entity.*

12.1 The Development Authority is established by separate bylaw pursuant to the Municipal Government Act (MGA) and for the purposes of this Bylaw.

12.2 Council shall be the Development Authority within any Direct Control District, unless specifically delegated to the Municipal Planning Commission, the Development Officer, or another designate(s) as stipulated in the particular Direct Control land use district.

12.3 In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Municipal Planning Commission;

(b) Chief Administrative Officer; or

(c) a designate(s) in accordance with the MGA.

12.4 The Development Officer is an authorized person in accordance with section 624 of the MGA.

12.5 The Development Authority shall perform such powers and duties as are specified:

(a) in the Municipal District of Willow Creek No. 26 Municipal Planning Commission Bylaw;

(b) in this Bylaw;

(c) in the MGA; or

(d) where applicable, by resolution of Council.

## 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 Municipal District of Willow Creek No. 26 Municipal Planning Commission Bylaw;

(b) in this Bylaw; or

(c) by resolution of Council.

13.2 The Subdivision Authority may delegate, through any of the methods described in Section 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; and

(b) the Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Rules and Procedures section of the Bylaw, including the task of sending all required notifications to applicants as stipulated.

## SECTION 14 DEVELOPMENT OFFICER – POWERS AND DUTIES

14.1 The office of the Development Officer is hereby established, and such office shall be filled by one or more persons as appointed by resolution of Council.

14.2 The Development Officer:

(a) shall receive and process all applications for development permits and determine whether a development permit application is complete in accordance with Section 31;

(b) shall maintain for inspection by the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;

(c) shall also establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;

(d) shall consider and decide on "Permitted Use" and "Discretionary Use – Development Officer" applications that comply with this Bylaw;

(e) shall refer to the Municipal Planning Commission, with recommendations, all development permit applications for which decision-making authority has not been assigned to the Development Officer;

(f) may refer any development application to the Municipal Planning Commission for its review, comment or advice;

(g) shall refer all development applications in a Direct Control district to Council for a decision, unless Council has specifically delegated approval authority to the Development Officer or the Municipal Planning Commission;

(h) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Section 40 of this Bylaw;

(i) shall receive, review, and refer any applications to amend this Bylaw to Council;

(j) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this Bylaw;

(k) may receive and consider and decide on first time requests for time extensions, up to one year, for development permits which the Development Officer or the Municipal Planning Commission has approved;

(l) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary; and

(m) shall perform any other powers and duties as are specified in this Bylaw, the Municipal Planning Commission Bylaw, the MGA or by resolution of Council.

## SECTION 15 MUNICIPAL PLANNING COMMISSION – POWERS AND DUTIES

15.1 The Municipal Planning Commission may exercise only such powers and duties as are specified in the MGA, the Municipal Planning Commission Bylaw, this Bylaw, or by resolution of Council.

15.2 The Municipal Planning Commission shall be responsible for:

(a) considering and deciding upon development permit applications referred to it by the Development Officer;

(b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;

(c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;

(d) considering and deciding upon applications for subdivision approval; and

(e) any other powers and duties as are specified in this Bylaw, the Municipal Planning Commission Bylaw, the MGA or by resolution of Council.

### SECTION 16 COUNCIL

16.1 Council shall be responsible for considering development permit applications within any Direct Control district, except where the decision-making authority has been delegated to the Municipal Planning Commission or the Development Officer.

### SECTION 17 SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

17.1 The Subdivision and Development Appeal Board (SDAB) is established by separate bylaw pursuant to the MGA and may exercise such powers and duties as are specified in this Bylaw, the MGA and the Subdivision and Development Appeal Board Bylaw.

## DEVELOPMENT AND SUBDIVISION IN GENERAL

### SECTION 18 LAND USE DISTRICTS

18.1 The Municipal District is divided into those land use districts as specified in Schedule 1 and shown on the Land Use Districts Maps found in Schedule 1.

18.2 The one or more uses of land or buildings that are:

(a) permitted uses in each district, with or without conditions; and/or

(b) discretionary uses in each district, with or without conditions;

are described in Schedule 2, Land Use District Regulations.

18.3 A land use that is not listed as a permitted or discretionary use, but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 36.

18.4 A land use not listed as a permitted or discretionary use or not deemed a similar use, in a district is a prohibited use and shall be refused.

18.5 Each land use district contains the rules and policies regarding the subdivision of land.

### SECTION 19 SUITABILITY OF SITES

19.1 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 Development Authority may refuse to approve a subdivision or issue a development permit if the Development 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 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, subsidence or erosion;

(f) does not comply with the requirements of the South Saskatchewan Regional Plan, 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 gravel pit, 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) does not comply with the requirements of the Municipal Government Act, The South Saskatchewan Regional Plan, Provincial Land Use Policies, Matters Related to Subdivision and Development Regulation, Municipal Development Plan, applicable Intermunicipal Development Plan, applicable area structure plan, conceptual design scheme, or any other applicable Statutory Plan.

19.2 Nothing in this section shall prevent the Development Authority from issuing a development permit or approving a subdivision if the Development Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

## SECTION 20 NUMBER OF DWELLINGS UNITS ON A PARCEL

20.1 No person shall construct or locate or cause to be constructed or located more than one dwelling unit on a parcel unless authorized by the Development Authority through the issuance of a development permit and only were allowed in the land use district for which the application was made.

20.2 For the purpose of this section, if a parcel contained more than one dwelling unit on the date that this Bylaw was adopted, all the dwellings on that parcel are deemed to conform.

20.3 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 21 NON-CONFORMING BUILDINGS AND USES

21.1 A non-conforming building or use may only be continued in accordance with the provisions outlined in section 643 of the MGA.

21.2 The Development Officer and the Municipal Planning Commission are authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5)(c) of the MGA.

## SECTION 22 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

22.1 Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Schedule 2 may be permitted at the discretion of the Development Authority.

22.2 The Development Officer is authorized to approve development on existing registered non-conforming sized lots for permitted uses where the Municipal Planning Commission issued a variance(s) to the minimum requirements for lot length, width and/or area as part of a subdivision approval.

## SECTION 23 DEVELOPMENT AGREEMENTS

23.1 The Development Authority may require, with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the MGA, to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serves or is proposed to serve an adjacent development;

(c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development, whether the public utility is, or will be, located on the land that is the subject of the development;

(d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

(f) to give security to ensure that the terms of the agreement under this section are carried out.

23.2 The Municipal Planning Commission may require, with respect to a subdivision, that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the MGA.

23.3 An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the MGA.

23.4 The Municipal District may register a caveat under the Land Titles Act with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.

23.5 If the Municipal District registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

## SECTION 24 GUARANTEED SECURITY TRIGGERED BY DEVELOPMENT PERMITS

24.1 The Development Authority may require a guaranteed security upon evaluation of the scale and the type of a proposed development. The purpose of the guaranteed security is to ensure the completion of the development including any attached conditions including decommissioning of a use. The security may take the form of a cash deposit or an irrevocable letter of credit.

24.2 The projected amount of the guaranteed security shall be estimated by the applicant/developer and shall be based on information provided in the development permit application. If, in the opinion of the Development Authority, the projected costs utilized by the applicant/developer to calculate the guaranteed security are inadequate, the Development Authority may establish a higher projected cost for the required work for the purposes of determining the acceptable amount of the required security. The Development Authority retains the right to stipulate the amount of guaranteed security.

24.3 The Municipal District shall hold the guaranteed security, without interest payable, until the development permit has been completed, including any attached conditions, to the satisfaction of the Development Authority.

24.4 Once the development is complete and all conditions of the development permit have been met, to the satisfaction of the Development Authority, the guaranteed security will be released back to the applicant/developer within thirty (30) days from the date the Development Authority verifies completion.

24.5 In the event that the development, including any attached conditions, is not completed to the satisfaction of the Development Authority, in accordance with the terms of the development permit, the Municipal District is entitled to draw from the guaranteed security, sufficient funds to undertake the activities necessary to complete the outstanding items of the development. The Municipal District shall provide an accounting to the applicant/developer indicating how the proceeds of the security were applied within 60 days from the date of completion.

## SECTION 25 ARCHITECTURAL CONTROLS

25.1 Some areas within the Municipal District may have architectural control guidelines in place for the construction of new buildings and other matters. Architectural control review of plans must be approved by the Developers' Architectural Control Approval Officer prior to the Municipal District accepting a development permit application.

25.2 The Municipal Planning Commission may require, as a condition of subdivision approval:

(a) architectural control guidelines to be submitted for review and approval by the municipality prior to subsequently being registered on title; and

(b) may stipulate specific development standards, land or building restrictions to be applied or included in the covenants.

25.3 The Municipal District shall not be held responsible for private covenants with regard to the enforcement of any applicable architectural controls.

25.4 The developer shall be responsible for private covenants and shall designate an authorized agent to review and enforce any applicable architectural controls and a written approval shall be required to be submitted as part of an application for development.

## SECTION 26 MUNICIPAL APPROVAL FOR ENCROACHMENTS

26.1 A landowner or developer is required to obtain permission from the Municipal District for any improvement or structure that may be located over an easement or utility right-of-way in favour of the Municipal District or one of its utility agencies designates.

26.2 In situations where a development may be exempt from obtaining a development permit, the landowner or developer is still required to obtain permission from the municipality for any improvement or structure that may be located over an easement or utility right-of-way in favour of the municipality or one of its utility agencies designates. Notwithstanding that no permit may be required, the Municipal District may deny the placement of structures or improvements over an easement or right-of-way and may also order the removal or relocation of such.

26.3 The Municipal District may enter into an encroachment agreement for the encroachment of a building or structure onto a Municipal District owned parcel, pursuant to section 72 of the Land Titles Act, or onto a municipal road right-of-way, pursuant to section 651.2 of the MGA, where it is satisfied that the interest of the public will not be adversely affected.

## SECTION 27 CERTIFICATE OF COMPLIANCE

27.1 A certificate of compliance letter respecting the categorization of a land use(s) (i.e. permitted or discretionary), building setbacks on a parcel of land, source of water and consistency with an approved development permit(s), may be issued by the Development Officer upon receipt of a real property report, a complete application form and the applicable fee. The real property report must not be more than 12 months old. If older than 12 months, it must be accompanied by a statutory declaration stating that no new buildings or structures have been erected on the property.

# DEVELOPMENT PERMIT RULES AND PROCEDURES

## SECTION 28 DEVELOPMENT PERMIT – WHEN REQUIRED

28.1 Except as otherwise provided for in Schedule 3 (Development Not Requiring a Development Permit), no development shall be commenced unless a development permit application has been approved, a development permit issued, and the development is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.

28.2 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

## SECTION 29 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

29.1 For the list of uses and developments not requiring a development permit, see Schedule 3.

## SECTION 30 DEVELOPMENT PERMIT APPLICATION

30.1 Except as provided in Section 29 and Schedule 3, no person shall commence a development unless issued a development permit in respect of the proposed development.

30.2 An application for a development permit shall be made by submitting to the Development Officer the following, which must be of a sufficient quality and content adequate to properly evaluate the application (see Section 31.3 for more information):

(a) a completed development permit application, signed by the registered owner or authorized by the owner;

(b) the prescribed non-refundable application fee, as set by Council;

(c) a description of the existing and proposed use of the land, building(s) and/or structure(s) and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature;

(d) a description of the proposed method of providing necessary services including water and sewage disposal;

(e) a site plan acceptable to the Development Officer indicating:

- the location of all existing and proposed buildings and structures and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;
- the location of necessary services including a private sewage disposal system, water service (i.e. well, cistern, dugout), stormwater management areas, and bulk fuel storage;
- where applicable, the location of existing and proposed approaches, driveways, parking and loading areas, abutting streets, avenues and lanes, culverts and crossings, surface drainage patterns, and proposed municipal or private local improvements;

(f) drawings depicting the exterior elevations of a building and indicating height, horizontal dimensions, finishing materials and architectural features;

(g) a floor plan illustrating the use of rooms or spaces within buildings and structures;

(h) a parcel grading plan or storm water management plan;

(i) any additional information as may be stipulated in Schedule 4: Land Suitability and Servicing Requirement, Schedule 5: Standards of Development or Schedule 6: Use-Specific Standards of Development;

(j) a statement of disclosure from the applicant regarding anticipated sequencing and phasing of a development;

(k) a statement of disclosure prepared by a qualified professional (licensed to practice in Alberta) if there are any known environmental contaminants existing on the site; and

(l) documentation from the Alberta Energy Regulator identifying the presence or absence of abandoned oil and gas wells as required by the Matters Related to Subdivision and Development Regulation, including a professionally prepared plot plan

that shows the actual well location(s) in relation to existing and proposed building site(s) and the minimum setback requirement if abandoned oil and gas well(s) are present;

(m) any additional information as may be stipulated in the development standards or use-specific standards;

(n) any additional information as may be required in accordance with an adopted Intermunicipal Development Plan, Municipal District of Willow Creek Municipal Development Plan, Area Structure Plan, or other adopted statutory plan; and

(o) any such other information as may be required at the discretion of the Development Authority to accurately evaluate an application, determine compliance with the Land Use Bylaw, and/or other government regulations, including but not limited to: conceptual design schemes, landscaping plans, building and floor plans, stormwater management plans/drainage plans, grading plans, servicing and infrastructure plans, soils analysis, septic feasibility, geotechnical reports and/or other reports regarding site suitability, Real Property Report or a surveyors sketch, elevations, traffic studies, and environmental impact assessment.

30.3 The Development Officer may determine that not all the information listed in Section 30.2 is required, while having regard for the criteria in Section 31.3.

30.4 An application for a development permit must be made by the registered owner of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the owner. The Development Officer may request a current title documenting ownership and copies of any registered encumbrance, lien or interest registered on title.

30.5 In the case of a development permit application made for a parcel of land within 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.

## SECTION 31 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

***NOTE TO READER:*** *For the purposes of guidance on this section, "necessary to review" means sufficient information investigating and addressing the issues required to assess the suitability of a proposed land use, which includes but is not limited to: assessing land use impacts like odours, noise, glare, traffic generation; investigating environmental matters; addressing the type of servicing and appropriateness of the proposed method of servicing.*

31.1 A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 30 for a development permit, determine whether the application is complete.

31.2 The Development Officer may refer an application to the Municipal Planning Commission in order for the Municipal Planning Commission to determine if the application is complete.

31.3 An application is complete if the application contains the documents and other information necessary to review, in the opinion of the Development Officer or the Municipal Planning Commission.

31.4 The time period referred to in Section 31.1 may be extended by providing written notice between the applicant and the Development Officer which includes the information necessary to deem the application complete and a new date in which the information shall be submitted to the Development Officer. The Development Officer may further extend the date in consultation with the applicant before deeming the application refused.

31.5 If the Development Officer does not make a determination referred to in Section 31.1 within the time required under Section 31.1 or 31.4, the application is deemed to be complete.

31.6 If a Development Officer determines that the application is 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.

31.7 The Notice of Completeness in Section 31.6 may be contained within a Notice of Receipt of an application under Section 31.1 or with a Notice of Decision under Section 41.

31.8 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. 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.

31.9 When the Development Officer determines that the information and documents required to be submitted under Section 31.8 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.

31.10 If the required documents and information under Section 31.8 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under Section 31.8, 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.

31.11 Despite issuance of a Notice of Completeness under Section 31.6 or 31.9, 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 32 PERMITTED USE APPLICATIONS

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

(a) that the applicant to enter into a development agreement;

(b) the payment of any applicable off-site levy or redevelopment levy;

(c) the provision of an appropriate access either to a developed municipal road, or if within 300 m (984 ft) of a provincial highway, an access will meet the requirements of Alberta Transportation;

(d) a geotechnical investigation to confirm that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, erosion and treatment of sanitary sewage;

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

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

(g) necessary easements and/or encroachment agreements;

(h) the provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;

(i) the provision of security to ensure the terms of the permit approval under this section are carried out;

(j) repairs or reinstatement of original condition of roads or approaches which have been damaged, destroyed or otherwise altered by development or construction activities upon the site;

(k) time periods stipulating completion of development;

(l) a lot and/or construction stakeout conducted by an approved surveyor or agent to ensure a building is situated as per an approved site plan;

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

32.2 Where an application is for a permitted use in the land use district for which the parcel is designated, the application shall not be refused by the Development Authority on the basis of use alone.

32.3 Upon receipt of a completed application for a permitted use that requests a variance, as stipulated in Section 38.1, the Development Officer:

(a) may grant the variance if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(b) may refer the development application involving a request for a limited variance to the Municipal Planning Commission for a decision; and

(c) is not required to notify adjacent landowners or persons likely to be affected prior to issuance of a decision on a development permit granting a limited variance under this section.

32.4 Upon receipt of a completed application for a permitted use, the Development Officer may refer the application to the Municipal Planning Commission for a decision.

32.5 Where a use is listed as a permitted use but is noted within the individual land use district or elsewhere in this Bylaw as being discretionary in a certain situation (i.e. timing relative to the establishment of another use, exceeding a certain size or threshold etc.), the use is discretionary.

## SECTION 33 DISCRETIONARY USE APPLICATIONS

33.1 Upon receipt of a completed application for a development permit for a discretionary use for which the Municipal Planning Commission is authorized to decide upon, the Development Officer shall:

(a) notify adjacent landowners and other persons likely to be affected in accordance with Section 40; and

(b) refer the application to the Municipal Planning Commission for a decision.

33.2 Upon receipt of a completed application for a development permit for a discretionary use for which the Development Officer is authorized to decide upon, the Development Officer shall:

(a) notify adjacent landowners and other persons likely to be affected in accordance with Section 40; and

(b) make a decision on the application, attaching any conditions stipulated in Section 32.1, or

(c) may refer the application to the Municipal Planning Commission for a decision.

33.3 When making a decision on a development permit for a discretionary use, the Municipal Planning Commission must take into account:

(a) any statutory plans or non-statutory plans or studies affecting the parcel or type of development;

(b) the purpose statement in the applicable land use district;

(c) the appropriateness of the location and parcel for the proposed development;

(d) the land use compatibility and impact of the proposed development with respect to adjacent land uses and the greater community;

(e) the merits of the proposed development;

(f) access, transportation and servicing requirements.

33.4 After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including government departments and referral agencies as applicable, compatibility and suitability of the proposed use, Section 33.3, and any other relevant matters, the applicable Development Authority may:

(a) approve a development permit with or without conditions, stating reasons; or

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

33.5 The Development Authority may place any of the conditions stipulated in Section 32.1 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.

33.6 The Development Authority may issue a development permit for a discretionary use granting approval of some portion, aspect or use of the proposed development, and refusing another portion, aspect or use of the proposed development, and shall provide reasons for the partial refusal.

## SECTION 34 ADDITIONAL PLANNING REQUIREMENTS

34.1 A conceptual scheme may be required, at the discretion of the Municipal Planning Commission, prior to determining that an application for a discretionary use is complete (in accordance with Section 31.2), when in the opinion of the Municipal Planning Commission a development is not at its full build out stage.

34.2 The Municipal Planning Commission may require, as a condition of development permit, that the conceptual scheme forms part of the development permit and, if desired to be deviated from in the future, shall require a subsequent application for a development permit in order to approve the deviation, along with a revised conceptual scheme.

## SECTION 35 DIRECT CONTROL DISTRICTS

35.1 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 40.

35.2 After considering any response to notifications issued under Section 40, Council or the delegated decision-making authority may:

(a) approve a development permit with or without conditions, stating reasons; or

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

35.3 Where Council chooses to redistrict a parcel to Direct Control, it shall establish, within the Direct Control bylaw, site specific direct control information which may include standards and procedural direction.

35.4 In accordance with section 685(4)(a) of the MGA, there is no appeal to the Subdivision and Development Appeal Board on a decision of an application for a development permit in a Direct Control district made by Council.

## SECTION 36 SIMILAR USE

36.1 Upon receipt of an application for a development permit for a use that is not specifically defined in the Use and Use Related Definitions in Schedule 7, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.

36.2 Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to Section 41.

36.3 Where a use has been classified similar to a discretionary use for which the Municipal Planning Commission is authorized to issue a decision, the Development Officer shall:

(a) notify adjacent landowners and other persons likely to be affected in accordance with Section 40; and

(b) refer the application to the Municipal Planning Commission for a decision.

36.4 Upon referral of an application by the Development Officer for a use that may be similar in character and purpose to a permitted or discretionary use, the Municipal Planning Commission:

(a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;

(b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;

(c) if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

## SECTION 37 TEMPORARY USE

37.1 The Development Authority may issue a temporary development permit for that development if:

(a) the proposed development is of a temporary nature and a listed use in the land use district; or

(b) the Development Authority wishes to ensure the suitability or the compatibility of a single use or a multi-phase project prior to allowing full build out of the project by only allowing one or more phases to commence; or

(c) 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.

37.2 Temporary use applications shall be subject to the following conditions:

(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the established time period;

(b) the Development Authority may require the applicant to submit security guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary in accordance with Section 32.1.

37.3 A use deemed temporary in nature shall be processed in accordance with the corresponding Sections 32 and 33 of this Bylaw. Notification of adjacent landowners and other persons likely to be affected shall be in accordance with Section 40 of this Bylaw.

## SECTION 38 APPLICATIONS REQUIRING A VARIANCE

38.1 The Development Officer may, in deciding upon an application for a "Permitted Use" or a "Discretionary Use – Development Officer", provided it is in accordance with the criteria in Section 39.3(a) and (b), allow a minor variance:

(a) up to 20 percent of any one numeric standard of this Bylaw and/or;

(b) up to 25 percent of one yard requirement (front, rear or side) for existing development within the Hamlet Residential – HR Land Use District and up to 50 percent of one yard requirement (front, rear or side) for existing development within the Rural General – RG Land Use District to bring development into compliance;

38.2 The Development Officer is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to Section 21.2 of this Bylaw and section 643(5)(c) of the MGA. The Development Officer may refer a matter respecting a non-conforming building to the Municipal Planning Commission for a decision.

38.3 The Municipal Planning Commission may approve or conditionally approve a permitted use referred to the Municipal Planning Commission pursuant to Section 32.4 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.

## SECTION 39 LIMITATIONS ON VARIANCE PROVISIONS

39.1 In approving an application for a development permit, the Development Authority shall have regard for the following

a) the general purpose and intent of the appropriate land use district; and

b) a variance shall normally only be considered in cases of unnecessary hardship 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.

## SECTION 40 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

40.1 Where notification of adjacent landowners and other persons likely to be affected is required, the Development Officer shall, at least 7 calendar days before the meeting of the Municipal Planning Commission or the decision of the Development Officer:

(a) mail (postal service or electronic mail) or hand deliver written notice of the application to:

(i) adjacent landowners and other persons likely to be affected by the issuance of a development permit;

(ii) affected municipalities if, in the opinion of the Development Authority, the proposed development could have an impact upon land uses adjacent to the Municipal District boundary or if required by an applicable intermunicipal development plan;

(iii) any other persons, government departments, advisory committee, homeowner association or referral agency that is deemed to be affected; or

(b) publish a notice of the application in a newspaper circulating in the municipality where the application is located; or

(c) post a notice of the application in a conspicuous place on the property; or

(d) post a notice on the municipal website or social media account(s); or

(e) any combination of the above.

40.2 In all cases, notification shall:

(a) describe the nature and location of the proposed use or development;

(b) state the place and time where the Municipal Planning Commission will meet to consider the application; and

(c) state the process for the submission of written or oral comments on the application.

40.3 When considering applications for which notices have been served, the Development Authority 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.

40.4 The notification of immediately adjacent landowners is always required, while the notification of non-adjacent landowners and other persons is at the discretion of the Development Authority. In evaluating the extent of notification required for a particular development permit, the Development Officer shall use discretion (except where a specific notification standard is required in respect of a particular use or situation in this Bylaw) while aiming to notify all persons likely to be affected by a development.

## SECTION 41 NOTICE OF DECISION FOR DEVELOPMENT PERMITS

41.1 **Permitted use permits (not requiring a variance):**
Upon the issuance of a development permit for a permitted use that complies with this Bylaw, the Development Officer shall:

(a) provide a written notice of decision to the applicant in accordance with Section 41.4; and

(b) post a copy of the decision in a prominent place in the Municipal District Office for at least 21 days; or

(c) publish a copy of the decision on the official municipal website.

41.2 **Permitted use permits involving a variance**:

Upon the decision on a development permit for a permitted use that involves a variance of a standard of this Bylaw, the Development Officer shall:

(a) provide a written notice of decision to the application in accordance with Section 41.4; and

(b) publish a copy of the decision on the official municipal website; or

(c) notify the persons and the referral agencies that were originally notified in accordance with Section 40 using the same method(s) that was originally used for the notification.

41.3 **Discretionary use permits:**

Upon the decision by the Municipal Planning Commission or the Development Officer on a development permit for a discretionary use, the Development Officer shall:

(a) provide a written notice of decision to the application in accordance with Section 41.4; and

(b) publish a copy of the decision on the official municipal website; or

(c) notify the persons and referral agencies that were originally notified in accordance with Section 40.1 using the same method(s) that was originally used for notification.

41.4 The Development Officer will give or send a copy of the written decision, which includes the date on which the decision was given and containing any other information required by the regulations, to the applicant on the same day the written decision is made in accordance with MGA section 642(3). The decision shall state whether the appeal lies with the local subdivision and development appeal board or the Land and Property Rights Tribunal in accordance with MGA section 685(1.1).

41.5 For the purposes of Section 42.4, the "date on which the decision was given" means the date the Development Authority signs the notice of decision or development permit.

## SECTION 42 COMMENCEMENT OF DEVELOPMENT

42.1 Despite the issuance of a development permit, no development is authorized to commence within 21 days after the date on which the decision was made.

42.2 If an appeal is made, no development is authorized pending the outcome of the appeal.

42.3 Any development occurring prior to the dates determined under Sections 42.1 and 42.2 is at the risk of the applicant.

## SECTION 43 FAILURE TO MAKE A DECISION – DEEMED REFUSED

43.1 In accordance with the MGA, 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 receipt of the completed application unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

## SECTION 44 DEVELOPMENT PERMIT VALIDITY

44.1 Unless a development permit is suspended or cancelled, or if an alternative timeline is provided in the approval conditions of the development permit in accordance with Section 44.2, the development must be commenced and carried on with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit, otherwise the permit is no longer valid.

44.2 The Development Authority may establish, as a condition of approval, that the development must be reasonably completed within a set period of time, not less than 24 months from the date of the approval.

44.3 A development permit must be carried out in accordance with approved plans and conditions of approval.

44.4 A request to withdraw a development permit shall be made in writing to the Development Officer.

## SECTION 45 DEVELOPMENT PERMIT EXTENSION

45.1 An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit, except for a permit for a temporary use which shall not be extended.

45.2 Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for up to a period of 12 months, by:

(a) the Development Officer if the permit was issued by the Development Officer or the Municipal Planning Commission;

(b) the Municipal Planning Commission if the permit was approved on appeal by the Subdivision and Development Appeal Board.

45.3 Notification of adjacent landowners and persons likely affected is not required for an extension request, or the decision on an extension request.

45.4 An extension request, where approved, must be granted "as is" with the original content of the development permit application and conditions of approval.

45.5 When any use has been discontinued for a period of 6 months or more, 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. This section does not apply to non-conforming uses which are regulated under section 643 of the MGA and Section 21 of this Bylaw.

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

## SECTION 46 CHANGES TO AN APPROVED DEVELOPMENT PERMIT

***NOTE TO READER:*** *The allowance for post-approval minor, non-material modifications to a development permit is intended to improve the efficiency of the development process which may include the minor relocation of a building, a change of landscaping materials, or a similar change.*

46.1 The Development Officer may accept in writing minor, non-material modifications to an approved development permit. Where minor, non-material modifications are proposed and accepted by the Development Officer, revised drawings shall be submitted to the satisfaction of the Development Officer.

46.2 Where, in the opinion of the Development Officer, a proposed post-approval change to a development permit exceeds the threshold described in 46.1, a new development permit shall be required to consider the change.

46.3 A new development permit to consider a change to an existing approved development permit shall be processed in the same way as the original development permit.

46.4 Where a new development permit proposing to change an existing approved development permit is approved, the new development permit shall supersede the original development permit to the extent that they deal with the same matter.

## SECTION 47 TRANSFERABILITY OF DEVELOPMENT PERMIT

47.1 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, of the land or building except in accordance with section 47.2.

47.2 A home based business permit is non-transferable and is invalidated by a change of ownership, tenancy, or occupancy.

## SECTION 48 REAPPLICATION FOR A DEVELOPMENT PERMIT

48.1 If an application for a development permit is refused by the Development Authority or, on appeal the Subdivision and Development Appeal Board, the submission of another application for a development permit on the same parcel of land for the same or for a similar use of the land may not be accepted by the Development Officer for at least 6 months after the date of refusal.

48.2 If an application was refused solely because it did not comply with the standards of this Bylaw or was refused as an incomplete application under Section 31.10, the Development Officer may accept another application on the same parcel of land for the same or similar use before the time period referred to in Section 48.1 has lapsed, provided the application has been modified to comply with this Bylaw.

## SECTION 49 SUSPENSION OR CANCELLATION OF A PERMIT

49.1 If, after a development permit has been issued, the Development Authority determines that:

(a) the application contained a misrepresentation;

(b) facts were not disclosed which should have been at the time of consideration of the application for the development permit;

(c) the development permit was issued in error; or

(d) the applicant withdrew the application by way of written notice;

the Development Authority may suspend or cancel the development permit by giving notice in writing to the holder of it and stating the reasons for any suspension or cancellation.

49.2 Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the development permit relates.

49.3 A person whose development permit is suspended or cancelled under this section may appeal within 21 days of the date the notice of cancellation or suspension is received to the Subdivision and Development Appeal Board.

49.4 If a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant and either:

(a) reinstate the development permit;

(b) cancel the development permit if the Development Authority would not have issued the development permit if the facts subsequently disclosed had been known during the consideration of the application; or

(c) reinstate the development permit and may impose such other conditions as are considered necessary to ensure that this Bylaw or any statutory plan is complied with.

# SUBDIVISION RULES AND PROCEDURES

## SECTION 50 SUBDIVISION APPLICATIONS

50.1 An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A complete 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 required by Alberta Energy Regulator Directive 079;

(f) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be privately serviced, and/or a letter from a certified Private Sewage Disposal Systems installer;

(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 and 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 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 it's designate to carry out a site inspection on the subject land as authorized in accordance with the MGA must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

50.2 In accordance with the MGA, 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.

50.3 Notwithstanding Section 50.2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the MGA to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

50.4 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 51 INCOMPLETE SUBDIVISION APPLICATIONS

51.1 The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 50 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.

51.2 If the Subdivision Authority determines that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 50.2.

51.3 The notification provided for in Section 50.2(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 Municipal Government Board, in accordance with the parameters of the MGA.

## SECTION 52 SUBDIVISION APPROVAL VALIDITY

52.1 Upon being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions have been met within 1 year from the date on which the subdivision application is approved, the Subdivision Authority must, in accordance with section 657 of the MGA, endorse the plan or other instrument.

52.2 The Municipal Planning Commission is hereby authorized to decide upon applications for subdivision approval endorsement extensions.

52.3 An application to extend the 1-year endorsement period of a subdivision approval may be made at any time to the Municipal Planning Commission.

52.4 An extension request must be denied or granted "as is" with the original content of the subdivision application and conditions of approval.

52.5 Where granted, an individual subdivision approval endorsement extension shall be for a period not exceeding 1 year and the total time from the date of the original approval shall not exceed 3 years.

## SECTION 53 APPLICATION OF SUBDIVISION POLICIES

53.1 The policies of this section serve two functions:

(a) they indicate the municipality's overall policies in respect to subdivision; and

(b) they provide a framework for the "subdivision design standards" that will be incorporated into the land use bylaw in accordance with the MGA.

53.2 The policies of this part apply to the municipality (as defined) unless the lands are subject to an area structure plan or an intermunicipal development plan, in which case the policies of the applicable area structure plan or intermunicipal development plan apply to those lands.

53.3 The municipality shall not approve a subdivision application that does not comply with the policies of this plan unless the lands which are the subject of an application are subject to an area structure plan or an intermunicipal development plan and either of these plans, where applicable, allows the subdivision.

53.4 Where a habitable residence needs to be determined, an inspection may be required as part of the application and the results utilized in determining the completeness of the application in accordance with the administrative section of the land use bylaw.

53.5 If a subdivision application does not meet the use provisions of the Land Use Bylaw, the Subdivision Authority shall refuse the application or request the applicant to apply for a land use redesignation.

## SECTION 54 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

54.1 All subdivision applications shall be processed in accordance with this section of the land use bylaw.

54.2 A subdivision application shall not be approved unless:

(a) the services provided by the municipality can and will be coordinated with the creation of any new lots without undue public expenditure;

(b) each lot or parcel resulting from the subdivision, including any residual or parent parcel has access to a public roadway, or the lot has a means of access satisfactory to the Subdivision Authority which includes a panhandle, a registered easement, a registered access, right-of-way plan, or access derived through the municipality's Private Driveway Policy;

(c) each lot meets the minimum lot size provided in the land use bylaw; and

(d) each lot or parcel resulting from the subdivision contains a suitable development area.

54.3 Subdivision applications shall be reviewed taking into consideration Alberta Environment and Protected Area's applicable guidelines that are established under the Water for Life Strategy, Stepping Back from the Water, Wetlands Policy, Public Lands Act, Water Act and any other or subsequent Act or Guide. The results of this review shall be considered by the municipality's Subdivision Authority prior to making a final decision on a subdivision application.

54.4 In order to determine the land's suitability for subdivision, pursuant to section 654(1) of the Municipal Government Act, the Subdivision Authority may require the applicant to provide additional information, including but not limited to, percolation tests, slope stability reports, ground, soil and surface water tests, and the preparation of an area structure plan or conceptual scheme.

54.5 Applications for subdivisions which require geotechnical analysis or involve environmental matters shall be reviewed in accordance with the provincial "Environmental Reference Manual for the Review of Subdivisions in Alberta".

### SECTION 55 VARIANCE OF MEASURABLE STANDARDS

55.1 Adherence to minimum lot size and measurable standards may be varied by the Subdivision Authority or the Subdivision and Development Appeal Board if:

(a) the applicant has proven to the Subdivision Authority or Subdivision and Development Appeal Board the existence of a special or extenuating circumstance;

(b) the effect of the variance would not, in the Subdivision Authority's opinion, conflict with the agricultural or adjacent land uses in the area; and

(c) reasons for the variance are clearly stated in the decision made by the Subdivision Authority or the Subdivision and Development Appeal Board.

55.2 During the subdivision approval process, any variance granted for a required setback is for subdivision purposes only and does not apply to development. Development variances must be sought through the Development Authority under the land use bylaw.

## APPEALS AND ENFORCEMENT

### SECTION 56 APPEALS AND PROCEDURES

56.1 In accordance with the MGA, 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 the provincial Land & Property Rights Tribunal, as the case may be within 21 days after the date on which the written decision is given.

56.2 Notwithstanding section 56.1, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted pursuant to section 685(3) of the MGA.

56.3 In accordance with the MGA and the procedures outlined, any landowner 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 provincial Land & Property Rights Tribunal, as the case may be. Adjacent or affected landowners have no right to appeal a subdivision under the MGA.

56.4 An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board and shall be accompanied by the applicable fees.

56.5 The Subdivision and Development Appeal Board must hold an appeal hearing within 30 days of the receipt of a notice of appeal and give its decision in writing together with reasons within 15 days after concluding the hearing, in accordance with the provision of the MGA.

56.6 Any decisions made by Council with respect to a Direct Control district are not subject to appeal to the Subdivision and Development Appeal Board pursuant to section 685(4) of the MGA.

## SECTION 57 NOTICE OF VIOLATION

57.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with the MGA, the Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw, the Development Officer may, prior to issuing a Stop Order, issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention.

57.2 Such notice shall state the following:

(a) nature of the violation;

(b) corrective measures required to comply; and

(c) time period within which such corrective measures must be performed.

## SECTION 58 STOP ORDERS

58.1 As set forth in the MGA, the Development Authority is authorized to issue an Order under section 645 of the MGA if a development, land use or use of a building is not in accordance with the MGA, the Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw.

58.2 A person who receives a Stop Order under Section 58.1 may appeal the order to the Subdivision and Development Appeal Board within 21 days after the date on which the order is made.

## SECTION 59 ENFORCEMENT OF STOP ORDERS

59.1 Pursuant to section 646 of the MGA, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a Subdivision and Development Appeal Board under section 687, the designated officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

59.2 The Municipal District may register a caveat under the Land Titles Act in respect of an order referred to in Section 56.1 against the certificate of title for the land that is the subject of an order.

59.3 If a caveat is registered under Section 59.2, the Municipal District must discharge the caveat when the order has been complied with.

59.4 If compliance with a stop order is not voluntarily affected, the Municipal District may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of King's Bench pursuant to section 554 of the MGA. In accordance with section 553 of the MGA, the expenses and costs of carrying out an order under section 646 of the MGA may be added to the tax roll of the parcel of land.

## SECTION 60 PENALTIES AND RIGHT OF ENTRY

60.1 Any person who contravenes any provision of this Bylaw is guilty of an offence in accordance with the applicable provincial legislation.

60.2 In accordance with section 542 of the MGA, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this Bylaw or MGA authorizes anything to be inspected, remedied or enforced or done by a municipality:

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

60.3 If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the MGA, the municipality under the authority of section 543 of the MGA may obtain a court order.

# AMENDMENTS

## SECTION 61 AMENDMENTS TO THE LAND USE BYLAW

61.1 Subject to section 692 of the MGA, any Section or Part of this Bylaw may be amended in accordance with Section 61 of this Bylaw.

61.2 Any person may apply to amend this Bylaw by making an application using the application form provided in Appendix A for a site-specific or textual amendment and submitting it to the Development Officer for processing and referral to Council. For a site-specific amendment, a signed authorization of the registered owner(s) consenting to the application for amendment shall be required.

61.3 As part of the application referred to in Section 61.2, the applicant must provide the information required under Section 62 of this Bylaw.

61.4 A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall be required to:

(a) pay the Municipal District an application fee as set by Council; and

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

61.5 Upon receipt of an application to amend, the Development Authority shall:

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

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

(c) submit a copy of the report and all supporting materials to Council.

61.6 If it appears that the proposed amendment is one which is applicable to and for the benefit of Municipal District of Willow Creek No. 26 at large, or most of the persons affected in one area, or to the entire district, then Council may direct that the application fee be returned to the applicant.

61.7 The Municipal Planning Commission may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw.

61.8 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 Authority for their report and recommendations.

61.9 Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the MGA regarding enactment of bylaws, section 692 specifically.

## SECTION 62 LAND USE REDESIGNATION APPLICATION REQUIREMENTS

62.1 An Area Structure Plan or Conceptual Design Scheme shall be required in conjunction with a redesignation application when the proposal meets the subject framework of the Municipal Development Plan criteria, an adopted Intermunicipal Development Plan or if requested by the Municipal Planning Commission or Council.

62.2 A request for redesignation from one land use district to another or text amendment which proposed to change criteria found in the land use bylaw shall be accompanied by the following information:

(a) a completed application form and fee;

(b) a narrative describing the:

(i) proposed designation and future use(s);

(ii) consistency with the Municipal Development Plan and applicable statutory plans;

(iii) consistency with the South Saskatchewan Regional Plan and any applicable provincial legislation or policies (i.e. Water Act, Wetland Policy, etc.);

(iv) compatibility of the proposal with surrounding uses and zoning;

(v) the suitability of the site, including identification of any constraints and/or hazard areas, (i.e. easements, soil conditions, topography, drainage, etc.);

(vi) viability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property; and

(vii) access considerations including potential impacts on public roads;

(c) a diagram containing the following information prepared by a professional:

(i) the dimensioned development potential of the site, including proposed location of structures, access point, and any constraints and/or hazard areas (i.e. easements, soil conditions, topography, drainage, etc.) and a conceptual subdivision design;

(ii) proposed location of facilities and services (sewage disposal, domestic water, gas, electricity) to serve the subject property dimensioned to property lines and structures;

(d) a report prepared by a certified Private Sewage Disposal System (PSDS) installer or another qualified consultant that includes:

(i) a drawing that shows:

- locations of springs, dugouts or well accessing ground water;
- location of proposed system;
- locations of test pit or bore hole;
- location and size of the PSDS reserve system (if any);

(ii) documentation identifying soil characteristics and results of laboratory soil texture classification;

(iii) comments on the ability of a proposed system to be sited on the property and maintain required clearance distances;

(e) an evaluation of surface drainage which may include adjacent properties; and

(f) any other information deemed necessary by Council or the Municipal Planning Commission to properly evaluate the application and to understand the impacts and/or merits of the application.

62.3 Council or the Municipal Planning Commission may determine that some or all of the information under Section 62.2 is not necessary to be submitted with an application.

62.4 A determination that a redesignation application is complete by the Development Authority does not preclude the ability of Council to request additional information or studies to be submitted during the review and processing period, prior to a public hearing being held and closed.

## SECTION 63 AREA STRUCTURE PLAN REQUIREMENT

63.1 An area structure plan may be required to be prepared, at the discretion of Council or the Municipal Planning Commission, in conjunction with a redesignation application or on its own, when any of the following apply:

(a) more than four lots are proposed or could be created; or

(b) developments which include multi-unit dwellings or mixed-use developments; or

(c) large isolated or grouped industrial or commercial uses; or

(d) private recreation proposals; or

(e) the proposed development is of a size, intensity, location, or any combination of the three, that warrants the benefit of a plan prepared pursuant to sections 633, 636 and 692 of the MGA.

## SECTION 64 DECISIONS ON AMENDMENTS TO THE LAND USE BYLAW

64.1 After considering the application and its supporting information, and representations made at the public hearing, and having regard for the South Saskatchewan Regional Plan, Municipal Development Plan, any other applicable statutory plan and this Bylaw, Council may, in accordance with section 216.4 of the MGA:

(a) pass the proposed bylaw as is;

(b) amend the proposed bylaw, without the need for further advertising or hearing, and then pass it;

(c) refer the proposed bylaw back to administration for further review and/or changes, and reschedule the application for further consideration;

(d) amend the proposed bylaw and then refuse it;

(e) refuse the proposed bylaw as is.

## SECTION 65 LAND USE REDESIGNATION REAPPLICATION

65.1 Where an application for an amendment to this Bylaw has been defeated by Council, another application that is the same or similar in nature may not be accepted until at least six (6) months after the date of defeat, unless Council applies its discretion in accordance with section 65.2.

65.2 Council, at its sole discretion, may accept another application for an amendment to the Land Use Bylaw on a bylaw that was defeated, prior to the six months described in section 65.1, if the applicant applies in writing to Council and describes how the circumstances or proposal has changed to address Council's concerns on defeat of the previous bylaw, and Council is of the opinion the revised application may be accepted.

## SECTION 66 RESCINDING LAND USE REDESIGNATION BYLAWS

66.1 Council, at its sole discretion, may rescind an amending bylaw which has redesignated certain lands within the municipality to accommodate a specific proposed subdivision and/or development. Council may rescind the said redesignation bylaw and rezone (redesignate) the lands back to their original designation within 24 months of the redesignation bylaw being given third and final reading 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; and

(c) Council is satisfied that, to the best of their determination, the developer has no intentions to proceed with the proposal that was the purpose of applying for the redesignation application.

66.2 The rescinding of the redesignation bylaw shall be undertaken in accordance with section 191 of the MGA.

# ADMINISTRATIVE DEFINITIONS

## SECTION 67 ADMINISTRATIVE DEFINITIONS

The following definitions shall apply to the entire bylaw.

# A

**ABUTTING** means to have a common boundary; to border on.

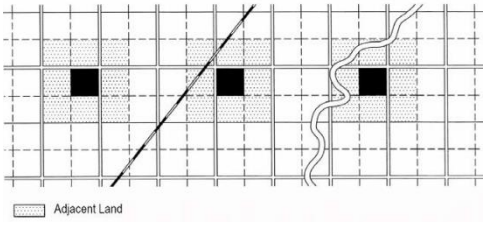
**ACCESS, CONGRUENT LEGAL AND PHYSICAL** means access to a parcel of land has both legal and physical access at the same location.

**ACCESS, LEGAL** means the right vested in an owner of a parcel of land the ability, opportunity, permission, or right to enter or pass to and from the land, without interference or obstruction. Legal access may be achieved directly for lands that abut a road or highway or by an access easement which allows one or more persons to access or use or travel across another's land to reach one or more parcels of land.

**ACCESS, PHYSICAL** means a driveway, approach or other method of immediate ingress and egress, developed, constructed or improved so that vehicles or persons can go and return to a parcel(s) of land. Physical access may be achieved directly for lands that abuts a road by way of an approach from a developed and maintained municipal road or a highway.

**ADDITION** means construction that increases the footprint of an existing building or structure on a parcel of land. Typically, there will be a common connection from the existing building to the addition.

**ADJACENT LAND OR ADJACENT** means land that is contiguous to a parcel of land proposed for development, subdivision or redesignation and includes land that would be contiguous if not for a road, railway, walkway, water body, utility lot, right-of-way, reserve land or other similar feature.




**ALTERATION** means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this Bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

**AMENITY AREA** means an area(s) within the boundaries of a development intended for recreational or leisure purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches, and other similar items that are intended for public use.

**APPLICANT** means the registered owner of the land or his or her representative or agent certified as such.

**APPROVED USE** means a use of land and/or building for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

**ARCHITECTURAL CONTROLS** means a set of development guidelines or standards that have been established by the developer and registered on a certificate of title for the purpose of creating and maintaining a higher quality of development/construction than is the norm for a particular subdivision and/or development project. Standards normally address, but are not limited to, design diversity, square footage, roof slopes and materials, building cladding, landscaping, accessory buildings, setbacks, driveway materials and other appealing neighbourhood aesthetics and may also address building lot restrictions, special setbacks and lot grading.

**AREA, BUILDABLE** means the space created on a lot or parcel within which a building may be constructed once the setback requirements for a specific zoning district, and any site-specific limitations, have been considered. The portion of a lot remaining after all undevelopable

areas, setbacks from property boundaries and other development constraints, and minimum yard dimensions have been deducted. The area on a lot that will accommodate the proposed development of a building. Also referred to as "building envelope."

**AREA, FLOOR** means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centerline of fire walls but not including the floor areas of basements, unfinished attics, passageways of a building, cellars, attached garages and open porches. All dimensions shall be outside dimensions.

**AREA, LOT** means the total area of a lot. Also called "gross area."

**AREA REDEVELOPMENT PLAN** means a statutory plan, prepared in accordance with sections 634 and 635 of the *MGA* for the purpose of all or any of the following:

(a) preserving or improving land and buildings in the area;
(b) rehabilitating buildings in the area;
(c) removing buildings from the area;
(d) constructing or replacing buildings in the area;
(e) establishing, improving or relocating public roadways, public utilities or other services in the area;
(f) any other development in the area.

**AREA STRUCTURE PLAN** means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land (*MGA*, section 633) and that may be adopted by a Council by bylaw.

**AS REQUIRED BY THE DEVELOPMENT AUTHORITY** means that a standard or requirement of the Land Use Bylaw may be established or varied by the Development Officer or the Municipal Planning Commission, as the case may be, dependent on which entity has jurisdiction.

**AS REQUIRED BY THE DEVELOPMENT OFFICER** means that a standard or requirement of the Land Use Bylaw may be established or varied by the Development Officer.

**AS REQUIRED BY THE MUNICIPAL PLANNING COMMISSION** means that a standard or requirement of the Land Use Bylaw may be established or varied by the Municipal Planning Commission.

# B

**BALCONY** means a platform, attached to and projecting from the face of a principal building with or without a supporting structure above the first storey, normally surrounded by a baluster railing and used as an outdoor porch or sundeck with access only from within the building.

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

**BARELAND CONDOMINIUM UNIT** means a bare land unit as defined in the *Condominium Property Act*.

**BASEMENT** means the portion of a building or structure, which is partially or wholly below grade.

**BED AND SHORE OF A WATER BODY** means the land covered so long by water as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself.

**BERM** means a barrier, typically constructed of mounded earth, used to separate incompatible areas, uses, or functions, or to protect a site or development from noise. Furthermore, the Development Authority may require the berm to be landscaped.

**BOULEVARD** means that portion of a public road right-of-way that lies between a curb and the boundary of a lot or parcel.

**BUFFER** means the systematic and careful planting of vegetation, placed to provide visual screening and/or physical separation between uses, buildings, sites or areas that the Development Authority has determined to be incompatible. If deemed necessary, the Development Authority may require a berm as part of the buffer.

**BUILDING** includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road (*MGA*, section 616a.1).

**BUILDING CONVERSION** means the adaptation of a building from the occupancy it was originally designed for to another occupancy.

**BUILDING HEIGHT** means the vertical distance between the grade and the highest point of a building, excluding elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smokestack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.

**BUILDING INSPECTOR** means the person or persons hired to be the chief building inspector or building inspectors in and for Municipal District of Willow Creek No. 26.

**BUILDING PERMIT** means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

**BUILDING SETBACK** means the shortest distance between the exterior foundation wall of the building and the nearest lot line. Depending on the zoning district, the minimum setback will vary.

**BUILDING WIDTH, MINIMUM** means the minimum horizontal distance of the building's living space measured parallel to the shortest exterior wall of the building and perpendicular to the longest exterior wall of the building and excludes porches, decks, patios, balconies, carports, garages, unheated storage space, porte-cochere and other similar architectural features.

**BYLAW** means the current Land Use Bylaw of the Municipal District of Willow Creek No. 26.

# C

**CERTIFICATE OF COMPLIANCE** means a document signed by the Development Authority, certifying that a development complies with this Bylaw with respect to yard setback, use, site coverage, water wells and private sewage disposal systems as it relates to the parcel as represented on an Alberta Land Surveyors' Real Property Report.

**CHANGE OF USE** means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

**COMMON WALL** means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

**COMMUNITY CONSULTATION** means the process and its documented information gathered from the public to record their opinion on development applications.

**CONCEPTUAL SCHEME** means a detailed site layout plan for a parcel of land, and which describes the following elements:

(a) the location of all existing and proposed buildings;
(b) the location of all existing and proposed uses;
(c) the anticipated relationship between the proposed development with the surrounding area;
(d) the potential effect of the proposed development on the surrounding area;
(e) the proposed layout of all access roads, interior roads, utility services, easements, landscaping and other amenities, parking, and fencing;
(f) desired future development/phases until the project reaches its full build out stage;

(g) any other elements deemed necessary for approval, to the satisfaction of the Development Authority.

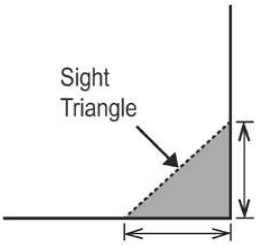
A comprehensive conceptual scheme shall be accompanied by a written overview which shall include an evaluation of impacts on adjacent land uses and how any impacts will be mitigated.

**CONDOMINIUM** means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act*.

**CONDOMINIUM PLAN** means a plan of survey registered at a Land Titles Office prepared in accordance with the provisions of the *Condominium Property Act*, *Revised Statutes of Alberta 2000, Chapter C-22*.

**CONTIGUOUS** means the development of areas immediately adjacent to one another without intervening vacant land or undevelopable lands.

**CORNER VISIBILITY OR CLEAR SIGHT TRIANGLES** means a triangular area on a corner lot that comprises two sides which are measured from the intersection corner for a distance specified in this Bylaw. The third side of the triangle is a line joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.




**COUNCIL** means Council of Municipal District of Willow Creek No. 26.

**CRITICAL WILDLIFE ZONE** means an area which is essential to a significant number of individuals of a species during at least part of the year. This can include, for example, wintering areas for ungulates, nesting or staging areas for waterfowl, colony sites for colonial nesters, and over-wintering areas for upland birds.

**CUMULATIVE EFFECT** means 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.

**CUT-OFF PARCEL** means a parcel of land that is separated from the remainder of the quarter section by:

(a) road right-of-way with a developed road; or
(b) a rail line with active rails, or
(c) the Oldman River; and
(d) the affected parcel must be cut off in such a way that it is impractical to operate as part of an agricultural operation.

# D

**DECK** means an uncovered or covered horizontal structure off the first storey floor level of a building and intended for use as a private outdoor amenity space.

**DEMOLITION** means the pulling down, tearing down or razing of a building or structure.

**DEVELOPED RESIDENCE** means a legal dwelling (with a development permit) that is both habitable (defined by Alberta Health) and structurally sound (defined by the Alberta Building Code).

**DEVELOPED RESIDENTIAL SITE** means a parcel of land that includes the following:

(a) a legally approved dwelling;
(b) developed legal access;
(c) the provision of a reliable supply of potable water;
(d) a functional sewage disposal system;
(e) electrical utilities available to the site; and

(f) may include natural gas utilities available to the site.

**DEVELOPER** means a person or an owner of land who wishes to alter the title to the property and change the use of the property from its existing use.

**DEVELOPMENT** has the same meaning as section 616(b) of the *MGA* which defines development in the following way:

(a) an excavation or stockpile and the creation of either but does not include turning over soil with no immediate activity on the land in the near future;

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

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

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

**DEVELOPMENT AGREEMENT** means a contractual agreement completed between the municipality and an applicant or developer, which specifies the services and infrastructure that are to be provided by the applicant or developer as a condition of development approval. The agreement must be in accordance with sections 648, 650, 654 and 655 of the *MGA*. As directed by section 650(2) or sections 655(2) of the *MGA*, the Municipal District may register a development agreement as a caveat on the title for the parcel of land to which the agreement applies.

**DEVELOPMENT AUTHORITY** means the Municipal Planning Commission or the Development Officer, as provided for within this Bylaw.

**DEVELOPMENT COMMENCEMENT** means the instigation of physical, on the ground activities required to carry out a development permit, evidencing appreciable intent to complete the development in accordance with an approved development permit.

**DEVELOPMENT OFFICER** means a person authorized by Council to act as a Development Authority, as directed by the *MGA* and in accordance with the municipality's Municipal Planning Commission Bylaw and the Land Use Bylaw.

**DEVELOPMENT PERMIT** means a document that is approved under this Land Use Bylaw by the Development Authority and authorizes development on a parcel as directed by the permit.

**DEVELOPMENT STANDARDS** are regulations prescribed in this Bylaw governing the manner in which development is to be affected, including the scale, placement, spacing and quality of development. Development standards that can be accurately measured are often referred to as "dimensional standards" or "measurable standards."

**DESIGN GUIDELINES** refer to policies established and adopted by Council, separate from this Bylaw, that prescribe technical requirements respecting the design, construction and maintenance of roads, infrastructure, and other matters.

**DISCONTINUED** means the time at which, in the opinion of the Approving Authority, substantial construction activity has stopped, or a non-conforming use or conforming use has ceased.

**DISTRICT** means an area of land use zoning established under Schedule 2 and the Land Use Districts Maps in this Land Use Bylaw.

**DOMESTIC PET** means an animal that is kept for domestic purposes. A domestic pet may include the following: cat, dog, ferret, gerbil, guinea pig, hamster, rabbit, iguana or small non-poisonous amphibians, reptiles, caged birds, and other similar animals typically sold in pet stores and kept as pets. The Development Authority may include other animals as domestic pets on a case-by-case basis after due consideration of the potential impact on neighbouring property and residents.

# E

**EASEMENT** means a right held by one party on land owned by another (a dominant and servient tenement), typically for access thereto or to accommodate a utility over the parcel and is typically registered on title.

**EAVE** means the overhang or extension of a roof line beyond the vertical wall of a building.

**EFFLUENT** means the liquid discharged from any on-site wastewater treatment system component.

**EMBANKMENT** means an earth bank constructed so that it is raised above the immediately surrounding land, with the specific purpose to redirect water or prevent flooding by a river, lake, canal, or other water body, or to carry a road, railway, or canal across a low-lying area.

**ENVIRONMENTAL ASSESSMENT, IMPACT (EIA)** means a comprehensive report professionally prepared by a qualified professional (i.e. engineer, biologist) assessing the impacts a proposed development may have on the environment, as well as the mitigation measures that can be taken to minimize these impacts.

**ENVIRONMENTAL ASSESSMENT, SITE (ESA)** means a comprehensive report professionally prepared by a qualified professional (i.e. engineer, biologist) to determine the environmental condition of a property and its suitability to support development. This includes a Phase 1 ESA, Phase 2 ESA or a Phase 3 ESA.

**ENVIRONMENTALLY SIGNIFICANT AREA** means

(a) areas identified in the Environmentally Significant Areas of Municipal District of Willow Creek No. 26 (1989) Cottonwood Consultants Study;

(b) areas which perform a vital environmental, ecological or hydrological function such as aquifer recharge;

(c) areas which contain a unique geological or physiographic features;

(d) areas which contain significant, rare or endangered species;

(e) areas which are unique habitats with limited representation in the region or a small remnant of once large habitats which have virtually disappeared;

(f) areas which contain large and relatively undisturbed habitats and provide shelter habitat for species which are intolerant of human disturbance;

(g) areas which contain plants, animals, or landforms which are unusual or of regional, provincial or national significance; and

(h) areas which provide an important linking function and permit the movement of wildlife over considerable distance.

**ENVIRONMENTAL RESERVE** means any parcel of land specified as environmental reserve by the Subdivision Authority (*MGA*, section 664) and designated in a certificate of title in the name of Municipal District of Willow Creek No. 26.

**ENVIRONMENTAL RESERVE EASEMENT** means any parcel of land specified as environmental reserve by the Subdivision Authority (*MGA*, section 664) where the ownership of land stays with the landowner, but an easement is registered in favour of Municipal District of Willow Creek No. 26.

**EXCAVATION** means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling or breaking of ground, but does not include common household gardening and ground care, excavation made for the building of basements, structures, landscaping, or parking for which a development permit has been issued, or extensive agriculture. Gravel pit, mineral extraction and any other similar extractive use are not classified as excavation and are a separate use.

**EXCLUSIVE USE AREA** means an area not exceeding 140 $m^2$, pursuant to the *Condominium Property Act* and the *Planning Exemption Regulation* respectively, leased to a person for his or her sole use and exclusive possession.

**EXISTING PARCEL** means a parcel of land in Municipal District of Willow Creek No. 26. A parcel of land is defined in the *MGA* (section 616) as follows: 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. Where the lot size for a certain use is listed as “existing parcels,” it is meant that this parcel is not eligible for subdivision.

**EXOTIC ANIMALS** means an introduced, alien, non-indigenous, or non-native animal, which has arrived by human activity, either deliberate or accidental. Examples of exotic animals in the Municipal District may include, but are not limited to, llamas, alpacas, ostriches, and other non-native species that may be owned and maintained as part of an agricultural operation.

# F

**FARM HELP** means a person(s) who is engaged in an agricultural operation on agricultural lands.

**FENCE** means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, to confine or exclude livestock, to private sound abatement, or to delineate property lines.

**FIRE PROTECTION** includes fire detection, prevention and suppression.

**FLOOD, DESIGN** refers to the water level reached in a flooding event that has a defined chance (i.e. 1%) of being equalled or exceeded in any year, as determined in accordance with the technical criteria established by Alberta Environment and Protected Areas and Parks.

**FLOOD FRINGE** refers to the portion of the flood hazard area outside of the floodway. Water in the flood fringe is generally shallower and flows more slowly than in the floodway. Where allowed, new development in the flood fringe should be floodproofed.

**FLOOD HAZARD AREA** is the area of land that will be flooded during a design flood, as determined by Alberta Environment and Protected Areas and Parks or Municipal District of Willow Creek No. 26. The flood hazard area is divided into two zones: floodway and flood fringe.

**FLOOD INUNDATION MAPS** show areas at risk for different sized floods, including ice jam floods in some communities. These maps also identify areas that could be flooded if local berms fail and are typically used for emergency response planning and to inform local infrastructure design. In flood hazard studies that have been completed since the 2013 Alberta floods, as many as 13 scenarios have been modelled for a specific community, spanning the 1:2 flood to the 1:1000 flood.

**FLOODWAY** means the inner portion of a flood risk area where the risk of flood is greatest and floodwaters are the deepest, fastest, and most destructive. The floodway typically includes the main channel of a stream as well as the adjacent overbank area necessary to effectively convey floodwaters. New development in the floodway is prohibited.

**FOOTPRINT** means the shape of the building/structure where it sits on the parcel. If an outline of the building could be drawn on the ground where it sits and then the building removed, the footprint is the shape that was drawn around the building. Changing the footprint of the building means adding to it or removing from it in such a way that this outline would be altered.

**FOUNDATION** means the supporting base structure of a building which has been designed and engineered to support the associated weight of the building or structure.

**FRONTAGE** means the length of a roadway boundary measured along the front parcel line. On double fronting lots all sides of a parcel adjacent to roadways shall be considered frontage.

**FULL BUILD OUT STAGE** means the point at which a development, as conceived and disclosed by the developer in keeping with the carrying capacity of the land and the limitations in the applicable land use district, has reached its final outcome/stage to the extent known at the time of disclosure. The ability or intention to develop an accessory building(s) or use(s) shall not normally elicit an interpretation that a development has not reached its full build out stage.

# G

**GEOTECHNICAL REPORT** means a report prepared by a qualified and registered professional with the Association of Professional Engineers and Geoscientists of Alberta (APEGA) summarizing a comprehensive subsurface investigation of a parcel. 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.

**GRADE, BUILDING** (as applied to the determination of building height) means the average level of finished ground adjoining the main front wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

# H

**HAMLET** means a rural settlement, generally too small to be incorporated as a Village, which has been designated as a Hamlet by the Municipal District. From the *MGA*, section 59(2), an unincorporated community may be designated a hamlet if the community:

(a) consists of five or more buildings used as dwellings, a majority of which are on parcels of land smaller than 1850 $m^2$ (0.5 acre) (20,000 $ft^2$);

(b) has a generally accepted boundary and name; and

(c) contains parcels of land that are used for non-residential purposes.

**HIGHWAY** means a public road that is designated as a provincial highway and is under provincial jurisdiction. Within the Municipal District, such highways include the following: Highway 2, 3, 507, 511, 519, 520, 527, 529, 533, 785, 810, and 811.

**HOLDING TANK** means a tank designed to retain wastewater or effluent until transferred into mobile equipment for treatment offsite.

**HOMEOWNERS' ASSOCIATION** means a non-profit organization that requires membership for residential property owners in a specific development area, that secures its membership fees by a caveat or encumbrance on each residential property title and that is established for the purpose of:

(a) managing and maintaining the common property, facilities and amenities of the development area for the benefit of the residents of the development area;

(b) enhancing the quality of life for residents of the development area or enhancing the programs, public facilities or services provided to the residents of the development area; or

(c) providing non-profit sporting, educational, social, recreational or other activities to the residents of the development area.

# L

**LNID** means the Lethbridge Northern Irrigation District.

**LAGOON** means a man-made pond for the storage, treatment, and stabilization of wastewater or effluent.

**LAND CAPABILITY** refers to the ability of the land to support a given land use, based on an evaluation of the physical, chemical and biological characteristics of the land, including topography, drainage, hydrology, soils and vegetation.

**LAND-LOCKED PARCEL** means a parcel does not have a means of physical access.

**LANDSCAPING** means creating a desired condition on a parcel of land by combining introduced plants with existing site features and/or introduced elements such as fences, walls, berms, paths, and other similar features. Landscaping is often required as a condition of a development permit to improve the quality of the site.

**LAND USE DISTRICTS** are specifically delineated planning areas within Municipal District of Willow Creek No. 26. Regulations prescribed in this Bylaw govern the use of land within the districts, as well as provide minimum standards for development through stipulations pertaining to the scale, placement, spacing and quality of buildings and structures. All land use districts referred to in this Bylaw are shown on the Land Use Districts Map found in Schedule 1 of this Bylaw.

**LANE or LANEWAY** means a public thoroughfare, which provides a secondary means of access to a lot or lots.

**LICENSED AIRSTRIP** means land licensed as an airstrip as determined by the appropriate federal department.

**LOT** in accordance with the *MGA*, means:

(a) a quarter section;
(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;
(c) a settlement lot shown on an official plan as defined in the *Surveys Act*, that is filed or lodged in a Land Titles Office;
(d) a part of a parcel where the boundaries of the parcel are separately described in the certificate of title other than by reference to a legal subdivision; or
(e) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

**LOT, CORNER** means a lot located at the intersection of two or more streets.

**LOT FRONTAGE** means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot.

**LOT, INTERIOR** means a lot situated between two lots or another lot and a lane and having access to not more than one street.

**LOT LENGTH** means the horizontal distance between the front and the rear lot lines measured along the median between the side lot lines.

**LOT LINE** means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning.

**LOT WIDTH** means the horizontal distance between the side lot lines measured at a point perpendicular to the front property line.

# M

**MAINTENANCE** means the upkeep of a building or property that does not involve structural change, the change of use, or the change in intensity of use.

**MATTERS RELATING TO SUBDIVISION AND DEVELOPMENT REGULATION** means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *MGA* that governs the subdivision application process.

**MAY** is a discretionary term, providing notification that the regulation in question can be enforced if the Municipal District chooses to do so, and is usually dependent on the particular circumstances of the specific parcel and application.

**MEASURABLE STANDARD** means a dimensional standard stipulated in the current Land Use Bylaw.

**MOTOR VEHICLE** means a motor vehicle that, at the point of its original manufacture, meets the definition as defined in the *Traffic Safety Act*.

**MOTOR VEHICLE, UNREGISTERED AND/OR INOPERATIVE** means a motor vehicle as defined by this Bylaw that is either not registered through the *Traffic Safety Act* or is inoperative, or both. For the purposes of this definition, inoperative means the motor vehicle cannot be used in its present condition for the purpose for which it was manufactured.

**MUNICIPAL DEVELOPMENT PLAN** means a statutory plan, formerly known as a General Municipal Plan, adopted by Bylaw (*MGA*, section 632).

**MUNICIPAL DISTRICT** means Municipal District of Willow Creek No. 26, either as a whole, with reference to its geographic extent, or as corporate body, including its administration and elected Council.

**MUNICIPAL GOVERNMENT ACT (*MGA*)** means the *Municipal Government Act*, *Revised Statutes of Alberta, 2000, Chapter M-26*.

**MUNICIPAL HISTORIC RESOURCE** means a heritage resource, together with any land in or on which it is located, designated by Council as a Municipal Historic Resource by bylaw, whose preservation is considered to be in the public interest.

**MUNICIPAL PLANNING COMMISSION (MPC)** means the committee authorized by Council to act as the Subdivision Authority pursuant to section 623 of the *MGA* and Development Authority pursuant to section 624 of the *MGA*, and in accordance with the Municipal Planning Commission Bylaw.

**MUNICIPAL/SCHOOL RESERVE** means the land specified to be municipal and school reserve by a subdivision approving authority (*MGA*, section 666).

**MUNICIPAL SERVICING INSTALLATIONS** means the installation of municipal services such as, water and sewer, roads, storm water drainage facilities, parks, and fire protection.

# N

**NOISE EXPOSURE FORECAST** means a system which provides a measurement of the actual and forecasted aircraft noise near airports. This system factors in the subjective reactions of the human ear to the specific aircraft noise stimulus: loudness, frequency, duration, time of occurrence and tone.

**NOISE IMPACT ASSESSMENT** means a detailed noise survey which establish the environmental noise impacts of a development.

**NON-COMPLIANCE** means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

**NON-CONFORMING BUILDING** means a building:

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

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw. [*MGA*, Part 17, section 616(q)]

**NON-CONFORMING USE** means a lawful specific use:

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

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw. [*MGA*, Part 17, section 616(r)].

**NON-SERVICED** means in respect to a lot or parcel that neither a municipal water system nor a municipal sewage system services it.

**NUISANCE** means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health and safety, or is offensive to the senses. This could include that which creates or is liable to create a nuisance through emission of noise, smoke, dust, odour, heat, light, fumes, vibration, fire or explosive hazard; results in the unsightly or unsafe storage of goods, salvage, junk, waster or other material; or poses a hazard to health and safety.

# O

**OFF-SITE LEVY** means the rate established by a separate bylaw of Council (*MGA*, section 648(1)) that will be imposed upon owners and/or developers who are increasing the use of utility services, traffic services, and other services directly attributable to the changes that are proposed to the personal property. The revenues from the off-site levies will be collected by the municipality and used to offset the future

capital costs for expanding utility services, transportation network, and other services that have to be expanded in order to service the needs that are proposed for the change in use of the property.

**OFF-STREET LOADING SPACE** means an open area, typically located in the rear yard space, designed expressly for the parking of haulage vehicles while loading or unloading.

**OFF-STREET PARKING** means a lot or portion thereof, excluding a public roadway which is used or intended to be used as a parking area for motor vehicles.

**OFF-STREET PARKING SPACE** means an off-street area available for the parking of one motor vehicle. Every off-street parking space shall be accessible from a street, lane or other public roadway.

**ON-SITE WASTEWATER TREATMENT SYSTEM** means a system for the management and/or treatment of wastewater at or near the development that generates the wastewater, including that portion of the building sewer, including the final soil-based effluent dispersal and treatment system but does not include the plumbing building drain from the development, which ends 1 m (3.25 ft) outside a building.

**ORIENTATION** means the arranging or facing of a building or other structure with respect to the points of the compass.

**OWNER** means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land:

  (i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or

  (ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land;

(c) the person shown as the owner of land on the assessment roll.

# P

**PACKAGED SEWAGE TREATMENT PLANT** means a manufactured unit that is used to substantially improve the effluent quality beyond the quality of effluent expected of a septic tank.

**PARCEL** means 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 (*MGA*, section 616(s)).

**PARTIALLY SERVICED LOT** means 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.

**PATIO** means an outdoor area with an uncovered horizontal structure with a surface height no greater than 0.61 m (2 ft) above grade and intended for use as a private outdoor amenity space.

**PLAN OF SUBDIVISION** means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting a subdivision.

**PLANNER OR PLANNING ADVISOR** means the person or organization retained by Municipal District of Willow Creek No. 26 to provide land use planning-related advice and services.

**PLANNING EXEMPTION REGULATION** means *Alberta Regulation 223/2000* or its successor.

**PRINCIPAL BUILDING** means a building which:

(a) occupies the major or central portion of a lot;

(b) is the chief or main building on a lot; or

(c) constitutes, by reason of its use, the primary purpose for which the lot is used.

**PRINCIPAL USE** means the primary purpose for which a lot, parcel, or building is used or intended to be used in the opinion of the Development Authority.

**PRIOR TO RELEASE** means a provision where a development permit condition must be completed prior to a development permit becoming effective.

**PRIVATE SEWAGE DISPOSAL SYSTEM** means the whole or any part of a system for the management, treatment and disposal of sewage on the site where the sewage is generated but does not include anything excluded by the regulations.

**PRIVATE SEWAGE INSTALLER** means a person who holds a private sewage installer certificate of competency issued pursuant to the *Safety Codes Act*.

**PROHIBITED USE** means one or more uses of land or buildings that are either described in a land use district as prohibited uses or are not listed as either permitted or discretionary uses and are not deemed to be similar in nature to either a permitted or discretionary use within a particular land use district.

**PROPERTY LINE** means any boundary of a parcel.

**PROPERTY LINE, FRONT** means the property line adjacent to:

(a) the public roadway other than a lane, and, in the case of more than one property line adjacent to the public roadway, the front property line shall be the side that gains access to the property; and

(b) the internal subdivision road when the parcel abuts an internal subdivision road.

**PROPERTY LINE, REAR** means the property line furthest and from opposite the front property line.

**PROPERTY LINE, SIDE** means a property line other than a front or rear property line.

**PROVINCIAL OR FEDERAL REGULATION AUTHORITY** means any provincial or federal regulatory body which may have guidelines, permit requirements, and/or restrictions on land and/or development.

**PUBLIC ACCESS** means a parcel of land, easement, or other method that is used by the public to enter or exit a parcel, subdivision or other feature.

**PUBLIC OPEN SPACE** means land, which is not in private ownership and is open to use by the public.

# Q

**QUALIFIED PROFESSIONAL** means a professional educated in their field of practice or study and who can demonstrate appropriate knowledge, expertise and abilities and one who practices the principle of professional accountability (architect, landscape architect, land use planner, municipal planner, biologist, civil engineer, geotechnical engineer, municipal engineer, Alberta Land Surveyor, agrologist, geoscientist, hydrologist). A qualified professional can be described as an expert with specialized knowledge in the field which one is practicing professionally and practices a high standard of professional ethics, behaviour and work activities while carrying out one's profession.

**QUARTER SECTION** means a titled parcel of land approximately 64.8 ha (160 acres) in size and originally established by the Dominion Land Survey.

**QUARTER SECTION, UNSUBDIVIDED** means a titled area of 64.8 ha (160 acres) more or less and originally established by the Dominion Land Survey, but excluding road widening, previous subdivision for school sites and other public uses.

# R

**REAL PROPERTY REPORT (RPR)** means 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.

**REGIONALLY SIGNIFICANT AREA** means a public park, designated historic or archaeological site, environmentally sensitive area, forest reserve or any similar facility owned and/or administered by any level of government, including provincial highways.

**RESIDUAL LOT** means the portion of a parcel which is not the primary objective of a subdivision and will be the remainder area of the original title once a subdivision has occurred.

**RESTRICTIVE COVENANT** means a restriction on the use of the land set forth in a formal binding agreement which is registered as an encumbrance on the land title for a property. The restrictive covenant runs with the land and is binding upon subsequent owners of the property.

**RIGHT-OF-WAY** means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

**RIPARIAN AREAS** are vegetative and wildlife areas strongly influenced by water that occur adjacent to streams, shorelines and wetlands which are delineated by the existence of plant species normally found near freshwater.

**ROAD** means land:

(a) established as a statutory roadway that may or may not have been constructed to the municipality's standard and which may or may not be maintained for public transport;

(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 standard and which may or may not be maintained for public transport;

(c) used as a public road and includes a bridge forming part of a public road and any structure incidental to a public road.

# S

**SAFETY CODES** means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act*.

**SCREENING** means a fence, earth berm, hedge or trees used to visually and/or physically separate areas or functions.

**SEASONAL** means a term as defined by the Development Authority and typically not exceeding six months in a calendar year.

**SECURITY** means a cash deposit or an irrevocable letter of credit provided by a developer to ensure the conditions of a development agreement, subdivision condition or development permit condition are carried out to the satisfaction of the Development Authority.

**SEPTIC TANK** means a tank or chamber(s) within a tank used to provide primary treatment of wastewater through the process of settling and floating of solids and in which digestion of the accumulated sludge occurs.

**SERVICE ROAD** means a road located adjacent to a provincial highway or local road, which is intended to provide access to one or more subdivided parcels.

**SERVICED** means a parcel or a lot that is or will be connected to a municipal water system and municipal sewage system.

**SETBACK** means the minimum distance required between a property line of a lot and the nearest part of any building, structure, development, excavation or use on the lot, with the exception of grazing, and is measured at a right angle to the lot line.

**SHALL** means that an action is mandatory.

**SHELTERBELT** means one or more rows of trees or shrubs planted for the purpose of providing protection from wind and preventing the erosion of soils.

**SHOULD** means that an action is recommended but not mandatory.

**SIMILAR USE** means a use of land or building(s) for a purpose that is not provided in any district designated in this Bylaw but is deemed by the Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

**SITE** means that part of a parcel or a group of parcels on which a development exists or which an application for a development permit is being made.

**SITE COVERAGE** means the percentage of the lot area which is covered by all buildings and structures on the lot.

**SITE COVERAGE, ACCESSORY** means the percentage of the lot area which is covered by the combined area of all accessory buildings and structures and includes uncovered decks.

**SITE COVERAGE, PRINCIPAL** means the percentage of the lot area which is covered by the principal building including any structure attached to the principal building by an open or enclosed roofed structure, including but not limited to attached garages, carports, verandas, covered balconies, covered decks, and porches.

**SITE PLAN** means a plan drawn to scale illustrating the proposed and existing development prepared in accordance with the requirements of this Bylaw.

**SOIL HORIZON** means a layer of soil or soil material approximately parallel to the land surface; it differs from adjacent genetically related layers in properties such as colour, structure, texture, consistence, and chemical, biological, and mineralogical composition.

**SOUTH SASKATCHEWAN REGIONAL PLAN** means the regional plan and regulations established by order of the Lieutenant Governor in Council pursuant to the *Alberta Land Stewardship Act*.

**STATUTORY PLAN** means a Municipal Development Plan (MDP), Intermunicipal Development Plan (IMDP), Area Structure Plan (ASP) or Area Redevelopment Plan (ARP) prepared and adopted pursuant to the requirements of the *MGA*.

**STICK BUILT BUILDINGS** means structures or buildings that are built on site with one piece of lumber at a time.

**STOCKPILE** means the temporary storage of materials on or off a hard surface including but not limited to soil, manure, forage or feed crops, or machinery.

**STOP ORDER** means an order issued by the Development Authority pursuant to section 645 of the *MGA*.

**STOREY** means the space between the top of any floor and the top of the next floor above it and if there is no floor above it, the portion between the top of the floor and the ceiling above it but does not include a basement.

**STORM WATER** means water discharged from a surface as a result of rainfall or melting snowfall.

**STRUCTURE** means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.

**SUBDIVISION** means the division of a parcel by an instrument that creates separate titles according to the *MGA, Part 17, Division 7*. Subdivide has a corresponding meaning.

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD** means an appeal board established by Council pursuant to the MGA, or the provincial Land & Property Rights Tribunal, as the case may be.

**SUBDIVISION APPROVAL** means the approval of a subdivision by the Subdivision Authority.

**SUBDIVISION AUTHORITY** means the body established by bylaw to act as the subdivision authority (*MGA*, section 623).

**SUBSIDENCE** means a localized downward settling or sinking of a land surface, whether caused by natural processes such as geological faulting or by human-induced activities such as groundwater depletion or subsurface mining.

**SURFACE, HARD** means an asphalt or concrete surface or other similar surface approved by the Development Authority but excludes rocks, gravel and dirt.

**SURFACE, IMPERMEABLE** means a surface that is not porous and does not allow fluids to pass through the surface.

**SURFACE, PERMEABLE** means a surface that is porous and will allow fluids to filtrate through the surface.

# T

**TEMPORARY DEVELOPMENT** means a development for which a development permit has been issued for a limited time period as established by the Development Authority, or as set out in this Bylaw.

**TREATMENT FIELD** means a system of effluent dispersal and treatment by distributing effluent within trenches containing void spaces that are covered with soil and includes conventional, chamber system, gravel substitute, and raised treatment fields.

**TREATMENT MOUND** means a system where the effluent is distributed onto a sand layer and is built above grade to overcome limits imposed by depth to seasonally saturated soil or bedrock, or by highly permeable or impermeable soils.

# U

**URBAN MUNICIPALITY** means the area of a city, town or village, defined by a specified boundary.

**USE** means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

**USE, DISCRETIONARY** means those uses as prescribed in Schedule 2 of this Bylaw for which a development permit may be issued with or without conditions by the Development Authority at its discretion upon application having been made to the Development Authority if the proposed use conforms to this Bylaw. Since the merit of these uses may vary depending on location and other mitigating circumstances, permit applications must be reviewed by the Municipal Planning Commission, or, in certain instances, may be determined by the Development Officer.

**USE, EXISTING** means a use that was in existence prior to the passing of this Bylaw.

**USE, PERMITTED** means those uses as prescribed in Schedule 2 of this Bylaw for which a development permit shall be issued with or without conditions by the Development Authority provided the use complies with any applicable standards. All Permitted Uses require the issuance of a development permit, unless exempted under this Bylaw.

# V

**VIEWSCAPE** means the area visible from a point, line, arc, or specific locality that is of scenic or historic value deemed by Council to be in the broader public interest worthy of preservation.

# W

**WAIVER** means the relaxation or variance of a development standard as established in this Bylaw.

**WASTE MANAGEMENT TRANSFER STATION** means a facility for the collection and temporary holding of solid waste in a transferable storage container.

**WASTEWATER TREATMENT PLANT** has the same meaning as referred to in the *Subdivision and Development Regulation* and as in the *Environmental Protection and Enhancement Act*. This definition also includes a wastewater treatment stabilization plant.

**WATER BODY** means any location where water flows or is present, whether or not the flow or the presence of water is continuous or intermittent.

**WATER TREATMENT PLANT AND RESERVOIRS** means any facility used in the collection, treatment, testing, storage, pumping, or distribution of water for public water system.

**WATER WELL** means an opening in the ground, whether drilled or altered from its natural state, that is used for the production of groundwater for any purpose, and includes any related equipment, buildings, structures and appurtenances.

**WATERCOURSE** means a naturally occurring, flowing water body.

**WETLAND** means those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar areas.

# Y

**YARD, FRONT (HAMLET)** means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front street line and of the required setback from the front property line. For waterfront parcels, the front yard of the parcel may be interpreted to be the yard that abuts or is immediately adjacent to a reservoir, or water body.

**YARD, FRONT (RURAL)** means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front property line and required setback for the land use district.

**YARD, REAR** means a yard extending across the full width of a lot and situated between the rear lot lines and the nearest portion of the principal building.

**YARD, SECONDARY FRONT (HAMLET)** means a yard on a corner lot with street frontage, but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority.

**YARD, SIDE** means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building.

# Z

**ZONING –** see **LAND USE DISTRICTS**




# Schedule 1

## LAND USE DISTRICTS

# LAND USE DISTRICTS

## SECTION 1 GENERAL REQUIREMENTS

1.1 Land use districts and the associated district provisions are established for the Municipal District in accordance with the Schedules of this Bylaw.

1.2 The municipality is divided into those districts as shown on the Municipal District of Willow Creek No. 26 Land Use Districts Maps in Schedule 1.

1.3 Where a parcel contains more than one Land Use District, each designated area shall be treated as a separate entity for the purpose of determining compliance with the provisions of the Land Use District. Where land use zoning does not follow a property line, the applicant shall provide the dimensions of each zoned area on a site plan.

## SECTION 2 ESTABLISHING LAND USE DISTRICTS

2.1 The land within the boundaries of the Municipal District of Willow Creek No. 26 is divided into the Land Use Districts specified in Subsection 2.3 of this Schedule and delineated on the Municipal District of Willow Creek Land Use District Maps specified in Section 5.

2.2 The intent and regulations for each land use district and area overlay within the Municipal District of Willow Creek are prescribed in Subsection 2.3 of this Schedule and Schedule 2: Land Use Regulations.

2.3 For the purpose of this Bylaw, the Municipal District is divided into the following land use districts and shall be known by the following identifying names and symbols:

| LAND USE DISTRICT | DISTRICT PURPOSE AND INTENT |
|---|---|
| **Rural General - (RG)** | The general purpose and intent of the Rural General District is to protect the agricultural land base of the municipality while allowing non-agricultural developments which complement and enhance the local economy. |
| **Hamlet Residential - (HR)** | The general purpose and intent of the Hamlet Residential District is to provide for the orderly residential development of designated hamlets. |
| **Hamlet Business - (HB)** | The general purpose and intent of the Hamlet Business District is to provide for opportunities within designated hamlets for the development of commercial and light industrial development that support the surrounding rural community. |
| **Willow Creek Business Park- (WCBP)** | The general purpose and intent of the Willow Creek Business Park District is to accommodate grouped light industrial, commercial, and manufacturing uses that have the potential to be serviced with municipal water and wastewater. |

| LAND USE DISTRICT | DISTRICT PURPOSE AND INTENT |
|---|---|
| **Rural Commercial – RC** | The general purpose and intent of the Rural Commercial District is to accommodate large, complex commercial uses in the rural area of the municipality. |
| **Rural Industrial - (RI)** | The general purpose and intent of the Rural Industrial District is to accommodate light industrial, heavy industrial and complex commercial uses as well as other compatible uses in areas of the municipality without compromising agricultural land for agricultural purposes. |
| **Natural Resource Extraction - (NRE)** | The general purpose and intent of the Natural Resource Extraction District is to provide for the location of resource extractive uses including but not limited to gravel, sand, fill dirt and those uses ancillary to resource extraction. |
| **Claresholm Airport - (CA)** | The general purpose and intent of the Claresholm Airport District is to accommodate land uses which shall be compatible with the existing land uses and the operational airport. |
| **Rural Recreational - (RR)** | The general purpose and intent of the Rural Recreational District is to provide for the development of recreational related land uses. |
| **Open Space and Public Recreation- (OPR)** | The general purpose and intent of the Open Space and Public Recreation District is to provide for publicly owned parks, open spaces and public or community - owned recreation facilities and protect these uses from the encroachment by incompatible land uses. |
| **Public Service- (PS)** | The general purpose and intent of the Public Service District is to provide for publicly owned services and facilities and protect the operation of these facilities from the encroachment by incompatible land uses. |
| **Nanton Urban Fringe - (NUF)** | The general purpose and intent of the Nanton Urban Fringe District is to protect a designated area surrounding the Town of Nanton identified in an intermunicipal development plan by limiting non-agricultural, incompatible or noxious uses which may impact the long-range growth expectations of the urban community. |
| **Residential Growth Area - (RGA)** | The general purpose and intent of the Residential Growth Area District is to protect a designated area surrounding an incorporated urban municipality identified in an intermunicipal development plan by limiting non-agricultural, incompatible or noxious uses which may impact the long-range growth expectations of the urban community. |
| **Commercial/Industrial Growth Area - (CIGA)** | The general purpose and intent of the Commercial / Industrial Growth Area District is to protect the agricultural land base of the municipality and ensure the fringe areas of urban municipalities are protected for future expansion and development while allowing non-agricultural uses that complement the area's economy and do not conflict with an urban environment. |

| LAND USE DISTRICT | DISTRICT PURPOSE AND INTENT |
|---|---|
| **Use Specific Direct Control – (DC)** | The general purpose and intent of the Direct Control District is to give Council the flexibility and discretion to approve a use which may be complex in the development standards necessary to ensure compatibility with surrounding uses. |
| **Industrial Renewable Energy Direct Control - (IREDC)** | The general purpose and intent of the Direct Control Industrial Renewable Energy District is to give Council the flexibility and discretion to approve an industrial energy development, including wind, solar, or other type of development, which can be site specific to the needs and development standards of large industrial energy projects and the associated uses. |

## SECTION 3 ESTABLISHING OVERLAYS

3.1 The following Area Overlays are established for the purpose of providing additional development regulations to specific areas within the Municipal District:

| OVERLAY DISTRICT | OVERLAY PURPOSE AND INTENT |
|---|---|
| **Flood Hazard Protection Area Overlay - (FHPO)** | The general purpose of the overlay is to provide for the safe and efficient use of lands within the floodway, high hazard flood fringe, and flood fringe as identified in the **"Fort Macleod Flood Study (2024)"** which assesses flood hazards along 19 km of the Oldman River and 15 km of Willow Creek through the Municipal District of Willow Creek. The intent of this section is to discourage new development on lands subject to flooding and achieve the long-term goal of maintaining and decreasing the overall density of development on lands that may be subject to flooding. The intent of the overlay district is to act as a layer with specific criteria that must be complied with that will exist over a property's existing land use designation. The overlay will direct additional information criteria and considerations for development and subdivision which take into account the potential for flood hazards as identified by the province. |
| **Reservoir Vicinity Area Overlay - (RVO)** | The general purpose of this section is to provide for the safe and efficient use of lands adjacent to Pine Coulee Reservoir, Twin Valley Reservoir and Clear Lake, of which all lands are subject to duly adopted Area Structure Plans or Intermunicipal Development Plans. All new development adjacent to water bodies shall be reviewed in terms of impact to the operation and function of the irrigation reservoirs. |

3.2 The boundaries of the Flood Hazard Protection Area Overlay and the Reservoir Vicinity Area Overlay are as delineated in the Municipal District of Willow Creek No. 26 Land Use District Maps.

3.3 Land within the Flood Hazard Protection Area Overlay is subject to the regulations of the applicable underlying Land Use District and the Flood Hazard Protection Area Overlay regulations. Where a parcel of land is partially affected by the Flood Hazard Protection Area Overlay, the Overlay regulations apply only to the portion of land identified within the Flood Hazard Protection Area Overlay.

3.4 Land within the Reservoir Vicinity Area Overlay is subject to the regulations of the applicable underlying Land Use District and the Reservoir Vicinity Area Overlay regulations. Where a parcel of land is partially affected by the Reservoir Vicinity Area Overlay, the Overlay regulations apply only to the portion of land identified within the Reservoir Vicinity Area Overlay.

3.5 If there is a conflict between the Area Overlay and the underlying district, the regulations of the Area Overlay shall take precedence.

## SECTION 4 HAMLETS

4.1 The following are named as Designated Hamlets for the purpose of this bylaw:

- Granum
- Moon River Estates
- Orton
- Parkland
- Woodhouse

and the boundaries of the above shall be in accordance with the Land Use Districts Maps of this bylaw.

## SECTION 5 LAND USE DISTRICT MAPS

5.1 The Municipal District of Willow Creek No. 26 Land Use Districts Map(s), may be amended from time to time in accordance with this Bylaw, and are attached to and forms part of this Bylaw. The map(s) establishes the land use designation (zoning) for each parcel of land within the Municipal District boundary as well as the Flood Hazard Protection and Reservoir Vicinity Overlay Districts, as applicable.

5.2 The Land Use Districts Maps shall among other things bear the following identification:

(a) Municipal District of Willow Creek No. 26 Land Use Districts Map;

(b) Land Use Bylaw number and any amending bylaw numbers;

(c) adoption date.

5.3 Where there is uncertainty or dispute about the exact location of a boundary of any district as shown on the Land Use Districts Maps, the location shall be determined by the application of the following rules. Where the district boundary is shown approximately following:

(a) the boundary of a parcel of land, the parcel boundary shall be deemed to be the boundary of the district;

(b) in situations where a parcel of land is split zoned, the measurements on the Land Use Districts Map using the map scale shall apply or where Council has adopted an amending bylaw which approved split zoning of a parcel of land, the measurements on the land use districts amendment bylaw that designated the area of land shall apply.

## SECTION 6 LAND USE SUMMARY TABLE

6.1 The land use summary table below provides an overview of the permitted, discretionary and development officer discretionary uses in each district. If there are discrepancies between this table and those uses outlined in the districts, the uses outlined in the districts shall prevail.

**P**[(e)] = *Permitted Use exempt from a permit* | **P** = Permitted Use | **DD** = Development Officer Discretionary Use | **D** = Discretionary Use

** See specific Land Use Districts Section 1 for uses allowed in the district*

| Uses | Land Use Districts *(Note: District Acronyms are identified in Section 2)* | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | RG | HR | HB | WCBP | RC | RI | NRE | CA | RR | OPR | PS | NUF* | RGA* | CIGA* | DC | IREDC |
| ACCESSORY BUILDING | P | P[(e)] | P | P | P | P | P | P | P | P | P[(e)] | | | | | |
| ACCESSORY STRUCTURE | P | P | DD | P | P | P | P | P | P | P | P | | | | | |
| ACCESSORY USE | P | P | DD | P | P | P | P | P | P | P | P | | | | | |
| ADDITION | P | P | P | P | P | P | P | P | P | P | P | | | | | |

**P(e)** = *Permitted Use exempt from a permit* | **P** = Permitted Use | **DD** = Development Officer Discretionary Use | **D** = Discretionary Use

** See specific Land Use Districts Section 1 for uses allowed in the district*

| Uses | Land Use Districts *(Note: District Acronyms are identified in Section 2)* | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | RG | HR | HB | WCBP | RC | RI | NRE | CA | RR | OPR | PS | NUF* | RGA* | CIGA* | DC | IREDC |
| ADDITIONAL DWELLING UNITS (3 or more) | D | D | | | | | | | | | | | | | | |
| AERONAUTICAL USES, PRIVATE | DD | | | | | | | P | | | | | | | | |
| AGGREGATE EXTRACTION OPERATION < THAN 5.0 HA | | | | | | | P | | | | | | | | | |
| AGGREGATE EXTRACTION OPERATION > THAN 5.0 HA | | | | | | | D | | | | | | | | | |
| AGGREGATE STOCKPILING | | | | | | | P | | | | P(e) | | | | | |
| AGRICULTURAL BUILDING | P(e) | | | | | | | | | | | | | | | |
| AGRICULTURAL BUILDING LESS THAN 139.4 $M^2$ (1500 $FT^2$) | P(e) | | | | | | | | | | | | | | | |
| AGRICULTURAL STRUCTURE | P(e) | | | | | | | | | | | | | | | |
| AGRICULTURAL LABOUR HOUSING | D | | | | | | | | | | | | | | | |
| AGRICULTURAL OPERATION | P(e) | | | | | | | | | | | | | | | |
| AGRICULTURAL PROCESSING | | | | | | P | | | | | | | | | | |
| AGRICULTURAL WATER RESERVOIR | D | | | | | | | | | | | | | | | |
| AGRITOURISM | D | | | | | | | | D | | | | | | | |
| AIRPORT AND RELATED USES | | | | | | | | P | | | | | | | | |
| ALTERNATIVE ENERGY, CLASS A | D | | | | D | P | | | | | P | | | | | |
| ALTERNATIVE ENERGY, CLASS B | | | | D | | D | | | | | D | | | | | |
| ANIMAL (HOUSEHOLD PET) BOARDING, DAY CARE, OR TRAINING | D | | D | | | | | | | | | | | | | |
| ARCHERY RANGE | | | DD | | | | | | DD | DD | | | | | | |
| ASPHALT BATCH PLANT, TEMPORARY | | | | | | P | P | | | | | | | | | |
| ASPHALT BATCH PLANT, PERMANENT | | | | | | D | D | | | | | | | | | |
| AUCTION FACILITY | | | | D | | P | | | | | | | | | | |
| AUTOMOTIVE SALES AND SERVICE | | | D | DD | P | | | | | | | | | | | |
| BUILDING SUPPLY CENTRE | | | D | DD | P | | | | | | | | | | | |
| BULK FUEL STORAGE AND SALES | | | D | DD | DD | | | | | | | | | | | |
| CAMPGROUND, COMMERCIAL | | | | | | | | | D | | | | | | | |
| CAMPGROUND, FAMILY | P(e) | | | | | | | | | | | | | | | |
| CAMPGROUND, PUBLIC | | | | | | | | | | P | | | | | | |
| CANNABIS PRODUCTION FACILITY | | | D | D | | D | | | | | | | | | | |
| CAR / TRUCK WASH | | | D | D | D | D | | | | | | | | | | |

**P(e)** = *Permitted Use exempt from a permit* | **P** = Permitted Use | **DD** = Development Officer Discretionary Use | **D** = Discretionary Use
** See specific Land Use Districts Section 1 for uses allowed in the district*

| Uses | Land Use Districts *(Note: District Acronyms are identified in Section 2)* | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | RG | HR | HB | WCBP | RC | RI | NRE | CA | RR | OPR | PS | NUF* | RGA* | CIGA* | DC | IREDC |
| CEMETERY | DD | | | | | | | | | P | P | | | | | |
| CHILDCARE FACILITY | | DD | P | | | | | | | | | | | | | |
| COMMERCIAL OPERATION | | | D | P | P | | | | | | | | | | | |
| COMMERCIAL PRIVATE RECREATION | | | D* | | | | | | D | | | | | | | |
| COMMERCIAL STORAGE | | | | P | DD | P | | | DD | | | | | | | |
| CONCRETE BATCH PLANT, PERMANENT | D | | | | | P | P | | | | | | | | | |
| CONCRETE MANUFACTURING/CONCRETE PLANT | | | | | | | D | | | | | | | | | |
| CONTRACTOR, GENERAL | | | | DD | | P | | | | | | | | | | |
| CONTRACTOR, LIMITED | | | D | P | | P | | | | | | | | | | |
| CRUSHING OR WASHING ASSOCIATED WITH AN APPROVED EXTRACTION OPERATION | | | | | | | P | | | | | | | | | |
| DATA PROCESSING OPERATION | | | | D | D | D | | | | | | | | | | |
| DAY HOME | P(e) | P(e) | | | | | | | | | | | | | | |
| DUGOUT | P(e) | | | | | | | | | | | | | | | |
| DWELLING, PRIMARY | | | | | | | | | | | | | | | | |
| • STICK BUILT | P | P | | | | | | | D | | | | | | | |
| • PREFABRICATED | P | DD | | | | | | | D | | | | | | | |
| • SECOND DWELLING | P | | | | | | | | | | | | | | | |
| DWELLING GROUP | | D | | | | | | | D | | | | | | | |
| EATING ESTABLISHMENT | | | P | D | P | D | | P | P | | | | | | | |
| EDUCATIONAL OR INTERPRETIVE USE | | | | | | | | | D | P | P | | | | | D |
| EMPLOYEE HOUSING | | | | | D | D | | | D | | | | | | | |
| ENTERTAINMENT ESTABLISHMENT | | | D | D | D | | | | D | | | | | | | |
| EQUIPMENT SALES, RENTAL AND SERIVCE | | | P | DD | P | | | | | | | | | | | |
| EXTENSIVE AGRICULTURE & GRAZING | P(e) | | | D | | | P(e) | | P(e) | | | P(e) | P(e) | P(e) | | P |
| FABRIC BUILDING/COVERED STORAGE STRUCTURE | P | P | DD | DD | DD | P | P | | DD | | | | | | | |
| FARM/INDUSTRIAL MACHINERY SALES, RENTAL AND SERVICE | | | D | DD | | P | | | | | | | | | | |
| FARM SUPPLIES AND SERVICE | | | D | DD | DD | P | | | | | | | | | | |
| FEED OR GRAIN MILL – CLASS A | P | | | | | | | | | | | | | | | |
| FEED OR GRAIN MILL – CLASS B | | | D | | | D | | | | | | | | | | |
| FINANCIAL INSTITUTION | | | P | | | | | | | | | | | | | |

**P**[e] = *Permitted Use exempt from a permit* | **P** = Permitted Use | **DD** = Development Officer Discretionary Use | **D** = Discretionary Use

** See specific Land Use Districts Section 1 for uses allowed in the district*

| Uses | Land Use Districts *(Note: District Acronyms are identified in Section 2)* | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | RG | HR | HB | WCBP | RC | RI | NRE | CA | RR | OPR | PS | NUF* | RGA* | CIGA* | DC | IREDC |
| FREIGHT TERMINAL | | | | D | | D | | | | | | | | | | |
| GOLF COURSE / DRIVING RANGE | | | | | | | | | P | D | | | | | | |
| GRAIN HANDLING FACILITY | | | D* | | | P | | | | | | | | | | |
| HANGAR | | | | | | | | P | | | | | | | | |
| HEAVY INDUSTRY | | | | | | D | | | | | | | | | | |
| HOME BASED BUSINESS | P | P | | | | | | | | | | | | | | |
| HOTEL / MOTEL | | | P* | | | | | | D | | | | | | | |
| INCINERATION FACILITY | | | | | | D | | | | | D | | | | | |
| INTENSIVE HORTICULTURAL OPERATION – CLASS A | D | | D* | | P | | | | | | | | | | | |
| INTENSIVE HORTICULTURAL OPERATION – CLASS B | | | D* | D | | P | | | | | | | | | | |
| INTENSIVE LIVESTOCK OPERATION | D | | | | | | | | | | | | | | | |
| ISOLATED RURAL COMMERCIAL/INDUSTRIAL CLASS A | P | | | | | | | | | | | | | | | |
| ISOLATED RURAL COMMERCIAL/INDUSTRIAL CLASS B | D | | | | | | | | | | | | | | | |
| MACHINERY EQUIPMENT SALES, SERVICE AND REPAIR | | | D* | DD | DD | P | | | | | | | | | | |
| MANUFACTURED OR MODULAR HOME COMMUNITY | | D | | | | | | | | | | | | | | |
| MANUFACTURING OR FABRICATION | | | D | DD | DD | P | | | | | | | | | | |
| MARINA AND ANCILLARY STRUCTURES | | | | | | | | | D | | | | | | | |
| MIXED COMMERCIAL USE | | | | D | | | | | | | | | | | | |
| MIXED COMMERCIAL USE INCLUDING RESIDENTIAL | | | D | | DD | | | | D | | | | | | | |
| MODULAR/MANUFACTURED HOME SALES | | | | D | | P | | | | | | | | | | |
| MOTORCROSS/MOTOR SPORTS PARK | | | | | | | | | D | | D | | | | | |
| MOVED-IN BUILDING, NON-RESIDENTIAL | DD | DD | DD | DD | DD | | | | DD | | DD | | | | | |
| MOVED-IN BUILDING, RESIDENTIAL | DD | DD | | | | | | | | | | | | | | |
| MULTI-UNIT DWELLING | D | D | | | | | | | | | | | | | | |
| NOXIOUS INDUSTRY | | | | | | D | | | | | | | | | | |
| OFFICE | | | P | P | P | P | P | P | DD | | | | | | | D |
| OUTDOOR STORAGE | | | D | DD | DD | P | P | | DD | | | | | | | |
| PARK OR PLAYGROUNDS | | | | | | | | | P | P[e] | DD | | | | | |
| PARKING AREA | | | | P | | | | | P | P | P | | | | | |
| PERSONAL SERVICE BUSINESS | | | P | | P | | | | | | | | | | | |

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| Uses | Land Use Districts *(Note: District Acronyms are identified in Section 2)* | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | RG | HR | HB | WCBP | RC | RI | NRE | CA | RR | OPR | PS | NUF* | RGA* | CIGA* | DC | IREDC |
| PRIVATE OR PUBLIC GUN RANGE | D | | | | | | | | D | | | | | | | |
| PROFESSIONAL SERVICE USE | | | P | | | | | | | | | | | | | |
| PUBLIC AND INSTITUTIONAL USE | D | D | D | D | | | | P | | P | P | | | | | |
| PUBLIC OR PRIVATE UTILITY | DD | DD | DD | P | P | P | | DD | DD | P | P | | | | | |
| RECREATIONAL VEHICLE SALES, SERVICE AND STORAGE | | | D | DD | DD | P | | | | | | | | | | |
| RELIGIOUS ASSEMBLY | D | | D* | | | | | | | | | | | | | |
| RESIDENTIAL ADDITION | P | P | | | | | | | | | | | | | | |
| RESIDENTIAL GARAGE OR WORKSHOP LESS THAN 66.9 $M^2$ (720 $FT^2$) | | P | | | | | | | | | | | | | | |
| RESIDENTIAL ACCOMMODATION SECONDARY TO AN APPROVED USE | | | D | | | | | | D | | | | | | | |
| RESIDENTIAL ACCOMMODATION IN AN APPROVED HANGAR | | | | | | | | P | | | | | | | | |
| RESORT | | | | | | | | | P | | | | | | | |
| RETAIL | | | P | DD | P | D | | | DD | | | | | | | |
| RODEO / EXHIBITION GROUNDS | | | | | | | | | P | | | | | | | |
| SCHOOL | | | | | | | | D | | | P | | | | | |
| SECONDARY SUITE/MULTIGENERATIONAL HOUSING | DD | DD | | | | | | | | | | | | | | |
| SENIOR CITIZEN HOUSING | | D | | | | | | | | | | | | | | |
| SERVICE STATION | | | D | D | P | D | | D | | | | | | | | |
| SHIPPING CONTAINER | DD | | D | P | P | P | | | DD | DD | P | | | | | |
| SHIPPING CONTAINER FOR AGRICULTURAL STORAGE USE | P(e) | | | | | | | | | | | | | | | |
| SHOP HOUSE / SHOUSE | DD | DD | | | | | | | | | | | | | | |
| SIGN, CLASS A | P(e) | P(e) | P(e) | P(e) | P(e) | P(e) | P(e) | P(e) | P(e) | P(e) | P(e) | | | | | |
| SIGN, CLASS B | DD | | P | P | P | P | P | P | P | P | P | | | | | |
| SIGN, CLASS C | DD | | P | P | P | P | P | P | P | P | P | | | | | |
| SOLAR ENERGY SYSTEM, INDIVIDUAL ROOF OR WALL MOUNT | P | P | P | P | P | P | | P | P | P | P | | | | | |
| SOLAR ENERGY SYSTEM, INDIVIDUAL GROUND MOUNT | P | D | D | D | D | P | | D | D | D | P | | | | | |
| SOLAR ENERGY SYSTEM, INDUSTRIAL | | | | | | | | | | | | | | | | P |
| SPORTS CLUB | | | | D | | D | | D | D | | | | | | | |
| STUDENT HOUSING | | | | | | | | D | | | | | | | | |
| SWIMMING POOL (TEMP) & HOT TUBS | P(e) | P(e) | | | | | | | | | | | | | | |
| TOURIST HOME / BED & BREAKFAST | DD | DD | | | | | | | DD | | | | | | | |

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* *See specific Land Use Districts Section 1 for uses allowed in the district*

| Uses | Land Use Districts *(Note: District Acronyms are identified in Section 2)* | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | RG | HR | HB | WCBP | RC | RI | NRE | CA | RR | OPR | PS | NUF* | RGA* | CIGA* | DC | IREDC |
| TRAILS, RECREATIONAL | | | | | | | | | P | P(e) | P | | | | | |
| TRUCK STOP | | | D | | D | | | | | | | | | | | |
| TRUCK TRANSPORT DISPATCH / DEPOTS | | | D* | D | D | | | | | | | | | | | |
| TRUCK WASH | | | D | | | D | | | | | | | | | | |
| WAREHOUSE | | | D* | P | DD | P | | | | | | | | | | |
| WASTE MANAGEMENT FACILITY MAJOR | | | | | | | | | | | P | | | | | |
| WASTE MANAGEMENT FACILITY MINOR | | | | | | | | | | | P | | | | | |
| WASTE TRANSFER STATION | | | | | | | | | | | P | | | | | |
| WASTEWATER TREATMENT PLANT | | | | | | | | | | | P | | | | | |
| WATER TREATMENT FACILITY | | | | | | | | | | | P | | | | | |
| WIND ENERGY CONVERSION SYSTEM - INDIVIDUAL | P | D | D | D | P | | | | | | | | | | | |
| WIND ENERGY CONVERSION SYSTEM - INDUSTRIAL | | | | | | | | | | | | | | | | P |
| WORK CAMP | D | | | | D | D | | | | | | | | | | D |
| WORK OR LAY DOWN YARD | D | | | | D | D | | | | | | | | | | D |
| WORKSHOP ACCESSORY TO RETAIL STORE | | | DD | D | | | | | | | | | | | | |




# Schedule 2

## LAND USE DISTRICT REGULATIONS

Schedule 2

# LAND USE DISTRICT REGULATIONS

## RURAL GENERAL – RG

### INTENT

The general purpose and intent of the Rural General District is to protect the agricultural land base of the municipality while allowing non-agricultural development which complement and enhance the local economy.

### SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw but shall be required to complete and submit the Farm Building Exemption form. For additional guidance please refer to Schedule 3: Development not Requiring a Permit.*

*The **Flood Hazard Protection Overlay District** and **Reservoir Vicinity Overlay District** apply to the lands designated Rural General District and if there is a conflict between the overlay and the underlying district, the provisions and regulations of the overlay shall take precedence and effect.*

1.1 **Permitted Use**

| Use | Use Specific Standards |
|---|---|
| Accessory buildings, structures and uses to an approved use | Section 8 of this district |
| Additions to existing buildings | |
| Agricultural building and structures *(e)* | Section 9 of this district – Farm building exemption form |
| Agricultural operation *(e)* | |
| Campground, Family *(e)* | Schedule 3 - No permit required & Schedule 6, Section 11 |
| Day home *(e)* | Schedule 3 - No permit required & Schedule 6, Section 13 |
| Dugout *(e)* | Schedule 3 - No permit required & Schedule 6, Section 15 |
| Dwelling, primary:<br>Single-detached stick-built<br>Prefabricated<br>Second Dwelling | <br><br>Schedule 6, Section 29<br>Section 4 of this district |
| Extensive agriculture and grazing *(e)* | Schedule 3 - No permit required |
| Fabric building or covered storage structure | |
| Feed or grain mill, Class A | |
| Home based business | Schedule 6, Section 19 |
| Isolated rural commercial / industrial, Class A | Schedule 6, Section 22 |
| Residential addition | |
| Shipping container for agricultural storage use *(e)* | Schedule 3 - No permit required & Schedule 6, Section 37 |
| Sign, Class A *(e)* | Schedule 6, Section 36 |
| Solar energy system, individual (roof, wall or ground mounted) | Schedule 6, Section 36 |
| Swimming pools (temporary) and hot tubs *(e)* | Schedule 3 - No permit required & Schedule 6, Section 43 |
| Wind Energy Conversion System (WECS), individual | Schedule 6, Section 44 |

1.2 **Discretionary Use – Development Officer**

| Use | Use Specific Standards |
|---|---|
| Aeronautical uses, private | |
| Cemetery | |
| Moved-in building - residential | Schedule 6, Section 25 |
| Moved-in building - non - residential | Schedule 6, Section 26 |
| Public or private utility | |
| Secondary Suite / Multigenerational housing | Schedule 6, Section 34 |
| Shipping container | Schedule 6, Section 37 |
| Shop house / Shouse | Schedule 6, Section 38 |
| Sign, Class B or C | Schedule 6, Section 36 |
| Tourist home / Bed and breakfast | |

1.3 **Discretionary Use – Municipal Planning Commission**

| Use | Use Specific Standards |
|---|---|
| Additional dwelling units (3 or more) | |
| Agricultural labour housing | |
| Agricultural water reservoir | Schedule 6, Section 15 |
| Agritourism | |
| Alternative energy, Class A | Schedule 6, Section 4 |
| Animal (household pet) boarding, day care or training | Schedule 6, Section 3 |
| Concrete batch plant, permanent | |
| Intensive horticultural operation, Class A | Schedule 6, Section 20 |
| Intensive livestock operation | Schedule 6, Section 21 |
| Isolated rural commercial / industrial, Class B | Schedule 6, Section 22 |
| Multi-unit dwelling | |
| Private or public gun range | Schedule 6, Section 27 |
| Public and institutional use | |
| Religious assembly | Schedule 6, Section 32 |
| Work Camp | Schedule 6, Section 45 |
| Work or Lay Down Yard | |

1.4 **Prohibited Uses**
Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL SIZE FOR DEVELOPMENT

2.1 A minimum lot size of 1.21 ha (3 acre) is recommended for any permitted or discretionary use. This may be varied by the Municipal Planning Commission to reasonably accommodate the proposed use.

## SECTION 3 DENSITY

3.1 The maximum number of parcels allowed on an unsubdivided quarter section of land will be limited to two (2).

3.2 Notwithstanding Subsection 3.1 above, an additional parcel may be allowed for a total of three (3) parcels in the quarter section if the quarter section meets the requirements of section 11.10 “Subdivision of Existing Small Titles”, or section 11.11 “Cut-off or Fragmented Agricultural Parcels”.

## SECTION 4 NUMBER OF DWELLING UNITS ON A PARCEL

4.1 Not more than one dwelling unit, with a minimum floor area of 55.7 $m^2$ (600 $ft^2$), may be located on a parcel or title except as provided for in Sections 4.2 through 4.5 below.

4.2 More than one dwelling unit may be allowed on a parcel if:

(a) the dwelling unit is contained in a building which is designed for or divided into two or more dwelling units;

(b) if the second unit was established prior to this bylaw, it may be deemed to comply at the discretion of the Municipal Planning Commission should the parcel be subdivided.

4.3 Additional dwelling units may be located on a parcel provided that:

(a) the proposed dwelling unit meets the definition of a developed residence as follows:

(i) is habitable,

(ii) has developed legal access,

(iii) has electrical and gas utilities available to the site,

(iv) has a supply of potable water and a functional sewage disposal system,

(v) is situated on a permanent foundation;

(b) no more than one (1) additional dwelling unit shall be permitted on any parcel 4.0 ha (10 acres) or less in area provided:

(i) the parcel must be a minimum of 2.4 ha (6 acres) in size;

(ii) a second detached dwelling unit may only be permitted on a parcel on which there is already built one (1) single detached dwelling unit (main residence) and the additional dwelling unit is located on a minimum of 1.2 ha (3 acres);

(iii) at the time of application, the main residence shall be occupied by the owner of the property and is considered the owner's primary residence;

(iv) the second dwelling unit shall be subject to the same minimum required setbacks for front, side and rear yards as the principal dwelling on the parcel;

(v) the applicant shall have a professional soil test/analysis done at their expense to ensure that the soil characteristics are capable of supporting multiple septic fields. The analysis must include identifying and confirming the depth to water table to meet provincial requirements. Analyses of the test must be performed and approved by an engineer or approved agency under Alberta Municipal Affair, with a copy of the report submitted with the development permit application; and

(vi) joint access may be required as a condition of approval.

(c) additional dwelling units may be permitted on any parcel greater than 4.0 ha (10 acres) in area provided:

(i) at the time of application, the main residence shall be occupied by the owner of the property and is considered the owner's primary residence; and

(ii) the additional dwelling units shall be placed in such a manner so that the dwellings do not utilize an area greater than 4.0 ha (10 acres). The configuration of the 4.0 ha (10 acre) area must strive to be compact in nature and must be acceptable to the Development Officer or Municipal Planning Commission; and

(iii) the applicant shall have a professional soil test/analysis done at their expense to ensure that the soil characteristics are capable of supporting multiple septic fields with a copy of the report submitted with the development permit application; and

(iv) joint access may be required as a condition of approval.

4.4 For the purpose of this section, if a parcel contained more than one dwelling unit on the date that this bylaw was adopted, all the dwellings on that parcel are deemed to conform.

4.5 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 5 MINIMUM SETBACK REQUIREMENTS

5.1 All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:

(a) 22.9 m (75 ft.) from the right-of-way of any developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;

(b) 30 m (100 ft.) from the property line or 50 m (165 ft) from the centre of a designated Minor Highway and 40 m (131 ft) from the property line or 70 m (230 ft) from the centre of a designated Major Highway in accordance with the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;

(c) any greater distance that may be required by the Development Officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, to reduce potential snow drifting, or vision restrictions;

(d) at least 20 ft. (6.1 m) from adjacent property lines.

5.2 The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.

5.3 All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a highway may have special requirements for setback, access and service roadways imposed as a condition of approval by the Municipal Planning Commission in accordance with the requirements of Alberta Transportation and Economic Corridors and the Highways Development and Protection Regulation. Any applications for development adjacent to a highway should be referred to Alberta Transportation and Economic Corridors for a Roadside Development Permit.

5.4 All buildings, structures and development that is to be located in close proximity to an escarpment, coulee break, riverbank or other geographical feature may have special requirements for setback as determined by the Municipal Planning Commission upon due consideration of any geotechnical or slope stability analysis report requested by the municipality.

5.5 Vehicle access points and buildings, fences, trees or similar obstructions more than 3 ft. above a rural road grade may be restricted by the municipality within 90 m (300 ft.) or such greater distance from an intersection with another rural road or a provincial highway as required by Alberta Transportation and Economic Corridors.

5.6 Development may also be subject to additional setback requirements as prescribed within:

(a) Land Suitability and Servicing Requirements: Schedule 4

(b) Standards of Development: Schedule 5

(c) Use Specific Standards of Development: Schedule 6

## SECTION 6 SITE COVERAGE

6.1 Unless specified elsewhere in this bylaw or established otherwise in an adopted Area Structure Plan or Intermunicipal Development Plan, the maximum site coverage percentage of buildings and structures on the parcel shall be as determined by the Development Officer for permitted use and the Municipal Planning Commission for discretionary uses.

## SECTION 7 ACCESS

7.1 The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction of any approach(s) necessary to serve the development area in accordance with the Municipal District of Willow Creek design requirements.

7.2 To ensure proper emergency access, all developments shall have direct legal and physical access to a public roadway. If the development is within 800 m (2625 ft.) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation and Economic Corridors.

7.3 Access points adjacent to blind corners, hills, ridges, railway crossings and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 100 m (328 ft.) on a local road.

7.4 The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new development other than those deemed approved. Construction and survey costs for a service road shall be the responsibility of the applicant.

7.5 Any undeveloped road allowance that is proposed to be utilized for access to a development shall be required to be constructed to Municipal District standards and policies and the construction and survey costs shall be the responsibility of the applicant.

## SECTION 8 ACCESSORY BUILDING, ASSOCIATED WITH AN APPROVED USE

8.1 An accessory building shall not be used as a permanent dwelling and shall only be constructed after the principal building has been constructed. In the case where a dwelling unit is proposed to be constructed in a portion of an accessory building (ie Shop House, secondary suite), the accessory building will be considered a dwelling unit.

8.2 An accessory building shall not be located in the required setback from a public road or on an easement.

8.3 A residential accessory building shall be setback a minimum 3.0 m (10 ft.) from the principal dwelling and from all other structures on the same parcel.

8.4 Where a structure is attached to the principal building by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

## SECTION 9 AGRICULTURAL BUILDINGS, FENCES AND SHELTERBELTS

9.1 Agricultural buildings and structures, as defined, are not required to obtain a development permit if all requirements of this bylaw are met but are required to complete and submit the **Farm Building Exemption** form.

9.2 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel and are not subject to the 22.9 m (75 ft.) setback from municipal roads.

9.3 Fences used as an enclosure, barrier, boundary, means of protection, privacy screening or confinement constructed of any allowable material (wood, stone/brick, metal, or plastic) with less than 85 percent of their surface area open for free passage of light must be located outside the required setbacks for the land use district including:

(a) 22.9 m (75 ft.) from the right-of-way of any roadway maintained by the municipality;

(b) 60.9 m (200 ft.) from a naturally occurring water body or outside the 1:100 flood elevation, whichever distance is greater;

(c) 60.9 m (200 ft.) from any water reservoir measured from the water's edge at full supply level (FSL) or 30.5 m (100 ft.) from the registered reservoir right-of-way, whichever is greater.

9.4 In rural areas along local roads, the construction or erection of a fence, farm gate sign, hedge or shelterbelt shall comply with the following:

(a) no fence, hedge or shelterbelt shall be erected which would unduly restrict the vision of approaching traffic;

(b) farm gate signs may be placed on the property line and shall be erected in a manner which would not unduly restrict the vision of approaching traffic; and

(b) no hedge or shelterbelt shall be erected closer than 9.1 m (30 ft.) of the right-of-way of a public road.

9.5 Solar energy systems, individual that are used as an accessory use to an agricultural operation must be located outside the required setbacks for the land use district including:

(a) 22.9 m (75 ft.) from the right-of-way of any roadway maintained by the municipality;

(b) 60.9 m (200 ft.) from a naturally occurring water body or outside the 1:100 flood elevation, whichever distance is greater unless an engineering assessment is submitted which ensures development can be accommodated outside of the flood hazard;

(c) 60.9 m (200 ft.) from any water reservoir measured from the water's edge at full supply level (FSL) or 30.5 m (100 ft.) from the registered reservoir right-of-way, whichever is greater.

## SECTION 10 MINIMUM SETBACKS FOR USES INVOLVING LIVESTOCK OR ANIMALS

10.1 All corrals, feeders, shelters or other structures for the feeding of animals as outlined in the Agricultural Operations and Practices Amendment Act 2001 and Regulations (AOPA) shall not be located closer to a neighbouring property boundary, right-of-way an irrigation district canal, creek, stream, river, lake shore or water body than 30.5 metres (100 ft.) and a minimum of 22.86 metres (75 ft.) from a municipal developed or undeveloped road allowance.

10.2 All corrals, feeders, shelters or other structures for the feeding of animals associated with Intensive Livestock Operations (ILO) as defined in Schedule 6, section 21 shall not be located closer to a neighbouring property boundary, right-of-way an irrigation district canal, creek, stream, river, lake shore or water body than 30.5 metres (100 ft.) and a minimum of 22.86 metres (75 ft.) from a municipal developed or undeveloped road allowance.

10.3 A large animal veterinary clinic (e.g. cattle, horses, pigs, sheep and goat) shall not be located within 152.4 metres (500 ft.) of a neighbouring residential building.

10.4 An animal (household pet) boarding, day care or training use, or livestock sales yard or abattoir shall not be located within 304.8 metres (1,000 ft.) of a neighbouring residential building.

10.5 A confined feeding or intensive livestock operation shall be sited in consideration of prohibited areas and be able to meet required development setbacks in accordance with the Municipal District's Municipal Development Plan or in any adopted Intermunicipal Development Plan.

## SECTION 11 SUBDIVISION POLICIES IN RURAL GENERAL DISTRICT

**General**

11.1 The Municipal Planning Commission may only approve one separately titled subdivision on an unsubdivided quarter section or a title containing 160 acres (64.8 ha). The Municipal Planning Commission may consider a quarter section to be unsubdivided if previous subdivisions were for the purpose of public or quasi-public use.

11.2 In accordance with Section 11.10 (Cut-off or Fragmented Agricultural Parcel) additional parcels may be approved for subdivision by the Municipal Planning Commission.

**Agricultural Uses**

11.3 The minimum agricultural parcel size shall be 56.66 ha (140 acres) unless waivered by the Municipal Planning Commission, the Subdivision and Development Appeal Board, or the Land and Property Rights Tribunal.

11.4 A subdivision of a parcel containing an intensive horticultural use may be treated as an agricultural use and may be permitted as the one allowable subdivision from a quarter section.

11.5 The Municipal Planning Commission shall not approve an application for subdivision of a parcel on which an existing or proposed confined feeding operation (CFO) is located.

11.6 A subdivision which proposes to subdivide a quarter section or title containing 64.38 ha (160 acres) into two 32.38 ha (80 acre) parcels shall be prohibited.

**Existing Agricultural Parcels – Property Line Realignment**

11.7 The enlargement, reduction or realignment of an existing separate parcel may be approved provided that:

(a) the additional lands required are to accommodate existing or related improvements; or

(b) the proposal is to rectify or rationalize existing habitation, occupancy, cultivation or settlement patterns; and

(c) no additional parcels are created over and above those presently in existence; and

(d) the proposed new lot and the proposed residual lot will continue to have direct legal and physical access to a public roadway, adequate development setbacks, and a suitable building site; and

(e) the size, location and configuration of the proposed lot will not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

**Subdivision of a Single Lot Developed Farmstead Parcel**

11.8 A proposed subdivision for a single lot (isolated) developed farmstead containing a developed residence may be approved provided:

(a) it is located on an unsubdivided quarter section or title containing 160 acres of land in consideration of parcel sizes outlined in section 11.1 or meets the criteria for subdivision for a Cut-off or Fragmented Parcel; and

(b) the proposed parcel to be created is no less than 1.21 ha (3 acres) and no greater than 4.05 ha (10 acres) and contains a permanent habitable dwelling unit; and

(c) the area of the proposed parcel shall be limited by the location and extent of related buildings, structures and improvements, including septic systems, on the developed residence; and

(d) the proposed lot on which the dwelling is located and the proposed residual parcel both have direct legal and/or physical access to a public roadway; and

(e) the proposed access is satisfactory to Alberta Transportation and Economic Corridors where the access may affect a primary highway; and

(f) the size and location of the proposed lot will not significantly affect an irrigation system in the area; and

(g) the residual parcel being created is at least 56.66 ha (140 acres) in size.

**Subdivision of a Single Vacant Parcel for Residential Use**

11.9 A subdivision which proposes to subdivide a parcel of land on which a non-habitable dwelling or a former farmstead parcel significant improvements (power, well, gas, farm building) without a habitable dwelling or to create a single (isolated) vacant bare land country residential lot as the first parcel out of a quarter section or title containing 160 acres of land may be approved provided that:

(a) the proposed parcel to be created is a minimum of 1.2 ha (3.0 acres) and a maximum of 2.0 ha (5.0 acres) in size; and

(b) the proposed lot contains, in the opinion of the Municipal Planning Commission, a buildable site; and

(c) the proposed single residential lot can be serviced to the satisfaction of the Municipal Planning Commission (see Schedule 4) including an approved water source and wastewater disposal system (soils analysis must be submitted); and

(d) the proposed lot and the residual parcel both have direct legal and physical access to a public roadway to the satisfaction of the Municipal Planning Commission; and

(e) that the proposed access is able to accommodate the development of a residence not associated with agriculture and is constructed and maintained to a level of service for the use; and

(f) the development on the proposed single residential lot will not, in the opinion of the Municipal Planning Commission, inhibit public access to or otherwise have a detrimental effect on agriculture or the recreational use of a river valley, water body, environmentally sensitive area or special scenic location; and

(g) the size and location of the proposed parcel will not significantly affect any irrigation system in the area; and

(h) the residual parcel being created is at least 58.68 ha (145 acres) in size.

**Cut-off or Fragmented Parcels**

11.10 A subdivision application which proposed to create one or more cut-off or fragmented parcels may be approved if:

(a) the existing parcel is severed by a developed roadway within a registered road right-of-way, a railway right-of-way with rails, the Oldman River, or Pine Coulee Reservoir; and

(b) the proposed parcel being created and the residual parcel shall have direct legal and physical access to a public roadway or another legal means of access acceptable to the Municipal Planning Commission; and

(c) such fragmentation would not significantly affect an irrigation system in the area; and

(d) the fragmented parcel and/or the residual parcel must be a minimum of 1.21 ha (3 acres)

11.11 At the discretion of the Municipal Planning Commission, a quarter section which has been subdivided pursuant to the provisions of section 11.11 may be eligible for the subdivision of an existing developed farmstead or a vacant parcel from the greater half of the fragmented quarter section provided the proposal is consistent with the requirements established for a Single Developed Farmstead Parcel outlined in section 11.8.

**Public and Institutional Uses**

11.12 A subdivision application for public or institutional uses may be recommended for approval if:

(a) the Municipal Planning Commission is satisfied that suitable, existing alternative parcels are not reasonably available in another land use district;

(b) the use was functioning, the application should encompass the developed site only;

(c) the legal and physical access, including access to the residual agricultural parcel, can be accommodated; and

(d) the Municipal Planning Commission is satisfied that the use is primary, suitable, serviceable and will be developed as proposed.

11.13 The conversion of small parcels established for public or institutional purposes to other uses should be limited to those developments which, in the opinion of the Municipal Planning Commission, are considered appropriate and compatible with surrounding uses.

## SECTION 12 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

12.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, and site coverage as stated in the applicable land use district

12.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 13 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

13.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

13.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 14 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

14.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

14.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 15 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

15.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

15.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 16 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# HAMLET RESIDENTIAL – HR

## INTENT

The general purpose and intent of the Hamlet Residential District is to provide for the orderly residential development of designated hamlets.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

### 1.1 Permitted Use

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory building *(e)* | Section 7 of the District |
| Accessory structure | |
| Accessory use | |
| Day home *(e)* | Schedule 3 - No permit required & Schedule 6, Section 13 |
| Dwelling, primary:<br>• Single-detached stick-built | |
| Fabric building or covered storage structure | Section 7 of the District and Schedule 6, Section 16 |
| Home based business | Schedule 6, Section 19 |
| Residential addition | |
| Residential garage or workshop less than 66.9 $m^2$ (720 $ft^2$) | |
| Public or private utility | |
| Sign, Class A | Schedule 6, Section 36 |
| Solar energy system, individual roof or wall mounted | Schedule 6, Section 39 |
| Swimming pools and hot tub *(e)* | Schedule 3 - No permit required & Schedule 6, Section 43 |

### 1.2 Discretionary Use – Development Officer

| Uses | Use Specific Standards of Development |
|---|---|
| Childcare facility | Schedule 6, Section 13 |
| Dwelling, primary:<br>• Prefabricated | Schedule 6, Section 29 |
| Moved-in building - residential | Schedule 6, Section 25 |
| Moved-in building - non - residential | Schedule 6, Section 26 |
| Secondary Suite / Multigenerational housing | Schedule 6, Section 34 |
| Shop house / Shouse | Schedule 6, Section 38 |
| Tourist home / Bed and Breakfast | Schedule 6, Section 42 |

1.3 **Discretionary Use – Municipal Planning Commission**

| Uses | Use Specific Standards of Development |
|---|---|
| Additional dwelling unit | Schedule 6, Section 34 |
| Dwelling group | Schedule 6, Section 30 |
| Manufactured and modular home community | Schedule 6, Section 29 |
| Multi-unit dwelling | |
| Public and institutional use | |
| Senior citizen housing | |
| Solar energy system, individual ground mounted | Schedule 6, Section 39 |
| Wind energy conversion system (WECS), individual | Schedule 6, Section 44 |

1.4 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL SIZE FOR DEVELOPMENT PURPOSES

2.1 The minimum area and dimension of parcels without municipal water supply and sewage disposal systems in the Hamlets of **Parkland, Orton** and **Woodhouse** shall be:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | acres |
| For lots serviced by: | | | | | | |
| Municipal sewer only | 30.48 | 100 | 30.48 | 100 | 1214.1 | 0.3 acres |
| Municipal water only | 30.48 | 100 | 30.48 | 100 | 8094.0 | 2 acres |
| No municipal water and no municipal sewer | 30.48 | 100 | 30.48 | 100 | 8094.0 | 2 acres |

2.2 The minimum area and dimension of parcels with access to both a municipal water supply and sewage disposal system within the Hamlet of **Granum** shall be:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | sq. ft. |
| Single unit dwelling | 15.24 | 50 | 30.48 | 100 | 464.50 | 5,000 |
| Two-unit dwelling | 21.34 | 70 | 30.48 | 100 | 650.30 | 7,000 |
| Row dwelling or town houses | | | | | | |
| – interior unit | 4.88 | 16 | 30.48 | 100 | 148.64 | 1,600 |
| – end unit | 7.62 | 25 | 30.48 | 100 | 232.25 | 2,500 |
| Multiple unit | 24.38 | 80 | 30.48 | 100 | 743.20 | 8,000 |
| Prefabricated dwelling | 12.19 | 40 | 30.48 | 100 | 371.60 | 4,000 |
| All other uses | As required by the Municipal Planning Commission | | | | | |

2.3 The minimum area and dimension of parcels in the **Hamlet of Moon River Estates** shall be:

| Use | |
|---|---|
| All uses | Existing parcels or a minimum of 0.4 ha (1 acre) |

2.4 These minimum parcel and lot sizes may be increased by the Municipal Planning Commission upon the recommendation of provincial agencies concerned and when in its opinion it is desirable to do so.

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 The following minimum setbacks apply to all permitted and discretionary uses in:

| | Front Yard | | Secondary Front | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| **Use** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| **Granum** | | | | | | | | |
| Dwelling units | 7.6 | 25 | 3.8 | 12.5 | 1.5 | 5 | 7.6 | 25 |
| Prefabricated | 7.6 | 25 | 3.8 | 12.5 | 1.5 | 5 | 4.6 | 15 |
| Accessory building | n/a | n/a | 3.8 | 12.5 | 1.5 | 5 | 1.5 | 5.0 |
| Fences | Setbacks are zero on property lines | | | | | | | |
| **Orton & Woodhouse** | | | | | | | | |
| All uses | 6.1 | 20 | 3.0 | 10 | 1.5 | 5 | 6.1 | 20 |
| Fences | Setbacks are zero on property lines | | | | | | | |
| **Parkland** | | | | | | | | |
| All uses | 6.1 | 20 | 3.0 | 10 | 1.5 | 5 | 6.1 | 20 |
| Fences | Setbacks are zero on property lines | | | | | | | |
| **Moon River Estates** | | | | | | | | |
| All uses | 15.2 | 50 | 7.6 | 25 | 7.6 | 25 | 15.2 | 50 |
| Fences | 6.1 | 20 | 6.1 | 20 | 0 | 0 | 0 | 0 |

3.2 Notwithstanding the setbacks in section 3.1, if parcel is adjacent to a township or range road a setback of 22.86 m (75 ft.) will be required for all development.

## SECTION 4 SITE COVERAGE

4.1 In the **Hamlet of Granum** the maximum site coverage is:

(a) Total lot coverage – 45%

(Inclusive of all dwellings, accessory buildings and structures)

(b) Accessory buildings – 10%

The combined total of all accessory buildings shall cover not more than 10% of the surface area of a lot. Accessory building(s) must be subordinate to the principal dwelling.

(c) Other development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

(d) Hard surfaced parking pads not supporting a garage or carport, walkway, and/or paving stones or similar impervious ground cover is limited to a maximum of 50% of the lot (front, side and rear) not covered by the dwelling and accessory buildings and structures, unless approved by the issuance of a development permit.

4.2 Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcels any parcel greater than 2.0 acres shall be:

Principal building – 2%

Accessory buildings – 0.5%

## SECTION 5 MINIMUM FLOOR AREA

5.1 In the **Hamlet of Granum** the minimum floor area should be:

(a) single unit dwellings – 800 $ft^2$ (74.3 $m^2$)

(b) two-unit dwellings – 1,500 $ft^2$ (139.4 $m^2$)

(c) manufactured or modular homes – 800 $ft^2$ (74.3 $m^2$)

(d) all other dwelling units 600 $ft^2$ (55.7 $m^2$)

5.2 Unless specified elsewhere in this bylaw, the minimum floor area required in other hamlets shall be determined by the Development Officer or the Municipal Planning Commission.

## SECTION 6 MAXIMUM HEIGHT OF BUILDINGS

6.1 In the **Hamlet of Granum** the maximum height of buildings should be:

(a) accessory building – 16 ft (4.9 m)

(b) principal building – 30 ft (9.1 m)

6.2 Unless specified elsewhere in this bylaw, the maximum height of buildings shall be determined by Development Officer or the Municipal Planning Commission.

## SECTION 7 ACCESSORY BUILDINGS AND STRUCTURES

7.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

7.2 No accessory building, structure or use shall be allowed:

(a) on a lot without an approved principal dwelling or use,

(b) to be located in the front yard of the principal structure.

7.3 The first movable accessory building, which is 9.2 $m^2$ (100 $ft^2$) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit and the Development Authority may limit the number of accessory buildings on a lot.

7.4 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

7.5 Detached garages shall have a minimum separation of 3.1 m (10 ft) from the foundation of any dwellings or buildings and a minimum of 0.6 m (2 ft) from the roof overhang of dwelling or structure.

7.6 Accessory buildings and structures shall be set back from a side lot line or rear lot line, and all drainage is conducted to the appropriate storm drain via the applicant's own property.

7.7 As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.



## SECTION 8 FENCES

8.1 No fence, wall, gate, hedge or other means of enclosure shall extend more than 0.9 m (3 ft.) above level grade and shall not be more than 0.3 m (1 ft) in width in any front or secondary front yard without an approved development permit.

8.2 Fences in the secondary front, rear and side yards must not exceed 1.8 m (6 ft.) in height from level grade and shall not be more than 0.3 m (1 ft) in width without an approved development permit.

8.3 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

8.4 The Development Authority may regulate the material types and colour used for the fence. Regardless of fence height, barbed wire fencing or unconventional fencing materials, including but not limited to pallets, used construction materials, etc., as determined by the Development Authority, are prohibited.

8.5 No portion of a fence, including an associated retaining wall, shall be greater than 0.3 m (1 ft.) in thickness. Any variance to the thickness of a fence shall be referred to the Municipal Planning Commission for a decision.

8.6 The construction of a fence should be completed within 12 months of commencement and shall be finished, where appropriate, by painting or staining the fence.

## SECTION 9 AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

9.1 If the Municipal Planning Commission considers an area proposed for residential development could become a grouped residential development in the future, it may require the preparation of an area structure plan or a conceptual scheme.

## SECTION 10 SUBDIVISION POLICIES IN THE HAMLET RESIDENTIAL DISTRICT

10.1 Any subdivision application that proposes to create more than one lot shall be required to prepare and submit with the application either a concept plan or area structure plan.

10.2 The maximum parcel size in the Hamlet of Granum for subdivision is 2025 $m^2$ (0.5 acre). Parcel sizes greater than maximum allowable will need to be approved through the adoption of either a concept plan or area structure plan approved by Council or the Municipal Planning Commission.

10.3 For subdivisions for various residential or other uses within designated hamlets, the applicable hamlet minimum and maximum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

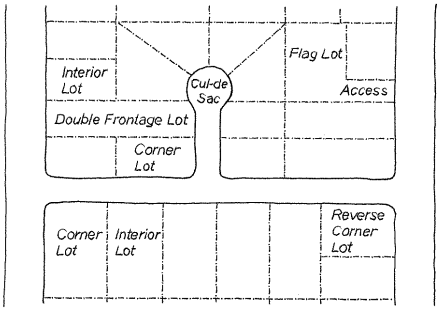
10.4 Subdivisions of new lots within the Hamlet of Granum, all subdivided lots shall connect to the municipal water and wastewater systems unless by determined by the Subdivision Authority that the connection is not presently feasible and, in such cases, the landowner will be required to enter into a deferred development agreement for the installation of services at a later date.

10.5 Through lots or double frontage lots shall be avoided except where essential to separate residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. In such cases, access will be allowed only on the lower classification street.

10.6 Flag lots are prohibited in the Hamlet Residential district.

10.7 All rectangular lots and, so far as practical all other lots, shall have side lot lines at right angles to straight street lines or radial side lot lines to curved street lines. Unusual or odd shaped lots having boundary lines that intersect at extreme angles shall be avoided.

10.8 The lot line common to the street right-of-way line shall be the front lot line. All lots shall face the front lot line and a similar lot across the street. Wherever feasible, lots shall be arranged so that the rear lot line does not abut the sideline of an adjacent lot.




10.9 No lot or parcel shall be created which does not provide for a buildable area as defined by the applicable land use district, except pursuant to an area structure plan.

10.10 The Municipal Planning Commission may require an infill development plan illustrating the proposed road network, utility plan, and lot configurations prior to approving infill development within any block which has been determined by the Municipal Planning Commission to have redevelopment potential. The determination of blocks with redevelopment potential shall be consistent with the Municipal Development Plan policies.

10.11 The length and width of blocks shall be sufficient to accommodate two (2) tiers of lots with minimum standards specified by the applicable land use district and this section, except where a single row of lots back up to an arterial street. When reviewing proposed lot and block arrangements, the Subdivision Authority shall consider the following factors:

(a) Minimum Lot Sizes Established: Minimum land use district and lot requirements defining lot sizes and dimensions shall be accommodated without creating unusable lot remnants;

(b) Safe Access Required: Block layout shall enable development to meet all Municipal District's requirements for convenient access, circulation, control and safety of street traffic.

## SECTION 11 SPECIAL DEVELOPMENT STANDARDS AND APPLICATION REQUIREMENTS – MOON RIVER ESTATES

11.1 For any development within the Hamlet of Moon River, the Municipal Planning Commission may:

(a) set special standards to improve the quality and compatibility of any proposed development such as, but not limited to, architecture, landscaping, setback variations, exterior finishes, paved parking areas and access;

(b) require any part of a parcel used for outdoor storage be screened by buildings, fences, trees, or other landscaping features, to its satisfaction;

(c) require any application for a development permit be accompanied by plot plans, indicating building locations, elevations and finished grades, building plans and specifications and any other information considered necessary by the designated officer or the Municipal Planning Commission;

11.2 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## SECTION 12 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

12.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, and site coverage as stated in the applicable land use district

12.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 13 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

13.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

13.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 14 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

14.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

14.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 15 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

15.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

15.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 16 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# HAMLET BUSINESS – HB

## INTENT

The general intent and purpose of the Hamlet Business District is to provide opportunities within designated hamlets for the development of commercial and light industrial development that supports the surrounding rural community.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

### 1.1 Permitted Uses

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory building | Section 6 of this district |
| Addition to existing building | |
| Childcare facility | Schedule 6, Section 13 |
| Eating Establishment | |
| Equipment sales, rental and service | |
| Financial institution | |
| Office | |
| Personal service business | |
| Professional service use | |
| Retail | |
| Sign, Class A(e), Class B, and Class C | Schedule 6, Section 36 |
| Solar energy system, individual roof or wall mount | Schedule 6, Section 39 |

### 1.2 Discretionary Use – Development Officer

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory structure | |
| Accessory use | |
| Archery range | |
| Fabric building/covered storage structure | Schedule 6, Section 16 |
| Moved-in building, non-residential | Schedule 6, Section 26 |
| Public or private utility | |

1.3 **Discretionary Use – Municipal Planning Commission**

| Uses | Use Specific Standards of Development |
|---|---|
| Animal (household pet) boarding, day care, or training | Schedule 6, Section 3 |
| Automotive sales and service | |
| Building supply centre | |
| Bulk fuel storage and sales | |
| Cannabis production facility | Schedule 6, Section 9 |
| Car/truck wash | Schedule 6, Section 12 |
| Commercial operation | |
| Contractor, limited | |
| Entertainment establishment | |
| Farm/industrial machinery sales, rental and service | |
| Farm supplies and service | |
| Feed or grain mill – Class B | |
| Manufacturing or fabrication | |
| Mixed commercial use including residential | Schedule 6, Section 23 |
| Outdoor storage | |
| Public and institutional use | |
| Recreational vehicle sales, service and storage | Schedule 6, Section 31 |
| Residential accommodation secondary to an approved use | |
| Service station | Schedule 6, Section 35 |
| Shipping container | Schedule 6, Section 37 |
| Solar energy system, ground mounted | Schedule 6, Section 39 |
| Truck stop | |
| Truck wash | |
| Wind energy conversion system, individual | Schedule 6, Section 44 |
| Workshop accessory to retail store | |

**ADDITIONAL PERMITTED AND DISCRETIONARY USES – HAMLET OF GRANUM**

1.4 **Permitted Uses in the Hamlet of Granum**

| Uses | Use Specific Standards of Development |
|---|---|
| Hotel / Motel | |

1.5 **Discretionary Uses in the Hamlet of Granum - Municipal Planning Commission**

| Uses | Use Specific Standards of Development |
|---|---|
| Commercial private recreation | |
| Grain handling facility | |
| Intensive horticultural operation, Class A or B | Schedule 6, Section 20 |
| Machinery or equipment sales, service and repair | |
| Religious assembly | Schedule 6, Section 32 |
| Truck transport dispatch / depots | |
| Warehouse | |

1.6 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL AND LOT SIZES

2.1 The following minimum standards apply to all permitted and discretionary uses in the Hamlets of **Orton, Woodhouse** and **Parkland**:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | sq. ft. |
| For lots serviced by: | | | | | | |
| Municipal sewer only | 30.48 | 100 | 30.48 | 100 | 929.00 | 10,000 |
| Municipal water only | 30.48 | 100 | 30.48 | 100 | 1393.50 | 15,000 |
| No municipal water and no municipal sewer | 30.48 | 100 | 30.48 | 100 | 1858.0 | 20,000 |

2.2 The minimum area and dimension of parcels with access to the municipal water supply and sewage disposal systems within the Hamlet of **Granum** shall be:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | sq. ft. |
| All permitted uses | 7.6 | 25 | 36.5 | 120 | 278.7 | 3,000 |
| All discretionary uses | 36.6 | 120 | 79.2 | 260 | 2,898.5 | 31,200 |
| Unserviced lots | As determined by the Municipal Planning Commission | | | | | |

2.3 These minimum parcel and lot sizes may be increased by the Municipal Planning Commission upon the recommendation of provincial agencies concerned and when in its opinion it is desirable to do so.

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 The following minimum setbacks apply to all permitted and discretionary uses in:

| Use | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| Permitted uses (existing buildings) | 1.5 | 5 | 0 | 0 | 5 | 1.5 |
| Permitted uses (new buildings) | 1.5 | 5 | 0 | 0 | 5 | 1.5 |
| Discretionary uses | 7.6 | 25 | 1.5 | 5 | 7.6 | 25 |
| Fences | Setbacks are zero on property lines not fronting a municipal road | | | | | |

## SECTION 4 SITE COVERAGE

4.1 Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be determined by the Development Officer or the Municipal Planning Commission.

## SECTION 5 AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

5.1 If the Municipal Planning Commission considers an area proposed for commercial or industrial development could become a grouped development in the future, it may require the preparation of an area structure plan or a conceptual scheme.

## SECTION 6 ACCESSORY BUILDINGS AND STRUCTURES

6.1 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

6.2 No accessory building, structure or use shall be allowed:

(a) on a lot without an approved principal use, and

(b) to be located in the front yard of the principal structure.

6.3 Accessory buildings, structures and uses that are not specifically included within a development permit require a separate development permit application.

6.4 Accessory buildings and structures shall be set back from a side lot line or rear lot line, and all drainage is conducted to the appropriate storm drain via the applicant's own property.

6.5 As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

## SECTION 7 SUBDIVISION POLICIES IN HAMLET BUSINESS DISTRICT

7.1 For subdivisions for various commercial, industrial or mixed uses within designated hamlets, the applicable hamlet land use district minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

7.2 All rectangular lots and, so far as practical all other lots, shall have side lot lines at right angles to straight street lines or radial side lot lines to curved street lines. Unusual or odd shaped lots having boundary lines that intersect at extreme angles shall be avoided.

7.3 The lot line common to the street right-of-way line shall be the front lot line. All lots shall face the front lot line and a similar lot across the street. Wherever feasible, lots shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.

7.4 No lot or parcel shall be created which does not provide for a buildable area as defined by the applicable land use district, except pursuant to an area structure plan.

7.5 The length and width of blocks shall be sufficient to accommodate two (2) tiers of lots with minimum standards specified by the applicable land use district and this section, except where a single row of lots back up to an arterial street. When reviewing proposed lot and block arrangements, the Subdivision Authority shall consider the following factors:

(a) Minimum Lot Sizes Established: Minimum land use district and lot requirements defining lot sizes and dimensions shall be accommodated without creating unusable lot remnants;

(b) Safe Access Required: Block layout shall enable development to meet all Municipal District's requirements for convenient access, circulation, control and safety of street traffic.

## SECTION 8 FENCES

8.1 No fence, wall, gate, or other means of enclosure shall extend more than 2.4 m (8 ft.) above level grade without an approved development permit.

8.2 Fences on parcels greater than 4047 $m^2$ (1 acre) in size may construct a fence along the property line if they are constructed of chain link. Fencing made of solid material will be require a development permit.

8.3 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

8.4 The Development Authority may regulate the material types and colour used for the fence. Regardless of fence height unconventional fencing materials, including but not limited to pallets, used construction materials, etc., as determined by the Development Authority, are prohibited.

8.5 No portion of a fence, including an associated retaining wall, shall be greater than 0.3 m (1 ft.) in thickness. Any variance to the thickness of a fence shall be referred to the Municipal Planning Commission for a decision.

8.6 The construction of a fence should be completed within 12 months of commencement and shall be finished, where appropriate, by painting or staining the fence.

## SECTION 9 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

9.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, and site coverage as stated in the applicable land use district

9.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 10 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

10.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

10.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 11 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

11.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

11.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 12 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

12.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

12.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 13 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# WILLOW CREEK BUSINESS PARK – WCBP

## INTENT

The general purpose and intent of the district is to accommodate grouped light industrial, commercial, and manufacturing uses that have the potential to be serviced with municipal water and wastewater.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

1.1 **Permitted Uses**

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory buildings, structures and uses to an approved use | |
| Additions to existing buildings | |
| Commercial operation | |
| Commercial storage | |
| Contractor, limited | |
| Office | |
| Parking area | Schedule 5, Section 12 |
| Public or private utility | |
| Shipping container | |
| Sign, Class – A (e) | Schedule 6, Section 36 |
| Sign, Class – B or C | Schedule 6, Section 36 |
| Solar energy system, individual (roof or wall mount) | Schedule 6, Section 39 |
| Warehouse | |

1.2 **Discretionary Uses – Development Officer**

| Uses | Use Specific Standards of Development |
|---|---|
| Automotive sales and service | |
| Building supply centre | |
| Bulk fuel storage and sales | |
| Contractor, general | |
| Equipment sales, rental and service | |
| Fabric building/covered storage structure | Schedule 6, Section 16 |
| Farm/industrial machinery sales, rental and service | |
| Farm supplies and service | |
| Machinery equipment sales, service and repair | |
| Manufacturing or fabrication | |
| Moved-in building, non-residential | Schedule 6, Section 26 |
| Outdoor storage | |
| Recreational vehicle sales, service and storage | Schedule 6, Section 31 |
| Retail | |

1.3 **Discretionary Uses – Municipal Planning Commission**

| Uses | Use Specific Standards of Development |
|---|---|
| Alternative energy, Class B | Schedule 6, Section 4 |
| Auction facility | |
| Cannabis production facility | Schedule 6, Section 9 |
| Car/truck wash | Schedule 6, Section 12 |
| Data process operation | Schedule 6, Section 14 |
| Eating establishment | |
| Entertainment establishment | |
| Extensive agriculture & grazing | |
| Freight terminal | |
| Intensive horticultural operation – Class B | Schedule 6, Section 20 |
| Mixed commercial | Schedule 6, Section 23 |
| Modular/manufactured home sales | |
| Public and institutional use | |
| Service station | Schedule 6, Section 35 |
| Solar energy individual, ground mount | Schedule 6, Section 39 |
| Sports club | |
| Truck transport dispatch / depot | |
| Wind energy conversion system, individual | Schedule 6, Section 44 |
| Workshop accessory to retail store | |

1.4 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL SIZE FOR DEVELOPMENT

2.1 The minimum area and dimension of parcels with access to the municipal water supply and sewage disposal systems within the Willow Creek Business Park shall be:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | sq. ft. |
| All uses | 36.6 | 120 | 79.2 | 260 | 2,898.5 | 31,200 |
| Unserviced lots | As required by the Municipal Planning Commission | | | | | |

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 The following minimum setbacks apply to all permitted and discretionary uses in:

| Use | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| All uses | 6.10 | 20 | 3.05 | 10 | 6.10 | 20 |
| Fences | 0 | 0 | 0 | 0 | 0 | 0 |

3.2 Additional setbacks for those lots with the control area of Highway 520 may require additional setbacks as required by Alberta Transportation

## SECTION 4 SITE COVERAGE

4.1 The maximum site coverage for all permitted and discretionary uses listed is:

(a) 50% for principal and accessory buildings; or

(b) as required by the Municipal Planning Commission.

## SECTION 5 FENCES

5.1 No fence, wall, gate, or other means of enclosure shall extend more than 2.4 m (8 ft.) above level grade without an approved development permit.

5.2 Fences on parcels greater than 4047 $m^2$ (1 acre) in size may construct a fence along the property line if they are constructed of chain link. Fencing made of solid material will be require a development permit.

5.3 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

5.4 The Development Authority may regulate the material types and colour used for the fence. Regardless of fence height unconventional fencing materials, including but not limited to pallets, used construction materials, etc., as determined by the Development Authority, are prohibited.

5.5 No portion of a fence, including an associated retaining wall, shall be greater than 0.3 m (1 ft.) in thickness. Any variance to the thickness of a fence shall be referred to the Municipal Planning Commission for a decision.

5.6 The construction of a fence should be completed within 12 months of commencement and shall be finished, where appropriate, by painting or staining the fence.

## SECTION 6 DEVELOPMENT REFERRAL REQUIREMENTS

6.1 Applications for uses located where ground safety may be an issue, specifically adjacent to in the Claresholm Airport, those applications shall be referred to Transport Canada by the Development Officer.

## SECTION 7 AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

7.1 The Municipal Planning Commission may require the preparation of an area structure plan or a conceptual scheme prior to considering an application or as a condition of approval for any use within this land use district.

## SECTION 8 SUBDIVISION POLICIES FOR ALL USES

8.1 For subdivisions within this district, the applicable minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

8.2 A subdivision application which proposes to subdivide one or more lots may be approved, but such an application is subject to the following:

(a) municipal reserve is provided as money in lieu of land; and

(b) the proposed new lot(s) and residual lot continues to have direct legal and physical access to a public roadway; and

(c) lot sizes and standards of development shall consider the availability of servicing.

8.3 A subdivision application which proposes the enlargement, reduction or realignment of an existing separate parcel may be approved provided:

(a) the additional lands required are to accommodate existing or related improvements;

(b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;

(c) no additional parcels are created over and above those presently in existence;

(d) the proposed new lot and the proposed residual lot have direct legal and physical access to a public roadway or have legal access;

(e) the proposed new lot and proposed residual lot has adequate development setbacks and at least one suitable building site.;

(f) the size, location and configuration of the proposed lot shall not significantly affect any transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

## SECTION 9 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

9.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, and site coverage as stated in the applicable land use district.

9.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 10 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

10.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

10.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 11 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

11.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

11.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 12 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

12.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

12.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 13 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# RURAL COMMERCIAL– RC

## INTENT

The general purpose and intent of this land use district is to accommodate large, complex commercial uses in the rural area of the municipality.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

*The **Flood Hazard Protection Overlay District** and **Reservoir Vicinity Overlay District** apply to the lands designated Rural Commercial District and if there is a conflict between the overlay and the underlying district, the provisions and regulations of the overlay shall take precedence and effect.*

### 1.1 Permitted Uses

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory buildings, structures and uses to an approved use | |
| Additions to existing buildings | |
| Automotive sales and service | |
| Building supply centre | |
| Commercial operation | |
| Eating establishment | |
| Equipment sales, rental and service | |
| Intensive horticultural operation - Class A | Schedule 6, Section 20 |
| Office | |
| Personal service business | |
| Public and private utility | |
| Retail | |
| Service station | Schedule 6, Section 35 |
| Sign – Class A (e), Class B or C | Schedule 6, Section 36 |
| Shipping container | Schedule 6, Section 37 |
| Solar energy system, Individual (roof or wall) | Schedule 6, Section 39 |
| Wind Energy Conversion System (WECS) - Individual | Schedule 6, Section 44 |

### 1.2 Discretionary Uses – Development Officer

| Uses | Use Specific Standards of Development |
|---|---|
| Bulk fuel storage and sales | |
| Commercial storage | |
| Fabric building/covered storage structure | Schedule 6, Section 16 |
| Farm supplies and service | |
| Machinery equipment sales, service and repair | |
| Manufacturing or fabrication | |
| Mixed commercial use including residential | Schedule 6, Section 23 |
| Moved-in building, non-residential | Schedule 6, Section 26 |
| Outdoor storage | |
| Recreational vehicle sales, service and storage | Schedule 6, Section 31 |
| Warehouse | |

1.3 **Discretionary Uses – Municipal Planning Commission**

| Uses | Use Specific Standards of Development |
|---|---|
| Alternative renewable energy, Class A | Schedule 6, Section 4 |
| Car/truck wash | Schedule 6, Section 12 |
| Data process operation | Schedule 6, Section 14 |
| Employee housing | |
| Entertainment establishment | |
| Solar energy system, individual (ground mount) | Schedule 6, Section 39 |
| Truck stop | |
| Truck transport dispatch/depots | |
| Work camp | Schedule 6, Section 45 |
| Work or lay down yard | |

1.4 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL SIZE FOR DEVELOPMENT

2.1 All Uses

(a) minimum of 0.8 ha (2 acres)

## SECTION 3 PARCEL AND LOT SIZES FOR SUBDIVISION

3.1 The minimum parcel and lot sizes for all the permitted and discretionary uses listed above are:

| Use | Frontage Minimum | | Depth Minimum | | Area Minimum | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | ha | acres |
| All uses | 61.0 | 200 | 45.7 | 150 | 0.8 | 2.0 |

## SECTION 4 MINIMUM SETBACK REQUIREMENTS

4.1 The following minimum setbacks apply to all permitted and discretionary uses in:

| Uses | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| All uses | 22.8 | 75 | 22.8 | 75 | 22.8 | 75 |
| Fences | 0 | 0 | 0 | 0 | 0 | 0 |

4.2 All buildings, structures and development on parcels having frontage on a primary highway may have special requirements for setback, access and service roadways as determined by the Municipal Planning Commission in accordance with the requirements of Alberta Transportation.

4.3 All buildings, structures and development to be located in close proximity to an escarpment, coulee break, riverbank or other geographical feature may have special requirements for setback as determined by the Municipal Planning Commission.

## SECTION 5 SITE COVERAGE

5.1 The maximum site coverage percentage on the parcel shall be determined by the Development Officer or the Municipal Planning Commission.

## SECTION 6 FENCES

6.1 No fence, wall, gate, or other means of enclosure shall extend more than 2.4 m (8 ft.) above level grade without an approved development permit.

6.2 Fences on parcels greater than 4047 $m^2$ (1 acre) in size may construct a fence along the property line if they are constructed of chain link. Fencing made of solid material will be require a development permit.

6.3 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

6.4 The Development Authority may regulate the material types and colour used for the fence. Regardless of fence height unconventional fencing materials, including but not limited to pallets, used construction materials, etc., as determined by the Development Authority, are prohibited.

6.5 No portion of a fence, including an associated retaining wall, shall be greater than 0.3 m (1 ft.) in thickness. Any variance to the thickness of a fence shall be referred to the Municipal Planning Commission for a decision.

6.6 The construction of a fence should be completed within 12 months of commencement and shall be finished, where appropriate, by painting or staining the fence.

## SECTION 7 AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

7.1 The Municipal Planning Commission may require the preparation of an area structure plan or a conceptual scheme prior to considering an application or as a condition of approval for any use within this land use district.

## SECTION 8 SUBDIVISION POLICIES

8.1 For subdivisions within this district, the applicable minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

8.2 A subdivision application which proposes to subdivide one or more lots may be approved, but such an application is subject to the following:

(a) municipal reserve is provided as money in lieu of land; and

(b) the proposed new lot(s) and residual lot continues to have direct legal and physical access to a public roadway; and

(c) lot sizes and standards of development shall consider the availability of servicing.

8.3 A subdivision application which proposes the enlargement, reduction or realignment of an existing separate parcel may be approved provided:

(a) the additional lands required are to accommodate existing or related improvements;

(b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;

(c) no additional parcels are created over and above those presently in existence;

(d) the proposed new lot and the proposed residual lot has direct legal and physical access to a public roadway or have legal access;

(e) the proposed new lot and proposed residual lot has adequate development setbacks and at least one suitable building site;

(f) the size, location and configuration of the proposed lot shall not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

## SECTION 9 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

9.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, and site coverage as stated in the applicable land use district

9.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 10 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

10.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

10.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 11 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

11.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

11.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 12 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

12.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

12.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 13 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# RURAL INDUSTRIAL– RI

## INTENT

The general purpose and intent of the Rural Industrial Land Use District is to accommodate light industrial, heavy industrial and commercial uses in specific areas of the municipality without compromising agricultural land for agricultural purposes.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

*The **Flood Hazard Protection Overlay District** and **Reservoir Vicinity Overlay District** apply to the lands designated Rural Industrial District and if there is a conflict between the overlay and the underlying district, the provisions and regulations of the overlay shall take precedence and effect.*

### 1.1 Permitted Uses

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory buildings, structures and uses to an approved use | |
| Additions to existing buildings | |
| Agricultural processing | |
| Alternative energy, Class A | Schedule 6, Section 4 |
| Asphalt batch plant, temporary | Schedule 6, Section 7 |
| Auction facility | |
| Commercial storage | |
| Concrete batch plant, permanent | Schedule 6, Section 7 |
| Contractor, general | |
| Contractor, limited | |
| Fabric building/covered storage structure | Schedule 6, Section 16 |
| Farm/industrial machinery sales, rental and service | |
| Farm supplies and service | |
| Grain handling facility | |
| Intensive horticultural operation - Class B | Schedule 6, Section 20 |
| Machinery equipment sales, service, and repair | |
| Manufacturing or fabrication | |
| Modular/manufactured home sales | |
| Office | |
| Outdoor storage | |
| Public or private utility | |
| Recreational vehicle sales, service and storage | Schedule 6, Section 31 |
| Shipping container | Schedule 6, Section 36 |
| Sign, Class A (e), B or C | Schedule 6, Section 37 |
| Solar energy system, individual (roof, wall or ground mounted) | Schedule 6, Section 39 |
| Warehouse | |

1.2 **Discretionary Uses – Municipal Planning Commission**

| Uses | Use Specific Standards of Development |
|---|---|
| Alternative renewable energy, Class B | Schedule 6, Section 4 |
| Asphalt batch plant, permanent | Schedule 6, Section 7 |
| Cannabis production facility | Schedule 6, Section 9 |
| Car wash | Schedule 6, Section 12 |
| Data process operation | Schedule 6, Section 14 |
| Eating establishment | |
| Employee housing | |
| Feed or grain mill – Class B | |
| Freight terminal | |
| Heavy industry | |
| Incineration facility | |
| Noxious industry | |
| Retail | |
| Service station | Schedule 6, Section 35 |
| Sports club | |
| Truck wash | Schedule 6, Section 12 |
| Work camp | Schedule 6, Section 45 |
| Work or lay down yard | |

1.3 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL SIZE FOR DEVELOPMENT

2.1 All Uses

(a) existing parcels; or

(b) minimum of 0.8 ha (2 acre)

## SECTION 3 PARCEL AND LOT SIZES FOR SUBDIVISION

3.1 The minimum parcel and lot sizes for all the permitted and discretionary uses listed above are:

| Use | Frontage Minimum | | Depth Minimum | | Area Minimum | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | ha | acres |
| All uses | 61.0 | 200 | 45.7 | 150 | 0.8 | 2.0 |

## SECTION 4 MINIMUM SETBACK REQUIREMENTS

4.1 The following minimum setbacks apply to all permitted and discretionary uses in:

| Uses | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| All uses | 22.8 | 75 | 22.8 | 75 | 22.8 | 75 |
| Fences | 0 | 0 | 0 | 0 | 0 | 0 |

4.2 All buildings, structures and development on parcels having frontage on a primary highway may have special requirements for setback, access and service roadways as determined by the Municipal Planning Commission in accordance with the requirements of Alberta Transportation.

4.3 All buildings, structures and development to be located in close proximity to an escarpment, coulee break, riverbank or other geographical feature may have special requirements for setback as determined by the Municipal Planning Commission.

## SECTION 5 SITE COVERAGE

5.1 The maximum site coverage percentage on the parcel shall be determined by the Development Officer or the Municipal Planning Commission.

## SECTION 6 FENCES

6.1 No fence, wall, gate, or other means of enclosure shall extend more than 2.4 m (8 ft.) above level grade without an approved development permit.

6.2 Fences on parcels greater than 4047 $m^2$ (1 acre) in size may construct a fence along the property line if they are constructed of chain link. Fencing made of solid material will be require a development permit.

6.3 Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

6.4 The Development Authority may regulate the material types and colour used for the fence. Regardless of fence height unconventional fencing materials, including but not limited to pallets, used construction materials, etc., as determined by the Development Authority, are prohibited.

6.5 No portion of a fence, including an associated retaining wall, shall be greater than 0.3 m (1 ft.) in thickness. Any variance to the thickness of a fence shall be referred to the Municipal Planning Commission for a decision.

6.6 The construction of a fence should be completed within 12 months of commencement and shall be finished, where appropriate, by painting or staining the fence.

## SECTION 7 AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

7.1 The Municipal Planning Commission may require the preparation of an area structure plan or a conceptual scheme prior to considering an application or as a condition of approval for any use within this land use district.

## SECTION 8 SUBDIVISION POLICIES

8.1 For subdivisions within this district, the applicable minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

8.2 A subdivision application which proposes to subdivide one or more lots may be approved, but such an application is subject to the following:

(a) municipal reserve is provided as money in lieu of land; and

(b) the proposed new lot(s) and residual lot continues to have direct legal and physical access to a public roadway; and

(c) lot sizes and standards of development shall consider the availability of servicing.

8.3 A subdivision application which proposes the enlargement, reduction or realignment of an existing separate parcel may be approved provided:

(a) the additional lands required are to accommodate existing or related improvements;

(b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;

(c) no additional parcels are created over and above those presently in existence;

(d) the proposed new lot and the proposed residual lot has direct legal and physical access to a public roadway or have legal access;

(e) the proposed new lot and proposed residual lot has adequate development setbacks and at least one suitable building site;

(f) the size, location and configuration of the proposed lot shall not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

## SECTION 9 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

9.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, and site coverage as stated in the applicable land use district

9.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 10 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

10.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

10.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 11 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

11.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

11.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 12 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

12.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

12.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 13 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# NATURAL RESOURCE EXTRACTION - NRE

## INTENT

The general purpose and intent of the Natural Resource Extraction District is to provide for the location of resource extractive uses including but not limited to gravel, sand, fill dirt and those uses ancillary to resource extraction.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

*The **Flood Hazard Protection Overlay District** and **Reservoir Vicinity Overlay District** apply to the lands designated Natural Resource Extraction District and if there is a conflict between the overlay and the underlying district, the provisions and regulations of the overlay shall take precedence and effect.*

1.1 **Permitted Uses**

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory buildings, structures and uses to an approved use | |
| Additions to existing buildings | |
| Aggregate extraction operation less than 5.0 ha | Section 5 and 6 of this district |
| Aggregate stockpiling | |
| Asphalt batch plant, temporary | Schedule 6, Section 7 |
| Concrete batch plant, permanent | Schedule 6, Section 7 |
| Crushing or washing associated with an approved extraction operation | |
| Extensive agriculture & grazing (e) | |
| Fabric building/covered storage structure | Schedule 6, Section 16 |
| Office | |
| Outdoor storage | |
| Sign, Class A (e), B or C | Schedule 6, Section 36 |

1.2 **Discretionary Uses – Municipal Planning Commission**

| Uses | Use Specific Standards of Development |
|---|---|
| Aggregate extraction operation greater than 5.0 ha | Sections 5 and 6 of this district |
| Asphalt batch plant, permanent | Schedule 6, Section 7 |
| Concrete manufacturing / concrete plant | Schedule 6, Section 7 |

1.3 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2. PARCEL AND LOT SIZES FOR SUBDIVISION AND DEVELOPMENT

2.1 The minimum parcel and lot sizes for all the permitted and discretionary uses listed above are:

| Use | Frontage Minimum | | Depth Minimum | | Area Minimum | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | ha | acres |
| All uses | 61.0 | 200 | 45.7 | 150 | 0.8 | 2.0 |

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 The following minimum setbacks apply to all permitted and discretionary uses in:

| Uses | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| All uses | 22.8 | 75 | 22.8 | 75 | 22.8 | 75 |
| Fences | 0 | 0 | 0 | 0 | 0 | 0 |

3.2 All buildings, structures and development on parcels having frontage on a primary highway may have special requirements for setback, access and service roadways as determined by the Municipal Planning Commission in accordance with the requirements of Alberta Transportation.

3.3 All buildings, structures and development to be located in close proximity to an escarpment, coulee break, riverbank or other geographical feature may have special requirements for setback as determined by the Municipal Planning Commission.

3.4 The working area (defined as the area used for excavation, stockpiling and crushing) of a sand, clay and gravel pit or a stone quarry operation shall not be located:

(a) closer than 300 metres (984 ft.) to a residential dwelling, the separation distance being measured from the edge of the dwelling to the nearest edge of the planned working area of the sand and gravel extraction operation;

(b) within 300 metres (984 ft.) of an individual residence where provision is made regarding site-specific mitigation of noise, dust, visual, traffic, lighting and other effects of the sand and gravel operation as agreed to by the resident in writing;

(c) within 400 metres (1,312 ft.) of a multi-lot or grouped country residential subdivision, hamlet or urban centre. The separation distance shall be measured from the nearest property line of the multi-lot subdivision to the nearest edge of the planned working area of the sand and gravel extraction operation.

## SECTION 4 SITE COVERAGE

4.1 The maximum site coverage percentage on the parcel shall be determined by the Development Officer or the Municipal Planning Commission.

## SECTION 5 APPLICATION REQUIREMENTS

5.1 Development permit applications for any use in this district shall be accompanied by the following information, as deemed necessary by the Development Officer:

(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) operational plan including surface access agreement with the landowner (if applicable), proposed activities on site, and hours of operation;

(c) a detailed site plan including

(i) all setbacks dimensioned from property lines and the proximity of the proposed development site to adjacent parcels of land;

(ii) distances between the proposed development and any existing residences, grouped residential developments, or recreational areas;

(iii) location and phasing of vegetation clearance and stripping of topsoil;

(iv) identification of areas to be left undisturbed;

(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) post-development reclamation plan as required by the Code of Practice for Pits [made under the Environmental Protection and Enhancement Act, RSA 2000, c.E-12, as amended and Conservation and Reclamation Regulation (AR 115/93), as amended];

(h) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;

(i) a soils erosion management plan with the plan to address:

(i) any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and

(ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both operation and reclamation;

(j) 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;

(k) if required by the Development Authority, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and

(l) 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.

5.2 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 Municipal Planning Commission);

(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.

## SECTION 6 CONDITIONS OF APPROVAL

6.1 The Development Authority may impose as a condition any reasonable measure to ensure suitability, compatibility and to mitigate potential impacts.

6.2 The Development Authority shall consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution and how it may impact adjacent land uses when evaluating applications for these types of development permits and place conditions necessary to mitigate effects.

6.3 The Development Authority may require that the developer enter into a Road Use Management Agreement with the Municipal District in order control traffic on municipal roads and manage dust control and/or maintenance issues.

6.4 The Development Authority may place conditions on an approved development permit that pertain, but are not limited to, regulating days and hours of operation, imposing setbacks, control or mitigate dust and noise, require berming or screening, or monitor ambient air quality.

6.5 The Development Authority shall take into consideration Schedule 4 Land Suitability and Servicing Requirements when deciding on development permit applications for resource extraction uses in such areas, where applicable.

6.6 The Development Authority shall take into consideration the Cottonwood Report: Environmentally Significant Areas in the Oldman River Region in making a decision on an application for a resource extraction use and may deem a development application to be unsuitable in accordance with that report or may request additional information be provided by the applicant to ensure any matters are addressed to the satisfaction of the Development Authority.

6.7 Topsoil must be stockpiled and used to reclaim the worked-out site.

6.8 New surface workings should not be opened, nor should existing workings be extended if unmitigated damage may occur to nearby land having high recreation, wildlife, scientific or archaeological value.

## SECTION 7 SUBDVISION POLICIES

7.1 For subdivisions within this district, the applicable minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

7.2 A subdivision application which proposes to subdivide one or more lots may be approved, but such an application is subject to the following:

(a) municipal reserve is provided as money in lieu of land; and

(b) the proposed new lot(s) and residual lot continues to have direct legal and physical access to a public roadway; and

(c) lot sizes and standards of development shall consider the availability of servicing.

7.3 A subdivision application which proposes the enlargement, reduction or realignment of an existing separate parcel may be approved provided:

(a) the additional lands required are to accommodate existing or related improvements;

(b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;

(c) no additional parcels are created over and above those presently in existence;

(d) the proposed new lot and the proposed residual lot has direct legal and physical access to a public roadway or have legal access;

(e) the proposed new lot and proposed residual lot has adequate development setbacks and at least one suitable building site;

(f) the size, location and configuration of the proposed lot shall not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

## SECTION 8 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

8.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, and site coverage as stated in the applicable land use district

8.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 9 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

9.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

9.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 10 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

10.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

10.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 11 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

11.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

11.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 12 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# CLARESHOLM AIRPORT - CA

## INTENT

The general intent and purpose of the Claresholm Airport Land Use District is to accommodate land use which shall be compatible with the existing uses and the operational airport.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

1.1 **Permitted Uses**

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory buildings, structures and uses to an approved use | |
| Additions to existing buildings | |
| Aeronautical uses, private | |
| Airport and related uses | |
| Eating establishment | |
| Hangar | |
| Office | |
| Public and institutional use | |
| Residential accommodation in an approved hanger | |
| Sign, Class A [(e)], B or C | Schedule 6, Section 36 |
| Solar energy system, individual (roof or wall mount) | Schedule 6, Section 39 |

1.2 **Discretionary Uses – Development Officer**

| Uses | Use Specific Standards of Development |
|---|---|
| Public or private utility | |

1.3 **Discretionary Uses – Municipal Planning Commission**

| Uses | Use Specific Standards of Development |
|---|---|
| School | |
| Service Station | |
| Solar energy system, individual (ground mount) | Schedule 6, Section 39 |
| Sports club | |
| Student housing | |

1.4 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL AND LOT SIZES FOR DEVELOPMENT

2.1 The minimum area and dimension of parcels with access to the municipal water supply and sewage disposal systems within the Claresholm Airport shall be:

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | sq. ft. |
| All permitted uses | At the discretion of the Development Officer | | | | | |
| All discretionary uses | At the discretion of the Municipal Planning Commission | | | | | |

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 The following minimum setbacks apply to all permitted and discretionary uses in:

| Use | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| All uses | 6.10 | 20 | 3.05 | 10 | 6.10 | 20 |
| Fences | 0 | 0 | 0 | 0 | 0 | 0 |

3.2 Additional setbacks required by Transport Canada

## SECTION 4 SITE COVERAGE

4.1 The maximum site coverage for all the permitted and discretionary uses listed is 50%

## SECTION 5 DEVELOPMENT REFERRAL REQUIREMENTS

5.1 Applications for uses located where ground safety may be an issue, the application shall be referred to Transport Canada by the Development Officer.

## SECTION 6 SUBDIVISION POLICIES FOR AIRPORT USES

6.1 For subdivisions within this district, the applicable minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Subdivision Authority.

6.2 A subdivision application which proposes to subdivide one or more lots may be approved, but such an application is subject to the following:

(a) municipal reserve is provided as money in lieu of land; and

(b) the proposed new lot(s) and residual lot continues to have direct legal and physical access to a public roadway; and

(c) lot sizes and standards of development shall consider the availability of servicing.

6.3 A subdivision application which proposes the enlargement, reduction or realignment of an existing separate parcel may be approved provided:

(a) the additional lands required are to accommodate existing or related improvements;

(b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;

(c) no additional parcels are created over and above those presently in existence;

(d) the proposed new lot and the proposed residual lot has direct legal and physical access to a public roadway or have legal access.

## SECTION 7 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

7.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, and site coverage as stated in the applicable land use district.

7.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 8 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

8.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

8.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 9 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

9.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

9.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 10 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

10.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

10.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 11 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# RURAL RECREATIONAL – RR

## INTENT

The general purpose and intent of the Rural Recreational District is to provide for the development of recreational related land uses.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

*The **Flood Hazard Protection Overlay District** and **Reservoir Vicinity Overlay District** apply to the lands designated Rural Recreational District and if there is a conflict between the overlay and the underlying district, the provisions and regulations of the overlay shall take precedence and effect.*

### 1.1 Permitted Uses

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory buildings, structures and uses to an approved use | |
| Additions to existing buildings | |
| Eating establishment | |
| Extensive agriculture & grazing (e) | |
| Golf course / driving range | |
| Parks or playgrounds | |
| Parking area | |
| Resort | |
| Rodeo / exhibition grounds | |
| Sign, Class A (e), B or C | Schedule 6, Section 36 |
| Solar energy system, individual (roof or wall mount) | Schedule 6, Section 39 |
| Trails, recreational | |

### 1.2 Discretionary Uses – Development Officer

| Uses | Use Specific Standards of Development |
|---|---|
| Archery range | |
| Commercial storage | |
| Fabric building/covered storage structure | Schedule 6, Section 16 |
| Moved-in building, non-residential | Schedule 6, Section 26 |
| Office | |
| Outdoor storage | |
| Public or private utility | |
| Retail | |
| Shipping container | Schedule 6, Section 37 |
| Tourist home / bed & breakfast | Schedule 6, Section 42 |

### 1.3 Discretionary Uses – Municipal Planning Commission

| Uses | Use Specific Standards of Development |
|---|---|
| Agritourism | |
| Campground, Commercial | Schedule 6, Section 11 |
| Commercial private recreation | |
| Dwelling, primary: Single-detached stick built or Prefabricated | Schedule 6, Section 29 |
| Dwelling group | |
| Educational or interpretive use | |

| Uses | Use Specific Standards of Development |
|---|---|
| Employee housing | |
| Entertainment establishment | |
| Hotel / Motel | |
| Marina and ancillary structures | |
| Mixed commercial use including residential | Schedule 6, Section 23 |
| Motorcross / motor sports park | Schedule 6, Section 24 |
| Private or public gun range | Schedule 6, Section 27 |
| Residential accommodation secondary to an approved use | |
| Solar energy system, individual (ground mount) | Schedule 6, Section 39 |
| Sports club | |

1.4 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL AND LOT SIZES

2.1 Parcel and lot sizes for all the permitted and discretionary uses listed above shall be at the discretion of the Municipal Planning Commission.

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:

(a) 22.86 m (75 ft.) from the right-of-way of any developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;

(b) such distances as required by Alberta Transportation for designated highways in the Memorandum of Agreement;

(c) any greater distance which may be required by the designated officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, or to reduce potential snow drifting.

3.2 The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.

3.3 All buildings, structures and development located in close proximity to waterbodies/reservoirs may have special requirements for setbacks as determined by the Municipal Planning Commission upon due consideration of any pertinent comments from Alberta Environment and Protected Areas and Protected Areas, if provided.

## SECTION 4 SITE COVERAGE

4.1 Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be as determined by the Municipal Planning Commission.

## SECTION 5 DEVELOPMENT IN GENERAL

5.1 All land use decisions regarding development shall be in conformity with the policies and processes outlined in the appropriate area structure plans or intermunicipal development plan.

## SECTION 6 AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

6.1 If the Municipal Planning Commission considers an area proposed for non-agricultural usage is of a complexity and magnitude warranting further information or studies, it may require the developer to prepare a detailed area structure plan or conceptual scheme to be submitted for a either a redesignation or development permit process.

## SECTION 7 SUBDIVISION POLICIES FOR RURAL RECREATION USES

7.1 A subdivision application which proposes to subdivide one lot proposed for recreation use may be approved, but such an application shall not be approved unless the land which is the subject of the subdivision application is designated for recreational development in the land use bylaw.

7.2 An application which proposes to subdivide a second subdivision from a previously subdivided quarter section or fragmented parcel may be approved if:

(a) the proposed site to be subdivided has been redesignated to the Rural Recreational - RR Land Use District; and

(b) Municipal Reserve is provided as money in lieu of land as a condition of subdivision approval; and

(c) the proposed new lot and residual lot continues to have direct legal and physical access to a public roadway or have legal access.

7.3 For lands designated Rural Recreational, the applicable land use district minimum lot sizes and standards of development shall apply, which are dependent on the type of use proposed and the availability of servicing. Where no minimum lot size is provided in the land use bylaw, the lot size shall be determined by the Municipal Planning Commission.

7.4 A subdivision application which proposes the enlargement, reduction or realignment of an existing separate parcel may be approved provided:

(a) the additional lands required are to accommodate existing or related improvements;

(b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;

(c) no additional parcels are created over and above those presently in existence;

(d) the proposed new lot and the proposed residual lot has direct legal and physical access to a public roadway or have legal access.

## SECTION 8 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

8.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, site coverage as stated in the applicable land use district

## SECTION 9 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

9.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

9.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 10 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

10.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

10.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 11 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

11.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

11.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 12 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# OPEN SPACE AND PUBLIC RECREATION - OPR

## INTENT

The general purpose and intent of the Open Space and Public Recreation District is to provide for publicly owned parks, open spaces and public or community - owned recreation facilities and protect these uses from the encroachment by incompatible land uses.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

*The **Flood Hazard Protection Overlay District** and **Reservoir Vicinity Overlay District** apply to the lands designated Oper Space and Public Recreation District and if there is a conflict between the overlay and the underlying district, the provisions and regulations of the overlay shall take precedence and effect.*

### 1.1 Permitted Uses

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory buildings, structures and uses to an approved use | |
| Additions to existing buildings | |
| Campground, public | Schedule 6, Section 11 |
| Cemetery | |
| Educational or interpretive use | |
| Park or playgrounds *(e)* | |
| Parking area | Schedule 5, Section 15 |
| Public and institutional use | |
| Public or private utility | |
| Sign, Class A (e), B or C | Schedule 6, Section 36 |
| Solar energy system, individual (roof or wall mount) | Schedule 6, Section 39 |
| Trails, recreational *(e)* | |

### 1.2 Discretionary Uses – Development Officer

| Uses | Use Specific Standards of Development |
|---|---|
| Archery range | |
| Shipping container | Schedule 6, Section 37 |

### 1.3 Discretionary Uses – Municipal Planning Commission

| Uses | Use Specific Standards of Development |
|---|---|
| Golf course / driving range | |
| Solar energy system, individual (ground mount) | Schedule 6, Section 39 |

### 1.4 Prohibited Uses

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 MINIMUM LOT SIZE

2.1 Existing parcels or as required by the Municipal Planning Commission.

## SECTION 3 MINIMUM SETBACK FROM PROPERTY LINES

3.1 All structures and buildings shall be setback 6.1 m (20 ft.) from all property lines not fronting on or adjacent to a municipal roadway.

3.2 Minimum setbacks from roads which are not designated as a provincial highway under the Highways Development and Protection Regulation shall be to the satisfaction of the Development Officer or the Municipal Planning Commission.

3.3 Any road designated as a provincial highway under the Highways Development and Protection Regulation is subject to setbacks as required by Alberta Transportation and any applications for development adjacent to a highway should be referred to Alberta Transportation for a Roadside Development Permit.

## SECTION 4 ACCESS

4.1 To ensure proper emergency access, all developments shall have direct legal and physical access to a public roadway.

## SECTION 5 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

5.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, site coverage as stated in the applicable land use district

## SECTION 6 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

6.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

6.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 7 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

7.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

7.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 8 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

8.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

8.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 9 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# PUBLIC SERVICE - PS

## INTENT

The general purpose and intent of the Public Service District is to provide for publicly owned services and facilities and protect the operation of these facilities from the encroachment by incompatible land uses.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

1.1 **Permitted Uses**

| Uses | Use Specific Standards of Development |
|---|---|
| Accessory building *(e)* | |
| Accessory structure or use to an approved use | |
| Additions to existing buildings | |
| Aggregate stockpiling (e) | |
| Alternative energy, Class A | Schedule 6, Section 4 |
| Cemetery | |
| Educational or interpretive use | |
| Parking area | |
| Public and institutional use | |
| Public or private utility | |
| School | |
| Shipping container | Schedule 6, Section 37 |
| Sign, Class A *(e)*, B or C | Schedule 6, Section 36 |
| Solar energy system, individual roof, wall or ground mounted | Schedule 6, Section 39 |
| Trails, recreational (e) | |
| Waste management facility major or minor | |
| Waste transfer station | |
| Wastewater treatment plant | |
| Water treatment facility | |

1.2 **Discretionary Uses – Development Officer**

| Uses | Use Specific Standards of Development |
|---|---|
| Moved-in building, non-residential | Schedule 6, Section 26 |
| Park or playgrounds | |

1.3 **Discretionary Uses – Development Officer**

| Uses | Use Specific Standards of Development |
|---|---|
| Alternative energy, Class B | Schedule 6, Section 4 |
| Incineration facility | |
| Motorcross / motor sports park | Schedule 6, Section 24 |

1.4 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 MINIMUM LOT SIZE

2.1 Existing parcels or as required by the Municipal Planning Commission.

## SECTION 3 MINIMUM SETBACK FROM PROPERTY LINES

3.1 All structures and buildings shall be setback 6.1 m (20 ft.) from all property lines not fronting on or adjacent to a municipal roadway.

3.2 Minimum setbacks from roads which are not designated as a provincial highway under the Highways Development and Protection Regulation shall be to the satisfaction of the Development Officer or the Municipal Planning Commission.

3.3 Any road designated as a provincial highway under the Highways Development and Protection Regulation is subject to setbacks as required by Alberta Transportation and any applications for development adjacent to a highway should be referred to Alberta Transportation for a Roadside Development Permit.

## SECTION 4 DEVELOPMENT NOT REQUIRING A PERMIT (Refer to Schedule 3)

4.1 Schedule 3 contains land use and development standards which specifies when specific developments may be exempt from requiring a development permit including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) must otherwise comply with all provisions of this bylaw, and

(c) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, site coverage as stated in the applicable land use district

## SECTION 5 LAND SUITABILITY AND SERVICING REQUIREMENTS (Refer to Schedule 4)

5.1 Schedule 4 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

5.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 6 STANDARDS OF DEVELOPMENT (Refer to Schedule 5)

6.1 Schedule 5 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

6.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 7 USE SPECIFIC STANDARDS OF DEVELOPMENT (Refer to Schedule 6)

7.1 Schedule 6 contains land use and development standards that will or may be required and stipulated as a condition of a subdivision or development approval.

7.2 All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

## SECTION 8 USE SPECIFIC DEFINITIONS (Refer to Schedule 7)

# NANTON URBAN FRINGE – NUF

## INTENT

The general purpose and intent of the Nanton Urban Fringe District is to protect a designated area surrounding the Town of Nanton identified in an intermunicipal development plan by limiting non-agricultural, incompatible or noxious uses which may impact the long-range growth expectations of the urban community.

## SECTION 1 LAND USES

*(e) means "Exempt" and development will not require a development permit if it meets all the provisions of the Bylaw. For additional guidance please refer to Schedule 3 Development not Requiring a Permit.*

1.1 **Permitted Uses**

Accessory buildings
Accessory structures
Accessory use
Home occupations - minor
Single-family dwelling
Solar energy system, Individual - roof or wall mounted

1.2 **Discretionary Uses**

Animal care services, small
Animal care services, large
Artificial insemination facilities
Bed and breakfast establishment
Cabins
Cemetery
Commercial uses
Family campgrounds
Food services and catering
Garden and garage suites
Golf courses
Guest houses
Heliports
Home occupations – major
Intensive horticulture
Kennels – Category 1 and 2
Market gardens
Moved-in buildings
Public and private institutional uses
Public and private recreation
Public and private utilities
Resort accommodation
Riding stables
Rural industry
Secondary residences
Signs
Single lot country residential uses
Tourist Home
Wind Energy Conversion System (WECS) - Individual
Workshops

1.3 **Prohibited Uses**

Grouped country residential
Noxious industry
Resource extraction uses
Wind Energy Conversion Systems (WECS), industrial

## SECTION 2 PARCEL AND LOT SIZES FOR SUBDIVISION AND DEVELOPMENT

2.1 Parcel and lot sizes for all the permitted and discretionary uses listed above are:

(a) existing parcels; or

(b) minimum of 1.0 acre (0.4 ha) for serviced lots;

(c) minimum of 3.0 acres (1.2 ha) for unserviced lots;

(d) maximum of 15.0 acres (6.0 ha) for horticultural use;

(e) maximum of 5.0 acres (2.0 ha) for all other uses;

(f) at the discretion of the MPC for fragmented parcels.

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:

(a) 22.86 m (75 ft.) from the right-of-way of any developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;

(b) 30 m (100 ft.) from the property line or 50 m (165 ft) from the centre of a designated Minor Highway and 40 m (131 ft) from the property line or 70 m (230 ft) from the centre of a designated Major Highway in accordance with the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;

(c) a minimum 6.1 m (20 ft.) from all property lines not fronting a municipal road or highway;

(d) any greater distance which may be required by the designated officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, or to reduce potential snow drifting.

3.2 The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.

3.3 All buildings, structures and development being located in close proximity to the designated waterbodies may have special requirements for setbacks as determined by the Municipal Planning Commission upon due consideration of any pertinent comments from Alberta Environment and Protected Areas and Protected Areas, if provided.

## SECTION 4 SITE COVERAGE

4.1 Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be determined by the Municipal Planning Commission.

## SECTION 5 SUBDIVISION POLICIES IN RURAL GENERAL DISTRICT

**General**

5.1 The Municipal Planning Commission may only approve one (1) subdivision on an unsubdivided quarter section within the Nanton Urban Fringe District. The Municipal Planning Commission may consider a quarter section to be unsubdivided if previous subdivisions were for the purpose of:

(a) public or quasi-public use; or

(b) the quarter section meets the requirements of Cut-off or Fragmented Agricultural Parcel.

5.2 A subdivision application which proposes the enlargement, reduction or realignment of an existing separate parcel may be approved provided:

(a) the additional lands required are to accommodate existing or related improvements;

(b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;

(c) no additional parcels are created over and above those presently in existence;

(d) the proposed new lot and the proposed residual lot has direct legal and physical access to a public roadway or have legal access;

(e) the proposed new lot and proposed residual lot has adequate development setbacks and at least one suitable building site;

(f) the size, location and configuration of the proposed lot shall not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

**Subdivision of Agricultural Land for Extensive Agricultural Use**

5.3 A subdivision application for extensive agriculture shall not be approved unless:

(a) the parcel which is the subject of the application is a fragmented parcel and the subdivision; or

(b) in order to facilitate the reconfiguration of an existing quarter section, the proposed lot and any residual or parent lot resulting from the subdivision contains a minimum of 56.66 ha (140 acres).

5.4 A subdivision application for extensive agriculture which proposes to subdivide a quarter section into two 32.38 ha (80 acre) parcels, or any other configuration shall not be allowed.

**Fragmented Parcels**

5.5 A subdivision application which proposed to create one or more fragmented parcels may be approved if:

(a) the existing parcel is severed by a registered roadway, a railway right-of-way with rails, the Oldman River or Pine Coulee Reservoir;

(b) the proposed parcel being created and the residual parcel shall have direct legal and physical access to a public roadway;

(c) such fragmentation would not significantly affect an irrigation system in the area; or

(d) the fragmented parcel and/or the residual may be consolidated with adjacent lands to achieve the minimum parcel size policies of this bylaw.

**Single Lot Country Residential**

5.6 A subdivision which proposes to create a single lot country residential parcel containing a developed residence or farmstead may be approved provided:

(a) the proposed parcel to be created is no less than 1.21 ha (3 acres) and no greater than 4.05 ha (10 acres) and contains a permanent habitable dwelling unit;

(b) the area of the proposed lot is limited in size by its location and the extent of physical characteristics and vegetation;

(c) the proposed lot on which the dwelling is located, and the proposed residual parcel has direct legal and/or physical access to a public roadway;

(d) the access is satisfactory to Alberta Transportation where the access may affect a primary highway;

(e) the size and location of the proposed lot will not significantly affect an irrigation system in the area;

(f) the dwelling unit located on the proposed country residential parcel meets or exceeds the minimum distance separation (MDS) requirements from an existing CFO/ILO, as established in the AOPA Standards and Administration Regulation; and

(g) the residual parcel being created is at least 56.66 ha (140 acres) in size.

**Subdivision of a Single Vacant Parcel for Residential Use**

5.7 A subdivision which proposes to subdivide a parcel of land on which a non-habitable dwelling, a former farmstead parcel with significant improvements (power, well, gas, farm building) but without a habitable dwelling, or to create a single (isolated) vacant bare land country residential lot as the first parcel out of a quarter section or title containing 160 acres of land may be approved provided that:

(a) the proposed parcel to be created is a minimum of 1.2 ha (3.0 acres) and a maximum of 2.0 ha (5.0 acres) in size; and

(b) the proposed lot contains, in the opinion of the Municipal Planning Commission, a buildable site; and

(c) the proposed single residential lot can be serviced to the satisfaction of the Municipal Planning Commission (see Schedule 4) including an approved water source and wastewater disposal system (soils analysis must be submitted); and

(d) the proposed lot and the residual parcel both have direct legal and physical access to a public roadway to the satisfaction of the Municipal Planning Commission; and

(e) that the proposed access is able to accommodate the development of a residence not associated with agriculture and is constructed and maintained to a level of service for the use; and

(f) the development on the proposed single residential lot will not, in the opinion of the Municipal Planning Commission, inhibit public access to or otherwise have a detrimental effect on agriculture or the recreational use of a river valley, water body, environmentally sensitive area or special scenic location; and

(g) the size and location of the proposed parcel will not significantly affect any irrigation system in the area; and

(h) the residual parcel being created is at least 58.68 ha (145 acres) in size.

**80-Acre Subdivisions Prohibited**

5.8 A subdivision application which proposes to create two or more agricultural parcels for agricultural use of less than 48.56 ha (120 acres) is prohibited, unless this parcel size is waived by the Subdivision Authority or the Subdivision and Development Appeal Board.

**Variances of Minimum Residual Agricultural Parcel Size**

5.9 Recognizing that an unsubdivided quarter section (as defined) may contain:

(a) 64.75 ha (160 acres) more or less where there are no registered exceptions to the certificate of title; or

(b) less than 64.75 ha (160 acres) where there are:

(i) registered exceptions to the certificate of title including road widenings;

(ii) portions removed from the title for other public or semi-public uses;

(iii) quarter sections along the meridian correction line;

the municipality shall exercise some flexibility in applying the residual parcel size provisions of this section.

5.10 Measurable standards outlined in the Land Use Bylaw shall be met when rendering a decision on a subdivision application unless waived by the Subdivision Authority, or by the Subdivision and Development Appeal Board.

**Consolidation of Parcels**

5.11 Where a subdivision application proposes to create a residual parcel of less than 56.66 ha (140 acres), consideration may be given by the Subdivision Authority to:

(a) grant a waiver of the 56.66 ha (140 acres) minimum parcel size; or

(b) request a consolidation of the substandard parcel with adjacent lands in order to comply with the parcel size policies of this bylaw.

## SECTION 6 DEFINITIONS FOR USES LISTED IN THE DISTRICT

**ACCESSORY BUILDING** means any building (a) which is separate from the principal building on the lot on which both are located and the use of which the designated officer decides is normally subordinate and incidental to the principal building; or (b) the use of which the designated officer decides is normally subordinate and incidental to the principal use of the site on which it is located.

**ACCESSORY STRUCTURE** means a building or structure detached from a principal building, normally ancillary, incidental, subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, propane tanks, satellite dishes, garages, and garden sheds. When a building is attached to the principal building by a roof, a floor or foundation above or below grade, it is part of the principal building.

**ACCESSORY USE** means a use or development customarily incidental and subordinate to the principal use or building and is located on the same parcel as the principal use or building.

**ANIMAL CARE SERVICE, LARGE** means development used for the care, treatment, boarding, breeding or training of animals and livestock within or outside buildings and includes the sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding and breeding, facilities for impounding and quarantining animals and related research facilities.

**ANIMAL CARE SERVICE, SMALL** means 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 care and confinement facilities are enclosed within a building. Examples include pet grooming salons, pet clinics, veterinary offices and mobile animal care services.

**ARTIFICIAL INSEMINATION FACILITY** means an operation which collects, stores and/or places semen from animals not resident of the facility into the reproductive tract of a female by means other than sexual intercourse for the purpose of impregnating the female.

**BED AND BREAKFAST** means sleeping accommodations and a morning meal, provided in a guest house or private residence.

**CABIN** means a habitable dwelling unit of not less than 27.88 $m^2$ (300 sq. ft.) nor more than 46.45 $m^2$ (500 sq. ft.) complete with sleeping, cooking and washroom facilities constructed, renovated or relocated in compliance with this bylaw and the *Safety Codes Act*.

**CAMPGROUND, FAMILY** means an area where a maximum of five campsites are located for occupancy, at no cost, to members of the landowner's family or friends.

**CEMETERY** means a landscaped open space for the entombment of the deceased, and may include a crematoria, cineraria, columbaria, and mausolea.

**COMMERCIAL USE** means the use of land and/or building for the purpose of display, storage and wholesale or retail sale of goods and/or services to the general public. On-site manufacturing, processing or refining of goods shall be incidental to the sales operation.

**FAMILY CAMPGROUND** – "see Campground, family".

**FOOD SERVICES/CATERING** means the preparation of meals at one location for delivery to other locations.

**GARAGE SUITE** means a dwelling unit located above a garage, accessory to a principal dwelling unit.

**GOLF COURSE** means an outdoor establishment designated for the game of golf. Accessory uses include a pro shop, driving range and food service.

**GUEST HOUSE** means an attached or detached accessory building with no kitchen or cooking facilities used to house guests of the occupants of the principal building.

**HELIPORT** means a facility for the use of helicopters landing or taking off and includes development of passenger terminals, service, repair and storage facilities required for the purpose of operating a heliport in accordance with all applicable statutes and regulations.

**HOME OCCUPATION** means the ancillary use of a dwelling unit and/or its accessory buildings or lands by any trade, profession, or craft for monetary gain involving the manufacture, processing, provision or sale of goods and/or services if the use, location, and operation is not readily apparent under normal scrutiny from the nearby lands or public roadways with the exception of signage associated with a major home occupation. Home occupations shall include, but not be limited to: basketry, weaving, small engine repair, manufacturing and/or sale of small crafts, goods and wares, sale of baked goods, ornaments, lawn decorations, garden produce, home care services, household appliance repair services, vehicle service and repair and welding shops.

**INDUSTRY, RURAL** means the use of land, buildings or structures for the manufacturing, processing, refining, storage, packaging and distribution of agricultural related products, where the activities include, but are not limited to, producing potato chips, french fries, canola oil, honey, flour, sugar, condiments, juices, canned fruit and vegetables, meat and meat by-products.

**INTENSIVE HORTICULTURAL OPERATION OR FACILITY** means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponics, aquaponics, market gardens, tree, mushroom and sod farms and such other uses the Municipal Planning Commission considers similar in nature and character to any one or all of these uses.

**KENNEL - CATEGORY 1** means a commercial establishment in which three or less dogs, more than one year old, are housed, groomed, bred, boarded, exercised, trained and/or sold over a period of time but excludes a veterinary clinic.

**KENNEL - CATEGORY 2** means a commercial establishment in which more than three dogs, more than one year old, are housed, groomed, bred, boarded, exercised, trained and/or sold over a period of time but excludes a veterinary clinic.

**MARKET GARDEN** means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

**MOVED-IN BUILDING** means a conventional, preconstructed, new or previously utilized, non-residential building which is physically removed from one site to another site and does not include mobile homes or residential structures.

**PRIVATE UTILITY** means the provision, distribution, collection, transmission or disposal of water, sewage, garbage, oil, gas, power, information, telecommunications, telephone or generation of electricity provided by an entity which is not under public, provincial or municipal franchise or ownership which provides the public or business with a particular utility or service.

**PUBLIC AND PRIVATE INSTITUTIONAL USE** means a use of land or buildings for an organization, individuals or society for public or social purposes and includes the following:
(a) a school or educational facility whether public or private;
(b) churches or places of worship;
(c) medical facilities which provide both in-patient and out-patient services, including hospitals, nursing homes and sanatoriums;
(d) government and municipal offices, libraries and similar developments;
(e) protective services, including fire halls, police stations and ambulance services;
(f) cemeteries; and
(g) such other uses as the Municipal Planning Commission considers similar in nature and character to any one of these.

**PUBLIC AND PRIVATE RECREATION** means a public or private park, playground, recreation area, including but not limited to hiking, biking, snow sledding, skiing, all-terrain vehicle (ATV), and/or walking trail, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided the park, playground, recreation area or similar facility is owned and/or administered by any level of government, a private organization, association or society or private individual.

**PUBLIC UTILITY** means the right-of-way for one or more of the following:
(a) telecommunications systems;
(b) waterworks systems;
(c) sewage systems;
(d) heating systems;
(e) systems for the distribution of gas, whether natural or artificial;
(f) systems for the distribution of artificial light or electric power;
(g) water management projects;
(h) wind energy conversion systems (WECS); and
(i) solar energy systems and alternative/renewable energy.

**RESORT ACCOMMODATION** means a facility for visitors to a resort, which may be in the form of visitor accommodation, apartment hotels, lodges, campground or other forms of tourist accommodation.

**RIDING STABLE** means a compound designed with stalls for the housing, bedding or confinement of riding stock.

**SECONDARY RESIDENCE** means the second residence placed, located or constructed on the same parcel as the primary residence.

**Sign** means a development (a)constructed and permanently affixed directly or indirectly to any building, structure, window or a parcel of land; and (b) which is used to advertise, identify or display a commercial or non-commercial activity, product, place, organization, institution, person, service, event or location, by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images and in such a manner to be visible from any public place, but does not include a real estate sign, window display, political poster, flag, athletic scoreboard, traffic or directional and informational sign erected by the municipality, the Province of Alberta or federal government.

**SINGLE FAMILY DWELLING** means a freestanding residential dwelling, other than a mobile home, not forming part of and not physically attached to any other dwelling or structure.

**SOLAR ENERGY SYSTEM** means the use of land or buildings for the conversion of the sun's rays to thermal, electrical or mechanical energy.

**TOURIST HOME** means a dwelling unit operated as an accommodation unit, occupied by a guest(s) for a period of less than 28 days.

**WIND ENERGY CONVERSION SYSTEM (WECS)** means a system consisting of subcomponents which converts wind energy to electrical energy using rotors, tower and a storage system.

**WORKSHOP** means an establishment where manufacturing, arts or crafts are carried on by an individual.

## SECTION 7 DEVELOPMENT NOT REQUIRING A PERMIT - (See Schedule 3)

## SECTION 8 LAND SUITABILITY AND SERVICING REQUIREMENTS – ( See Schedule 4)

## SECTION 9 STANDARDS OF DEVELOPMENT – (See Schedule 5)

## SECTION 10 USE SPECIFIC STANDARDS OF DEVELOPMENT – (See Schedule 6)

## SECTION 11 USE SPECIFIC DEFINITIONS – (See Schedule 7)

# RESIDENTIAL GROWTH AREA – RGA

## INTENT

The intent of this land use district is to protect a designated area surrounding an incorporated urban municipality identified in an intermunicipal development plan by limiting non-agricultural, incompatible or noxious uses which may impact the long-range growth expectations of the urban community.

## SECTION 1 LAND USES

1.1 **Permitted Uses**

Accessory building (e)
Accessory structure
Farmstead (existing)
Home occupation, minor
Mobile home
Modular home
Ready to move structure
Residential addition, porch, veranda
Sea can for storage use
Secondary residence
Single family dwelling
Wind Energy Conversion System (WECS) - Category 1

1.2 **Discretionary Uses**

Alternative/renewable energy, household
Animal care service, small
Aquaculture operation, small
Bed and breakfast
Cabin
Cemetery
Church
Community facility
Day care facility
Duplex
Family campground
Food services/catering
Garage suite
Golf course
Greenhouse (personal)
Guest house
Home occupation, major
Intensive horticulture
Intensive livestock operation
Kennel - Category 1
Lodge
Market garden
Moved-in building
Multi-family dwelling
Office
Outside storage
Private riding arena and rodeo grounds
Public and private institutional use

Public and private utility
Public park and recreation
Recreation vehicle storage
Resort accommodation
School
Signs
Solar energy system, household
Surveillance suite
Taxidermist
Tourist home
Towers, personal
Visitor accommodation
Workshop

1.3 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL AND LOT SIZES

2.1 Parcel and lot sizes for all the permitted and discretionary uses listed above are:

(a) existing parcels; or

(b) minimum of 3.0 acres (1.2 ha) for unserviced lots;

(c) maximum of 15.0 acres (6.0 ha) for horticultural use;

(d) maximum of 5.0 acres (2.0 ha) for all other uses;

(e) at the discretion of the MPC for fragmented parcels.

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:

(a) 22.86 m (75 ft.) from the right-of-way of any developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;

(b) 30 m (100 ft.) from the property line or 50 m (165 ft) from the centre of a designated Minor Highway and 40 m (131 ft) from the property line or 70 m (230 ft) from the centre of a designated Major Highway in accordance with the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;

(c) a minimum 6.1 m (20 ft.) from all property lines not fronting a municipal road or highway;

(d) any greater distance which may be required by the designated officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, or to reduce potential snow drifting.

3.2 The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.

3.3 All buildings, structures and development being located in close proximity to the designated waterbodies may have special requirements for setbacks as determined by the Municipal Planning Commission upon due consideration of any pertinent comments from Alberta Environment and Protected Areas and Protected Areas, if provided.

## SECTION 4 SITE COVERAGE

4.1 Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be determined by the Development Officer or Municipal Planning Commission.

## SECTION 5 DENSITY

5.1 The Municipal Planning Commission may only approve one (1) subdivision on an unsubdivided quarter section within the Residential Growth Area District. The Municipal Planning Commission may consider a quarter section to be unsubdivided if previous subdivisions were for the purpose of:

(a) public or quasi-public use; or

(b) the quarter section meets the requirements of Cut-off or Fragmented Agricultural Parcel.

## SECTION 6 SUBDIVISION POLICIES IN RESIDENTIAL GROWTH AREA DISTRICT

**General**

6.1 The Municipal Planning Commission may only approve one separately titled subdivision on an unsubdivided quarter section or a title containing 160 acres (64.8 ha). The Municipal Planning Commission may consider a quarter section to be unsubdivided if previous subdivisions were for the purpose of public or quasi-public use.

6.2 In accordance with Section 6.10 (Cut-off or Fragmented Agricultural Parcel) additional parcels may be approved for subdivision by the Municipal Planning Commission.

**Agricultural Uses**

6.3 The minimum agricultural parcel size shall be 56.66 ha (140 acres) unless waived by the Municipal Planning Commission, the Subdivision and Development Appeal Board, or the Land and Property Rights Tribunal.

6.4 A subdivision of a parcel containing an intensive horticultural use may be treated as an agricultural use and may be permitted as the one allowable subdivision from a quarter section.

6.5 The Municipal Planning Commission shall not approve an application for subdivision of a parcel on which an existing or proposed confined feeding operation (CFO) is located.

6.6 A subdivision which proposes to subdivide a quarter section or title containing 64.38 ha (160 acres) into two 32.38 ha (80 acre) parcels shall be prohibited.

**Existing Agricultural Parcels – Property Line Realignment**

6.7 The enlargement, reduction or realignment of an existing separate parcel may be approved provided that:

(a) the additional lands required are to accommodate existing or related improvements; or

(b) the proposal is to rectify or rationalize existing habitation, occupancy, cultivation or settlement patterns; and

(c) no additional parcels are created over and above those presently in existence; and

(d) the proposed new lot and the proposed residual lot will continue to have direct legal and physical access to a public roadway, adequate development setbacks, and a suitable building site; and

(e) the size, location and configuration of the proposed lot will not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

**Subdivision of a Single Lot Developed Farmstead Parcel**

6.8 A proposed subdivision for a single lot (isolated) developed farmstead containing a developed residence or a former farmstead parcel significant improvements (power, well, gas, farm building) without a habitable dwelling may be approved provided:

(a) it is located on an unsubdivided quarter section or title containing 160 acres of land in consideration of parcel or meets the criteria for subdivision for a Cut-off or Fragmented Parcel; and

(b) the proposed parcel to be created is no less than 1.21 ha (3 acres) and no greater than 4.05 ha (10 acres) and contains a permanent habitable dwelling unit; and

(c) the area of the proposed parcel shall be limited by the location and extent of related buildings, structures and improvements, including septic systems, on the developed residence or farmstead site is limited in size by its location and the extent of physical characteristics and vegetation; and

(d) the proposed lot on which the dwelling is located, and the proposed residual parcel has direct legal and/or physical access to a public roadway; and

(e) the proposed access is satisfactory to Alberta Transportation where the access may affect a primary highway; and

(f) the size and location of the proposed lot will not significantly affect an irrigation system in the area; and

(g) the residual parcel being created is at least 56.66 ha (140 acres) in size.

**Subdivision of a Single Vacant Parcel for Residential Use**

6.9 A subdivision which proposes to subdivide a parcel of land on which a non-habitable dwelling is located or to create a single (isolated), vacant country residential lot as the first parcel out of a quarter section or title containing 160 acres of land may be approved provided that:

(a) the proposed parcel to be created is a minimum of 1.2 ha (3.0 acres) and a maximum of 2.0 ha (5.0 acres) in size; and

(b) the proposed lot contains, in the opinion of the Municipal Planning Commission, a buildable site; and

(c) the proposed single residential lot can be serviced to the satisfaction of the Municipal Planning Commission (see Schedule 4) including an approved water source and wastewater disposal system (soils analysis must be submitted); and

(d) the proposed lot and the residual parcel both have direct legal and physical access to a public roadway to the satisfaction of the Municipal Planning Commission; and

(e) that the proposed is access is able to accommodate the development of a residence not associated with agriculture and is constructed and maintained to a level of service for the use; and

(f) the development on the proposed single residential lot will not, in the opinion of the Municipal Planning Commission, inhibit public access to or otherwise have a detrimental effect on agriculture or the recreational use of a river valley, water body, environmentally sensitive area or special scenic location; and

(g) the size and location of the proposed parcel will not significantly affect any irrigation system in the area; and

(h) the residual parcel being created is at least 58.68 ha (145 acres) in size.

**Cut-off or Fragmented Parcels**

6.10 A subdivision application which proposed to create one or more cut-off or fragmented parcels may be approved if:

(a) the existing parcel is severed by a developed roadway within a registered road right-of-way, a railway right-of-way with rails, the Oldman River, or Pine Coulee Reservoir; and

(b) the proposed parcel being created and the residual parcel shall have direct legal and physical access to a public roadway or another legal means of access acceptable to the Municipal Planning Commission; and

(c) such fragmentation would not significantly affect an irrigation system in the area; and

(d) the fragmented parcel and/or the residual parcel must be a minimum of 1.21 ha (3 acres)

6.11 At the discretion of the Municipal Planning Commission, a quarter section which has been subdivided pursuant to the provisions of Section 6.10 may be eligible for the subdivision of an existing developed farmstead from the greater half of the fragmented quarter section provided the proposal is consistent with the requirements established for Single Development Farmstead Parcels outlined in Subsection

## SECTION 7 DEFINITIONS FOR SPECIFIC USES LISTING IN THE DISTRICT

**ACCESSORY BUILDING** means any building (a) which is separate from the principal building on the lot on which both are located and the use of which the designated officer decides is normally subordinate and incidental to the principal building; or (b) the use of which the designated officer decides is normally subordinate and incidental to the principal use of the site on which it is located.

**ACCESSORY STRUCTURE** means a building or structure detached from a principal building, normally ancillary, incidental, subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, propane tanks, satellite dishes, garages, and garden sheds. When a building is attached to the principal building by a roof, a floor or foundation above or below grade, it is part of the principal building.

**ADDITION** means any construction increasing the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

**ALTERNATIVE/RENEWABLE ENERGY** means a use which produces energy in ways which do not use natural resources such as fossil fuels, but is derived from sources such as geo-thermal, solar, water, wind, waste and waste by-products.

**ANIMAL CARE SERVICE, SMALL** means 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 care and confinement facilities are enclosed within a building. Examples include pet grooming salons, pet clinics, veterinary offices and mobile animal care services.

**AQUACULTURE OPERATION, SMALL** means the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal consumption requiring a body of water such as a pool, tank, pond, river, lake, estuary, waterbody or facility to sustain the operation within a structure or building of less than 700 $ft^2$ (65 $m^2$) in size.

**BED AND BREAKFAST** means sleeping accommodations and a morning meal, provided in a guest house or private residence.

**CABIN** means a habitable dwelling unit of not less than 27.88 $m^2$ (300 sq. ft.) nor more than 46.45 $m^2$ (500 sq. ft.) complete with sleeping, cooking and washroom facilities constructed, renovated or relocated in compliance with this bylaw and the *Safety Codes Act*.

**CAMPGROUND, FAMILY** means an area where a maximum of five campsites are located for occupancy, at no cost, to members of the landowner's family or friends.

**CEMETERY** means a landscaped open space for the entombment of the deceased, and may include a crematoria, cineraria, columbaria, and mausolea.

**CHURCH** means a facility for the purpose of assembly and worship and may include social, recreational and community activities such as group meetings, cultural events, banquets, and childcare services.

**COMMUNITY FACILITY** means community halls, public libraries, parks, playgrounds, schools, agri-plexes, arenas, skating rinks, and other similar facilities.

**DAY CARE FACILITY** means a facility for the provision of care, supervision or rehabilitation of children or adults for periods not exceeding 24 consecutive hours.

**DUPLEX** means a building containing two separate dwelling units connected by a common floor and ceiling.

**FARMSTEAD** means a part of a parcel:
(a) developed with dwellings, buildings, structures, shelter belts, dugouts, storage areas for farm equipment, produce and fertilizer; or
(b) which may be defined by topography, vegetation, or other physical constraints.

**FOOD SERVICES/CATERING** means the preparation of meals at one location for delivery to other locations.

**GARAGE SUITE** means a dwelling unit located above a garage, accessory to a principal dwelling unit.

**GOLF COURSE** means an outdoor establishment designated for the game of golf. Accessory uses include a pro shop, driving range and food service.

**GREENHOUSE** means a building specially designed and used for the growing of vegetables, flowers or other plants for sale.

**GUEST HOUSE** means an attached or detached accessory building with no kitchen or cooking facilities used to house guests of the occupants of the principal building.

**HOME OCCUPATION** means the ancillary use of a dwelling unit and/or its accessory buildings or lands by any trade, profession, or craft for monetary gain involving the manufacture, processing, provision or sale of goods and/or services if the use, location, and operation is not readily apparent under normal scrutiny from the nearby lands or public roadways with the exception of signage associated with a major home occupation. Home occupations shall include, but not be limited to: basketry, weaving, small engine repair, manufacturing and/or sale of small crafts, goods and wares, sale of baked goods, ornaments, lawn decorations, garden produce, home care services, household appliance repair services, vehicle service and repair and welding shops.

**INTENSIVE HORTICULTURAL OPERATION OR FACILITY** means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponics, aquaponics, market gardens, tree, mushroom and sod farms and such other uses the Municipal Planning Commission considers similar in nature and character to any one or all of these uses.

**INTENSIVE LIVESTOCK OPERATION** means any land enclosed by buildings, shelters, fences, corrals or other structures which, in the opinion of the Municipal Planning Commission, is capable of confining, rearing, feeding, dairying or auctioning livestock, but excepting out wintering of a basic breeding herd of livestock.

**KENNEL - CATEGORY 1** means a commercial establishment in which three or less dogs, more than one year old, are housed, groomed, bred, boarded, exercised, trained and/or sold over a period of time but excludes a veterinary clinic.

**LODGE** means a facility for tourists having a minimum of five (5) accommodation rooms and cooking facilities which are not located in the accommodation rooms and where there are no areas for public retail, public entertainment functions, meeting rooms and public convention rooms. Accessory uses may include rental cabins, accommodation for permanent staff and one or more beverage rooms, dining rooms, athletic and recreation facilities (indoor and outdoor) for use by the guests.

**MARKET GARDEN** means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

**MOBILE HOME** means a prefabricated dwelling unit: (a) designed to be transported on its own frame and wheels and placed on a foundation and connected to utilities is ready for occupancy; and (b)is subject to the current provincial building requirements. The term mobile home includes “double-wide” and single-wide” mobile homes, but the term does not include motor homes, travel trailers, recreation vehicles and any similar vehicles that are not intended for permanent residential habitation or subject to the current provincial building requirements.

**MODULAR HOME** means the construction of a building in prefabricated units at a factory which:
(a) are assembled at the location away from the home site;
(b) are transported from one point to another by being carried on a motor vehicle;
(c) are not constructed on a frame capable of being equipped with wheels; and
(d) are certified Alberta Safety Code compliant under CSA A277 and labelled accordingly.

**MOVED-IN BUILDING** means a conventional, preconstructed, new or previously utilized, non-residential building which is physically removed from one site to another site and does not include mobile homes or residential structures.

**MULTI-FAMILY DWELLING** means a building containing three or more separate dwelling units.

**OFFICE** means development to accommodate: (a) professional, managerial and consulting services; (b) the administrative centres of businesses, trades, contractors and other organizations; and (c) service-related businesses such as travel agents, insurance brokers, real estate agents.

**OUTSIDE STORAGE** means the open storage of goods, merchandise or equipment outside a building or on a vacant parcel.

**PRIVATE RIDING ARENA AND RODEO GROUNDS** means infrastructure used by family and guests having no commercial use or monetary charges for use and is limited by invitation.

**PRIVATE UTILITY** means the provision, distribution, collection, transmission or disposal of water, sewage, garbage, oil, gas, power, information, telecommunications, telephone or generation of electricity provided by an entity which is not under public, provincial or municipal franchise or ownership which provides the public or business with a particular utility or service.

**PUBLIC AND PRIVATE INSTITUTIONAL USE** means a use of land or buildings for an organization, individuals or society for public or social purposes and includes the following:

(a) a school or educational facility whether public or private;
(b) churches or places of worship;
(c) medical facilities which provide both in-patient and out-patient services, including hospitals, nursing homes and sanatoriums;
(d) government and municipal offices, libraries and similar developments;
(e) protective services, including fire halls, police stations and ambulance services;
(f) cemeteries; and
(g) such other uses as the Municipal Planning Commission considers similar in nature and character to any one of these.

**PUBLIC PARK AND RECREATION** means a public park, playground, recreation area, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided the park, playground, recreation area or similar facility is owned and/or administered by any level of government.

**PUBLIC UTILITY** means the right-of-way for one or more of the following:

(a) telecommunications systems;
(b) waterworks systems;
(c) sewage systems;
(d) heating systems;
(e) systems for the distribution of gas, whether natural or artificial;
(f) systems for the distribution of artificial light or electric power;
(g) water management projects;
(h) wind energy conversion systems (WECS); and
(i) solar energy systems and alternative/renewable energy.

**READY-TO-MOVE STRUCTURE** means a structure, other than a home, such as a barn, granary, garage, shed, machine shop, built off-site or moved from an existing site to another.

**RECREATIONAL VEHICLE STORAGE** means a fenced compound used for the parking, wintering, or storing of trailers, motor homes, boats, quads or recreational vehicles licensed under the *Motor Vehicles Administration Act* for a specified fee paid to the owner or proprietor of the property.

**RESORT ACCOMMODATION** means a facility for visitors to a resort, which may be in the form of visitor accommodation, apartment hotels, lodges, campground or other forms of tourist accommodation.

**SCHOOL** means a place of instruction offering courses of study. Included in the category are public, private, and separate schools.

**SEA CAN** means a structure or a shipping container normally used to transport goods by semi-truck and loaded on and off sea vessels, but for the purpose of this bylaw, serves as a storage unit on dry land.

**SECONDARY RESIDENCE** means the second residence placed, located or constructed on the same parcel as the primary residence.

**SIGN** means a development:

(a) constructed and permanently affixed directly or indirectly to any building, structure, window or a parcel of land; and
(b) which is used to advertise, identify or display a commercial or non-commercial activity, product, place, organization, institution, person, service, event or location, by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images and in such a manner to be visible from any public place, but does not include a real estate sign, window display, political poster, flag, athletic scoreboard, traffic or directional and informational sign erected by the municipality, the Province of Alberta or federal government.

**SINGLE FAMILY DWELLING** means a freestanding residential dwelling, other than a mobile home, not forming part of and not physically attached to any other dwelling or structure.

**SOLAR ENERGY SYSTEM** means the use of land or buildings for the conversion of the sun's rays to thermal, electrical or mechanical energy.

**SURVEILLANCE SUITE** means a dwelling unit or sleeping unit developed in conjunction with a principal use so the dwelling is a supplementary use to the principal use and is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security for a development.

**TAXIDERMIST** means an individual engaged in the art of preparing life-like representations of animals by stuffing the skin or fashioning a wooden or plaster model on which the skin of the specimen is mounted or moulded.

**TOURIST HOME** means a dwelling unit operated as an accommodation unit, occupied by a guest(s) for a period of less than 28 days.

**TOWER, PERSONAL** means the erection or placement of an elongated vertical structure on a lot, tract of land or agricultural operation for the purpose of providing meteorological, telecommunication, GPS information, citizen band, and/or ham radio reception for the sole use of the lot, tract of land or agricultural operation.

**WIND ENERGY CONVERSION SYSTEM (WECS)** means a system consisting of subcomponents which converts wind energy to electrical energy using rotors, tower and a storage system.

**WORKSHOP** means an establishment where manufacturing, arts or crafts are carried on by an individual.

## SECTION 8 DEVELOPMENT NOT REQUIRING A PERMIT – (See Schedule 3)

## SECTION 9 LAND SUITABILITY AND SERVICING REQUIREMENTS – (See Schedule 4)

## SECTION 10 STANDARDS OF DEVELOPMENT – (See Schedule 5)

## SECTION 11 USE SPECIFIC STANDARDS OF DEVELOPMENT – (See Schedule 6)

## SECTION 12 USE SPECIFIC DEFINITIONS – (See Schedule 7)

# COMMERCIAL / INDUSTRIAL GROWTH AREA – CIGA

## INTENT

The intent of this land use district is to protect the agricultural land base of the municipality and ensure the fringe areas of urban municipalities are protected for future expansion and development while allowing non-agricultural uses that complement the area's economy and do not conflict with an urban environment.

## SECTION 1 LAND USES

1.1 **Permitted Uses**

Accessory buildings
Accessory structures
Farmstead (existing)
Home occupation, minor
Ready to move structure
Residential addition, porch, veranda
Sea can for storage use
Secondary residence
Signs

1.2 **Discretionary Uses**

Abattoir
Alternative/renewable energy
Animal care service, large
Animal care service, small
Aquaculture operation, large and small
Archery range, private
Bed and breakfast
Building supply centre
Campground, family
Car wash
Cemetery
Church
Commercial uses
Community facility
Convenience store
Farm supplies and service
Financial Institution
Food processing
Food service/catering
Garage suite
Garden centre
Greenhouse
Helipad
Heliport
Highway Commercial
Holiday trailer and RV storage
Home care service

Home occupation, major (existing residence)
Household appliance repair service
Industrial equipment sales and service
Industrial manufacturing
Intensive horticulture
Kennel - Category 1 and 2
Laundromat
Light industrial and manufacturing
Liquor store
Market garden
Modular home sales & services
Moved-in buildings
Office
Outdoor storage
Private riding stable and arena
Private rifle range
Private rodeo grounds
Public and private institutional use
Public and private recreation
Public and private utilities
Recreation vehicle storage
Residential accommodation in conjunction with an approved use
Restaurant and lounge
Retail shopping mall
Retail store
Rural industry
Sea can storage
Sod farm
Solar energy system
Solar energy system, household (existing residence)
Sports club
Surveillance suite
Taxidermy
Tower
Travel agency
Truck Transportation depot
Truck wash
Vehicle sales and rentals
Vehicle service and repair
Visitor accommodation (existing residence)
Warehouse
Warehouse store
Welding shop
Wind Energy Conversion System (WECS) - Category 1
Workshop

1.3 **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

## SECTION 2 PARCEL AND LOT SIZES

2.1 Parcel and lot sizes for all the permitted and discretionary uses listed above are:

(a) existing parcels; or

(b) maximum of 15.0 acres (6.0 ha) for horticultural use;

(c) maximum of 5.0 acres (2.0 ha) for all other uses;

(d) at the discretion of the MPC for fragmented parcels.

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:

(a) 22.86 m (75 ft.) from the right-of-way of any developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;

(b) 30 m (100 ft.) from the property line or 50 m (165 ft) from the centre of a designated Minor Highway and 40 m (131 ft) from the property line or 70 m (230 ft) from the centre of a designated Major Highway in accordance with the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;

(c) a minimum 6.1 m (20 ft.) from all property lines not fronting a municipal road or highway;

(d) any greater distance which may be required by the designated officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, or to reduce potential snow drifting.

3.2 The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.

3.3 All buildings, structures and development being located in close proximity to the designated waterbodies may have special requirements for setbacks as determined by the Municipal Planning Commission upon due consideration of any pertinent comments from Alberta Environment and Protected Areas and Protected Areas, if provided.

## SECTION 4 SITE COVERAGE

4.1 Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be determined by the Development Officer or Municipal Planning Commission.

## SECTION 5 SUBDIVISION POLICIES IN RURAL GENERAL DISTRICT

**General**

5.1 The Municipal Planning Commission may only approve one separately titled subdivision on an unsubdivided quarter section or a title containing 160 acres (64.8 ha). The Municipal Planning Commission may consider a quarter section to be unsubdivided if previous subdivisions were for the purpose of public or quasi-public use.

5.2 In accordance with Section 5.10 (Cut-off or Fragmented Agricultural Parcel) additional parcels may be approved for subdivision by the Municipal Planning Commission.

**Agricultural Uses**

5.3 The minimum agricultural parcel size shall be 56.66 ha (140 acres) unless waivered by the Municipal Planning Commission, the Subdivision and Development Appeal Board, or the Land and Property Rights Tribunal.

5.4 A subdivision of a parcel containing an intensive horticultural use may be treated as an agricultural use and may be permitted as the one allowable subdivision from a quarter section.

5.5 The Municipal Planning Commission shall not approve an application for subdivision of a parcel on which an existing or proposed confined feeding operation (CFO) is located.

5.6 A subdivision which proposes to subdivide a quarter section or title containing 64.38 ha (160 acres) into two 32.38 ha (80 acre) parcels shall be prohibited.

**Existing Agricultural Parcels – Property Line Realignment**

5.7 The enlargement, reduction or realignment of an existing separate parcel may be approved provided that:

(a) the additional lands required are to accommodate existing or related improvements; or

(b) the proposal is to rectify or rationalize existing habitation, occupancy, cultivation or settlement patterns; and

(c) no additional parcels are created over and above those presently in existence; and

(d) the proposed new lot and the proposed residual lot will continue to have direct legal and physical access to a public roadway, adequate development setbacks, and a suitable building site; and

(e) the size, location and configuration of the proposed lot will not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

**Subdivision of a Single Lot Developed Farmstead Parcel**

5.8 A proposed subdivision for a single lot (isolated) developed farmstead containing a developed residence or a former farmstead parcel significant improvements (power, well, gas, farm building) without a habitable dwelling may be approved provided:

(a) it is located on an unsubdivided quarter section or title containing 160 acres of land in consideration of parcel sizes outlined in Subsection above or meets the criteria for subdivision for a Cut-off or Fragmented Parcel; and

(b) the proposed parcel to be created is no less than 1.21 ha (3 acres) and no greater than 4.05 ha (10 acres) and contains a permanent habitable dwelling unit; and

(c) the area of the proposed parcel shall be limited by the location and extent of related buildings, structures and improvements, including septic systems, on the developed residence or farmstead site is limited in size by its location and the extent of physical characteristics and vegetation; and

(d) the proposed lot on which the dwelling is located, and the proposed residual parcel has direct legal and/or physical access to a public roadway; and

(e) the proposed access is satisfactory to Alberta Transportation where the access may affect a primary highway; and

(f) the size and location of the proposed lot will not significantly affect an irrigation system in the area; and

(g) the residual parcel being created is at least 56.66 ha (140 acres) in size.

**Cut-off or Fragmented Parcels**

5.9 A subdivision application which proposed to create one or more cut-off or fragmented parcels may be approved if:

(a) the existing parcel is severed by a developed roadway within a registered road right-of-way, a railway right-of-way with rails, the Oldman River, or Pine Coulee Reservoir; and

(b) the proposed parcel being created and the residual parcel shall have direct legal and physical access to a public roadway or another legal means of access acceptable to the Municipal Planning Commission; and

(c) such fragmentation would not significantly affect an irrigation system in the area; and

(d) the fragmented parcel and/or the residual parcel must be a minimum of 1.21 ha (3 acres)

5.10 At the discretion of the Municipal Planning Commission, a quarter section which has been subdivided pursuant to the provisions of Section 5.9 may be eligible for the subdivision of an existing developed farmstead from the greater half of the fragmented quarter section provided the proposal is consistent with the requirements established for Single Development Farmstead Parcels outlined in Subsection

## SECTION 6 DEFINITIONS FOR SPECIFIC USES LISTED IN THE DISTRICT

**ABATTOIR** means a licensed facility where animals are killed and processed into meat products for human consumption.

**ACCESSORY BUILDING** means any building which is separate from the principal building on the lot on which both are located and the use of which the designated officer decides is normally subordinate and incidental to the principal building; or the use of which the designated officer decides is normally subordinate and incidental to the principal use of the site on which it is located.

**ACCESSORY STRUCTURE** means a building or structure detached from a principal building, normally ancillary, incidental, subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, propane tanks, satellite dishes, garages, and garden sheds. When a building is attached to the principal building by a roof, a floor or foundation above or below grade, it is part of the principal building.

**ADDITION** means any construction increasing the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

**ALTERNATIVE / RENEWABLE ENERGY** means a use which produces energy in ways which do not use natural resources such as fossil fuels, but is derived from sources such as geo-thermal, solar, water, wind, waste and waste by-products.

**ANIMAL CARE SERVICE, LARGE** means development used for the care, treatment, boarding, breeding or training of animals and livestock within or outside buildings and includes the sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding and breeding, facilities for impounding and quarantining animals and related research facilities.

**ANIMAL CARE SERVICE, SMALL** means 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 care and confinement facilities are enclosed within a building. Examples include pet grooming salons, pet clinics, veterinary offices and mobile animal care services.

**AQUACULTURE OPERATION, LARGE** means the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal consumption requiring a body of water such as a pool, tank, pond, river, lake, estuary, waterbody or facility to sustain the operation within a structure or building of 700 $ft^2$ (65 $m^2$) or greater in size.

**AQUACULTURE OPERATION, SMALL** means the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal consumption requiring a body of water such as a pool, tank, pond, river, lake, estuary, waterbody or facility to sustain the operation within a structure or building of less than 700 $ft^2$ (65 $m^2$) in size.

**ARCHERY RANGE, PRIVATE** means a privately-owned building, structure or outdoor area or space used to carry on the sport of archery by the owner and a limited number of friends or guests.

**BANK** means a financial institution for the deposit, custody, loan, exchange or issuance of money.

**BED AND BREAKFAST** means sleeping accommodations and a morning meal, provided in a guest house or private residence.

**BUILDING SUPPLY CENTRE** means a commercial entity dedicated to the supply and sale of hardware, construction supplies, home improvement items and like goods to wholesalers, retailers, or the public.

**CAMPGROUND, FAMILY** means an area where a maximum of five campsites are located for occupancy, at no cost, to members of the landowner's family or friends.

**CAR WASH** means a building designed for the cleaning of motor or recreational vehicles.

**CEMETERY** means a landscaped open space for the entombment of the deceased, and may include a crematoria, cineraria, columbaria, and mausolea.

**CHURCH** means a facility for the purpose of assembly and worship and may include social, recreational and community activities such as group meetings, cultural events, banquets, and childcare services.

**COMMERCIAL USES** means the use of land, buildings or structures for the purpose of display, storage, sale or acquisition of goods and services to the general public either by wholesale or retail means. Such uses include, but are not limited to, warehouse shipping, lumber yards, furniture galleries, clothing outlets, lighting and kitchen centers, grocery and convenience stores, services stations, restaurants, car washes, liquor stores and garden centers.

**COMMUNITY FACILITY** means community halls, public libraries, parks, playgrounds, schools, agri-plexes, arenas, skating rinks, and other similar facilities.

**CONVENIENCE STORE** means a small retail outlet selling goods and food on a day-to-day basis from a business premises.

**FARMSTEAD** means a part of a parcel (a) developed with dwellings, buildings, structures, shelter belts, dugouts, storage areas for farm equipment, produce and fertilizer; or (b) which may be defined by topography, vegetation, or other physical constraints.

**FARM SUPPLIES AND SERVICE** means the use of land or buildings for the sale, storage and distribution of grain, livestock feed, fertilizer or chemicals used in agriculture.

**FINANCIAL INSTITUTION** – see "Bank".

**FOOD PROCESSING** means an industry which refines or mills an agricultural product into an edible commodity fit for human consumption.

**FOOD SERVICES/CATERING** means the preparation of meals at one location for delivery to other locations.

**GARAGE SUITE** means a dwelling unit located above a garage, accessory to a principal dwelling unit.

**GARDEN CENTRE** means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products.

**GREENHOUSE** means a building specially designed and used for the growing of vegetables, flowers or other plants for sale.

**HELIPAD** means a designated area used for the take-off, landing, or parking of helicopters.

**HELIPORT** means a facility for the use of helicopters landing or taking off and includes development of passenger terminals, service, repair and storage facilities required for the purpose of operating a heliport in accordance with all applicable statutes and regulations.

**HIGHWAY COMMERCIAL** means development along a major highway, providing goods and services to the travelling public. Typical highway commercial uses may include, but are not limited to, service stations, truck stops, motels, drive-ins and fast-food restaurants.

**HOLIDAY TRAILER OR TRAVEL TRAILER** means an accommodation unit designed to be transported on its own wheels designed or constructed to permit its use as a temporary dwelling for travel and recreation only.

**HOME CARE SERVICE** means the provision of food, lodging and care of individuals conducted in a conventional single-family dwelling which has common cooking and washroom facilities.

**HOME OCCUPATION** means the ancillary use of a dwelling unit and/or its accessory buildings or lands by any trade, profession, or craft for monetary gain involving the manufacture, processing, provision or sale of goods and/or services if the use, location, and operation is not readily apparent under normal scrutiny from the nearby lands or public roadways with the exception of signage associated with a major home occupation. Home occupations shall include, but not be limited to: basketry, weaving, small engine repair, manufacturing and/or sale of small crafts, goods and wares, sale of baked goods, ornaments, lawn decorations, garden produce, home care services, household appliance repair services, vehicle service and repair and welding shops.

**HOUSEHOLD APPLIANCE REPAIR SERVICE** means the provision of repair services to appliances found within the home.

**INDUSTRY, RURAL** means the use of land, buildings or structures for the manufacturing, processing, refining, storage, packaging and distribution of agricultural related products, where the activities include, but are not limited to, producing potato chips, french fries, canola oil, honey, flour, sugar, condiments, juices, canned fruit and vegetables, meat and meat by-products.

**INDUSTRY, RESOURCE EXTRACTION** means uses of land or buildings which are governed by the location of a natural resource and involve the extraction or on-site processing and/or storage of a natural resource. Resource extraction uses include but are not limited to the following: cement and concrete batching plants; sand and gravel operations; logging and forestry operations, including sawmills; and such other uses as established by the Municipal Planning Commission to be similar to any one or all of the above uses.

**INDUSTRY, RESOURCE PROCESSING** means the refining, stockpiling, storage, distribution and sale of natural resources including, but not limited to, fossil fuels, minerals, timber, sand and gravel and related by-products.

**INDUSTRY, EQUIPMENT SALE AND SERVICE** means the sale or service of equipment used in building, roadway, pipeline, oilfield and mining construction or agricultural production.

**INDUSTRY, MANUFACTURING** means the use of land, building or structures used to manufacture, fabricate, process, assemble, produce, package or distribute non-agricultural goods or products including, but not limited to, machine and automotive parts, telecommunication products, furniture, cabinets, vehicles, trailers, windows, storage structures, appliances, tools or equipment.

**INDUSTRY, HEAVY** means the manufacturing, developing, creating, assembling, and fabricating of products with significant external effects or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials used in the manufacturing process.

**INDUSTRY, LIGHT / MANUFACTURING** see “Industry, manufacturing”.

**INDUSTRY, RURAL AGRICULTURE** see “Industry, rural”.

**INTENSIVE HORTICULTURAL OPERATION OR FACILITY** means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponics, aquaponics, market gardens, tree, mushroom and sod farms and such other uses the Municipal Planning Commission considers similar in nature and character to any one or all of these uses.

**KENNEL - CATEGORY 1** means a commercial establishment in which three or less dogs, more than one year old, are housed, groomed, bred, boarded, exercised, trained and/or sold over a period of time but excludes a veterinary clinic.

**KENNEL - CATEGORY 2** means a commercial establishment in which more than three dogs, more than one year old, are housed, groomed, bred, boarded, exercised, trained and/or sold over a period of time but excludes a veterinary clinic.

**LAUNDROMAT** means a self-serve facility for the cleaning of clothing or other fabric goods.

**LIQUOR STORE** means a retail establishment licensed under provincial authority for the sale of beer, wine, or spirits for consumption off-premises.

**MARKET GARDEN** means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

**MODULAR HOME SALES AND SERVICE** means a commercial business where modular homes are sold and serviced.

**MOVED-IN BUILDING** means a conventional, preconstructed, new or previously utilized, non-residential building which is physically removed from one site to another site and does not include mobile homes or residential structures.

**OFFICE** means development to accommodate (a) professional, managerial and consulting services; (b) the administrative centres of businesses, trades, contractors and other organizations; and (c) service-related businesses such as travel agents, insurance brokers, real estate agents.

**OUTDOOR STORAGE** means the open storage of goods, merchandise or equipment outside a building or on a vacant parcel.

**PRIVATE RIFLE RANGE** means a rifle range used by family and guests having no commercial use or monetary charges for use and is limited by invitation.

**PRIVATE UTILITY** means the provision, distribution, collection, transmission or disposal of water, sewage, garbage, oil, gas, power, information, telecommunications, telephone or generation of electricity provided by an entity which is not under public, provincial or municipal franchise or ownership which provides the public or business with a particular utility or service.

**PUBLIC AND PRIVATE INSTITUTIONAL USE** means a use of land or buildings for an organization, individuals or society for public or social purposes and includes the following:

(a) a school or educational facility whether public or private;
(b) churches or places of worship;
(c) medical facilities which provide both in-patient and out-patient services, including hospitals, nursing homes and sanatoriums;
(d) government and municipal offices, libraries and similar developments;
(e) protective services, including fire halls, police stations and ambulance services;
(f) cemeteries; and
(g) such other uses as the Municipal Planning Commission considers similar in nature and character to any one of these.

**PUBLIC AND PRIVATE RECREATION** means a public or private park, playground, recreation area, including but not limited to hiking, biking, snow sledding, skiing, all-terrain vehicle (ATV), and/or walking trail, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided the park, playground, recreation area or similar facility is owned and/or administered by any level of government, a private organization, association or society or private individual.

**PUBLIC UTILITY** means the right-of-way for one or more of the following:

(a) telecommunications systems;
(b) waterworks systems;
(c) sewage systems;
(d) heating systems;
(e) systems for the distribution of gas, whether natural or artificial;
(f) systems for the distribution of artificial light or electric power;
(g) water management projects;
(h) wind energy conversion systems (WECS); and
(i) solar energy systems and alternative/renewable energy.

**READY-TO-MOVE STRUCTURE** means a structure, other than a home, such as a barn, granary, garage, shed, machine shop, built off-site or moved from an existing site to another.

**RECREATIONAL VEHICLE (RV) STORAGE** means a fenced compound used for the parking, wintering, or storing of trailers, motor homes, boats, quads or recreational vehicles licensed under the *Motor Vehicles Administration Act* for a specified fee paid to the owner or proprietor of the property.

**RESIDENTIAL ACCOMMODATION IN CONJUNCTION WITH AN APPROVED USE** means the construction or placement of a dwelling unit which is incidental or accessory in nature to the principal use or activity on the subject lands.

**RESTAURANT** means development where food and beverages are prepared and served and may include alcoholic beverage service and on- or off-premises catering services. This term includes restaurants, cafes, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and such other similar uses.

**RETAIL STORE** means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale.

**SEA CAN** means a structure or a shipping container normally used to transport goods by semi-truck and loaded on and off sea vessels, but for the purpose of this bylaw, serves as a storage unit on dry land.

**SEA CAN STORAGE** means the use of a shipping container for the sole purpose of storing farm equipment and/or personal goods.

**SECONDARY RESIDENCE** means the second residence placed, located or constructed on the same parcel as the primary residence.
**SIGN** means a development (a) constructed and permanently affixed directly or indirectly to any building, structure, window or a parcel of land; and (b) which is used to advertise, identify or display a commercial or non-commercial activity, product, place, organization, institution, person, service, event or location, by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images and in such a manner to be visible from any public place, but does not include a real estate sign, window display, political poster, flag, athletic scoreboard, traffic or directional and informational sign erected by the municipality, the Province of Alberta or federal government.

**SOD FARM** means the commercial growing of sod through seeding and stripping of topsoil to sell the final product for soil coverage and landscaping.

**SOLAR ENERGY SYSTEM** means the use of land or buildings for the conversion of the sun's rays to thermal, electrical or mechanical energy.

**SPORTS CLUB** means a use of land and/or buildings for a private organization, association, society, or private individual for public or private use, including but not limited to, a drift track, the sport of drifting, tuning cars, BMX track, go-kart track, skate park or such other uses.

**SURVEILLANCE SUITE** means a dwelling unit or sleeping unit developed in conjunction with a principal use, so the dwelling is a supplementary use to the principal use and is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security for a development.

**TAXIDERMY** means the art of preparing life-like representations of animals by stuffing the skin or fashioning a wooden or plaster model on which the skin of the specimen is mounted or moulded.

**TOWER** means the erection or placement of an elongated vertical structure on a lot, tract of land or agricultural operation for the purpose of providing meteorological, telecommunication, GPS information, citizen band, and/or ham radio reception for the sole use of the lot, tract of land or agricultural operation.

**TRAVEL AGENCY** means an office or enterprise engaged in the selling, arranging or furnishing of information regarding personal transportation or travel.

**TRUCK TRANSPORTATION DEPOT** means a centralized area for the dispatching, parking, loading, unloading, storage or servicing of commercial trucks engaged in the business of transporting goods and materials to specified destinations.

**TRUCK WASH** means a building or structure used for the commercial cleaning of large trucks, semi's and their trailers, agricultural equipment and vehicles but does not allow for the off-loading of human, animal or noxious or hazardous waste.

**VEHICLE SALES AND RENTAL** means a use of land or buildings for the sale of automobiles, vans, motorcycles, snowmobiles, tent and holiday trailers, boats and other recreational vehicles and craft and trucks with a tare weight. This use includes supplementary vehicle maintenance and cleaning, sale of parts and accessories and dispensing of motor fuel.

**VEHICLE SERVICE AND REPAIR** means a facility for the repair and servicing of motor vehicles, including but not limited to, mufflers, oil changes, transmissions, engine replacement, autobody and glass repair.

**WAREHOUSE** means a building used for the indoor storage of goods and merchandise.

**WAREHOUSE STORE** means a facility for the wholesale or retail sale of goods from within an enclosed building where the warehouse or storage component occupies at least 50 percent of the gross floor area and retail uses occupy 50 percent or less of the gross floor area. Typical uses include furniture, carpet and appliance warehouses.

**WELDING SHOP** means a business engaged in the fabrication, assembly or repair of machinery or equipment by welding.

**WIND ENERGY CONVERSION SYSTEM (WECS)** means a system consisting of subcomponents which converts wind energy to electrical energy using rotors, tower and a storage system.

**WORKSHOP** means an establishment where manufacturing, arts or crafts are carried on by an individual.

**SECTION 7 DEVELOPMENT NOT REQUIRING A PERMIT -** (See Schedule 3)

**SECTION 8 LAND SUITABILITY AND SERVICING REQUIREMENTS –-** (See Schedule 4)

**SECTION 9 STANDARDS OF DEVELOPMENT –** (See Schedule 5)

**SECTION 10 USE SPECIFIC STANDARDS OF DEVELOPMENT –** (See Schedule 6)

**SECTION 11 USE SPECIFIC DEFINITIONS –** (See Schedule 7)

# USE SPECIFIC DIRECT CONTROL - DC

## INTENT

The general purpose and intent of the Direct Control District is to give Council the flexibility and discretion to approve a use which may be complex in the development standards necessary to ensure compatibility with surrounding uses.

## SECTION 1 PERMITTED AND DISCRETIONARY USES

1.1 Any use Council considers appropriate.

## SECTION 2 MINIMUM LOT SIZE

2.1 At the discretion of Council.

## SECTION 3 MINIMUM SETBACK REQUIREMENTS

3.1 At the discretion of Council.

## SECTION 4 STANDARDS OF DEVELOPMENT

4.1 A detailed concept plan shall be submitted with the application to the satisfaction of Council.

## SECTION 5 OTHER STANDARDS

5.1 As required by Council.

## SECTION 6 APPROVAL PROCEDURE

6.1 Before Council considers an application for a use or development in the Direct Control district, it shall:

(a) cause a notice to be issued by the Development Officer in accordance with Administration Section 40 of this bylaw;

(b) hear any persons that claim to be affected by the decision on the application.

6.2 Council may then approve the application with or without conditions or refuse the application.

6.3 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## SECTION 7 APPEAL PROCEDURE

7.1 Pursuant to section 685(4) of the *MGA*, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

## SITE SPECIFIC DIRECT CONTROL STANDARDS

The following sections contain site specific uses and development standards for those parcels of land within the municipality that have Direct Control designations.

## SECTION 8 Pine Coulee Ranch 1 (Plan 110 2806, Lots 1 to 20) (Map XX)

8.1 Permitted and discretionary uses are as follows:

(a) **Permitted**

Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:

- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Extensive agriculture and grazing *(e)* (see Schedule 3 - No permit required)
Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary – Development Officer**

Accessory use
Dugout (Schedule 6, Section 15)
Fabric building or covered storage structure (Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)
Secondary Suite (Schedule 6, Section 34)
Shop house (Schedule 6, Section 38)
Tourist home / Bed and breakfast (Schedule 6, Section 42)

8.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

8.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

8.4 The number of lots is limited to 10. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

8.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 15.24 | 50 | 7.62 | 20 | 15.24 | 50 |

*NOTE: Setback may be increased if parcel is adjacent to a body of water.*

8.6 All parcels shall have an approved source of water. The development officer or Municipal Planning Commission may require proof of water license and/or diversion if water wells are to be utilized. If cisterns are proposed, the applicant may be required to confirm the off-site source of water to fill the cistern.

8.7 All parcels shall have an approved method of private sewage disposal. The development officer or Municipal Planning Commission may require a soil analysis to be prepared by a qualified professional to determine the appropriate method of disposal for each lot in the subdivision.

8.8 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## SECTION 9 Pine Coulee Ranch 2 (Plan 111 0030, Lots 1 to 14) (Map XX)

9.1 Permitted and discretionary uses are as follows:

(a) **Permitted**

Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:

- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Extensive agriculture and grazing *(e)* (see Schedule 3 - No permit required)
Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary – Development Officer**

Accessory use
Dugout (Schedule 6, Section 15)
Fabric building or covered storage structure (see Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)
Secondary Suite (Schedule 6, Section 34)
Shop house (Schedule 6, Section 38)
Tourist home / Bed and breakfast (Schedule 6, Section 42)

9.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

9.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

9.4 The number of lots is limited to 14. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

9.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 15.24 | 50 | 7.62 | 20 | 15.24 | 50 |

*NOTE: Setback may be increased if parcel is adjacent to a body of water.*

9.6 All parcels shall have an approved source of water. The development officer or Municipal Planning Commission may require proof of water license and/or diversion if water wells are to be utilized. If cisterns are proposed, the applicant may be required to confirm the off-site source of water to fill the cistern.

9.7 All parcels shall have an approved method of private sewage disposal. The development officer or Municipal Planning Commission may require a soil analysis to be prepared by a qualified professional to determine the appropriate method of disposal for each lot in the subdivision.

9.8 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## SECTION 10 Dam Good Developments (Plan 001 2698, Lots 1 to 9) (Map)

10.1 Permitted and discretionary uses are as follows:

(a) **Permitted**

Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:

- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Extensive agriculture and grazing *(e)* (see Schedule 3 - No permit required)
Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary – Development Officer**

Accessory use
Dugout (Schedule 6, Section 15)
Fabric building or covered storage structure (Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)
Secondary Suite (Schedule 6, Section 34)
Shop house (Schedule 6, Section 38)
Tourist home / Bed and breakfast (Schedule 6, Section 42)

10.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

10.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

10.4 The number of lots is limited to 9. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

10.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 15.24 | 50 | 7.62 | 20 | 15.24 | 50 |

*NOTE: Setback may be increased if parcel is adjacent to a body of water.*

10.6 All parcels shall have an approved source of water. The development officer or Municipal Planning Commission may require proof of water license and/or diversion if water wells are to be utilized. If cisterns are proposed, the applicant may be required to confirm the off-site source of water to fill the cistern.

10.7 All parcels shall have an approved method of private sewage disposal. The development officer or Municipal Planning Commission may require a soil analysis to be prepared by a qualified professional to determine the appropriate method of disposal for each lot in the subdivision.

10.8 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## Section 11 Pine Coulee Estates 1 (Plan 021 1731, Block 1, Lots 1 to 10)

11.1 Permitted and discretionary uses are as follows:

(a) **Permitted**

Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:

- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Extensive agriculture and grazing *(e)* (see Schedule 3 - No permit required)
Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary – Development Officer**

Accessory use
Dugout (Schedule 6, Section 15)
Fabric building or covered storage structure (Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)
Secondary Suite (Schedule 6, Section 34)
Shop house (Schedule 6, Section 38)
Tourist home / Bed and breakfast (Schedule 6, Section 42)

11.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

11.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

11.4 The number of lots is limited to 10. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

11.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 15.24 | 50 | 7.62 | 20 | 15.24 | 50 |

*NOTE: Setback may be increased if parcel is adjacent to a body of water.*

11.6 All parcels shall have an approved source of water. The development officer or Municipal Planning Commission may require proof of water license and/or diversion if water wells are to be utilized. If cisterns are proposed, the applicant may be required to confirm the off-site source of water to fill the cistern.

11.7 All parcels shall have an approved method of private sewage disposal. The development officer or Municipal Planning Commission may require a soil analysis to be prepared by a qualified professional to determine the appropriate method of disposal for each lot in the subdivision.

11.8 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## Section 12 Pine Coulee Estates 2 (Plan 091 842, Block 1, Lots 13 to 21)

12.1 Permitted and discretionary uses are as follows:

(a) **Permitted**

Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:

- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Extensive agriculture and grazing *(e)* (see Schedule 3 - No permit required)
Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary – Development Officer**

Accessory use
Dugout (Schedule 6, Section 15)
Fabric building or covered storage structure (Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)
Secondary Suite (Schedule 6, Section 34)
Shop house (Schedule 6, Section 38)
Tourist home / Bed and breakfast (Schedule 6, Section 42)

12.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

12.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

12.4 The number of lots is limited to 8. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

12.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 15.24 | 50 | 7.62 | 20 | 15.24 | 50 |

*NOTE: Setback may be increased if parcel is adjacent to a body of water.*

12.6 All parcels shall have an approved source of water. The development officer or Municipal Planning Commission may require proof of water license and/or diversion if water wells are to be utilized. If cisterns are proposed, the applicant may be required to confirm the off-site source of water to fill the cistern.

12.7 All parcels shall have an approved method of private sewage disposal. The development officer or Municipal Planning Commission may require a soil analysis to be prepared by a qualified professional to determine the appropriate method of disposal for each lot in the subdivision.

12.8 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## Section 13 Pine Coulee Estates 3 (Plan 131 1163, Block 2, Lots 2 to 9)

13.1 Permitted and discretionary uses are as follows:

(a) **Permitted**

Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:

- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Extensive agriculture and grazing *(e)* (see Schedule 3 - No permit required)
Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary – Development Officer**

Accessory use
Dugout (Schedule 6, Section 15)
Fabric building or covered storage structure (Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)
Secondary Suite (Schedule 6, Section 34)
Shop house (Schedule 6, Section 38)
Tourist home / Bed and breakfast (Schedule 6, Section 42)

13.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

13.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

13.4 The number of lots is limited to 7. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

13.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 15.24 | 50 | 7.62 | 20 | 15.24 | 50 |

*NOTE: Setback may be increased if parcel is adjacent to a body of water.*

13.6 All parcels shall have an approved source of water. The development officer or Municipal Planning Commission may require proof of water license and/or diversion if water wells are to be utilized. If cisterns are proposed, the applicant may be required to confirm the off-site source of water to fill the cistern.

13.7 All parcels shall have an approved method of private sewage disposal. The development officer or Municipal Planning Commission may require a soil analysis to be prepared by a qualified professional to determine the appropriate method of disposal for each lot in the subdivision.

13.8 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## Section 14 Clear Lake 1 (Plan 111 2627, Block 1, Lots 1 to 4)

14.1 Permitted and discretionary uses are as follows:

(a) **Permitted**

Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:

- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Extensive agriculture and grazing *(e)* (see Schedule 3 - No permit required)
Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary – Development Officer**

Accessory use
Dugout (Schedule 6, Section 15)
Fabric building or covered storage structure (Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 26 and 26)
Secondary Suite (Schedule 6, Section 34)
Shop house (Schedule 6, Section 38)
Tourist home / Bed and breakfast (Schedule 6, Section 42)

14.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

14.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

14.4 The number of lots is limited to 4. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

14.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 15.24 | 50 | 7.62 | 20 | 15.24 | 50 |

*NOTE: Setback may be increased if parcel is adjacent to a body of water.*

14.6 All parcels shall have an approved source of water. The development officer or Municipal Planning Commission may require proof of water license and/or diversion if water wells are to be utilized. If cisterns are proposed, the applicant may be required to confirm the off-site source of water to fill the cistern.

14.7 All parcels shall have an approved method of private sewage disposal. The development officer or Municipal Planning Commission may require a soil analysis to be prepared by a qualified professional to determine the appropriate method of disposal for each lot in the subdivision.

14.8 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## Section 15 Clear Lake 2 (Plan 171 1503, Block 1, Lots 5 to 10 )

15.1 Permitted and discretionary uses are as follows:

(a) **Permitted Uses**

Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:

- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Extensive agriculture and grazing *(e)* (see Schedule 3 - No permit required)
Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary Uses**

Accessory use
Dugout (Schedule 6, Section 15)
Fabric building or covered storage structure (Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)
Secondary Suite (Schedule 6, Section 34)
Shop house (Schedule 6, Section 38)
Tourist home / Bed and breakfast (Schedule 6, Section 42)

15.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

15.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

15.4 The number of lots is limited to 5. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

15.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 15.24 | 50 | 7.62 | 20 | 15.24 | 50 |

*NOTE: Setback may be increased if adjacent parcel is adjacent to a body of water.*

15.6 All parcels shall have an approved source of water. The development officer or Municipal Planning Commission may require proof of water license and/or diversion if water wells are to be utilized. If cisterns are proposed, the applicant may be required to confirm the off-site source of water to fill the cistern.

15.7 All parcels shall have an approved method of private sewage disposal. The development officer or Municipal Planning Commission may require a soil analysis to be prepared by a qualified professional to determine the appropriate method of disposal for each lot in the subdivision.

15.8 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## Section 16 West Stavely (Plan 181 1358, Block 2, Lots 1 and 2)

16.1 Permitted and discretionary uses are as follows:

(a) **Permitted Uses**

Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:

- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Extensive agriculture and grazing *(e)* (see Schedule 3 - No permit required)
Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary Uses**

Accessory use
Dugout (Schedule 6, Section 15)
Fabric building or covered storage structure (Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)
Secondary Suite (Schedule 6, Section 34)
Shop house (Schedule 6, Section 38)
Tourist home / Bed and breakfast (Schedule 6, Section 42)

16.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

16.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

16.4 The number of lots is limited to 2. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

16.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 22.86 | 75 | 7.62 | 20 | 7.62 | 20 |

*NOTE: Setback may be increased if parcel is adjacent to a body of water.*

16.6 All parcels shall have an approved source of water. The development officer or Municipal Planning Commission may require proof of water license and/or diversion if water wells are to be utilized. If cisterns are proposed, the applicant may be required to confirm the off-site source of water to fill the cistern.

16.7 All parcels shall have an approved method of private sewage disposal. The development officer or Municipal Planning Commission may require a soil analysis to be prepared by a qualified professional to determine the appropriate method of disposal for each lot in the subdivision.

16.8 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied by the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## Section 17 Hamlet of Granum 1 (Plan 001 0036, Block 2, Lots 1 to 14)

17.1 Permitted and discretionary uses are as follows:

(a) **Permitted Uses**
Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary:
- Single-detached stick built
- Prefabricated (Schedule 6, Section 29)

Garage, residential
Home based business (see Schedule 6, Section 19)
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary Uses**
Fabric building or covered storage structure (Schedule 6, Section 16)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)

17.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

17.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

17.4 The number of lots is limited to 14. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

17.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 9.1 | 30 | 3.0 | 10 | 9.1 | 30 |

17.6 The maximum site coverage is:

Principal building – 45 % Accessory buildings – 15 %

17.7 The minimum of habitable floor space for a single-unit dwelling shall be 111.5 m2 (1,200 ft2).

17.8 No accessory structure shall exceed 6.1 m (20 ft.).

17.9 Any area used for outdoor storage shall be suitability screened, and screening shall consist of solid fencing of wood, brick, cinder block or concrete, coniferous plans, dense foliage or combinations thereof.

17.10 The lots have registered restrictive covenants on title and as such, any development permit application will need to be accompanied from the appropriate approval, if required, in the restrictive covenant to be deemed completed for processing purposes.

## Section 18 Hamlet of Granum 2 (Plan 981 1709, Block 2, Lots 1 to 11, 13)

18.1 Permitted and discretionary uses are as follows:

(a) **Permitted Uses**
Accessory building or structure to an approved use
Addition to existing building
Day home *(e)* (see Schedule 3 - No permit required and Schedule 6, Section 13)
Dwelling, primary Single-detached stick built
Garage, residential
Personal workshop
Sign, Class A (see Schedule 6, Section 36)
Solar energy system, Individual - roof or wall mounted (see Schedule 6, Section 39)

(b) **Discretionary Uses**
Dwelling, primary: Prefabricated (Schedule 6, Section 29)
Extensive agriculture
Fabric building or covered storage structure (Schedule 6, Section 16)
Home based business (see Schedule 6, Section 19)
Moved in building or dwelling (see Schedule 6, Section 25 and 26)
Secondary Suite (Schedule 6, Section 34)

(c) **Prohibited Uses**
Shipping Containers

18.2 The decision-making authority for permitted and discretionary uses has been delegated to the Development Officer and similar use shall be delegated to the Municipal Planning Commission.

18.3 Standards of development shall be at the discretion of the Development Officer or the Municipal Planning Commission.

18.4 The number of lots is limited to 12. No subdivision shall be approved and any requests to increase the number of lots shall require an application to amend this section of the bylaw and shall be subject to Administration Sections 61 through 65 of this bylaw.

18.5 The following minimum setbacks apply to all permitted and discretionary uses:

| Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|
| **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| 45.7 | 150 | 7.6 | 25 | 15.2 | 50 |

18.6 Development standards:

| **Standard** | **Principal building** | **Accessory building** |
|---|---|---|
| Site Coverage | 2% | 0.5 % |
| Maximum Building Height | 9.1 m (30 ft) | 7.6 m (25 ft.) |
| Minimum Floor Area | 1200 | -- |

18.7 All future development upon the lands shall be located on the northerly half of each existing lot to accommodate any possible infill or resubdivision of this specific area.

# INDUSTRIAL RENEWABLE ENERGY DIRECT CONTROL - IREDC

## INTENT

The general purpose and intent of the Direct Control Industrial Renewable Energy District is to give Council the flexibility and discretion to approve an industrial energy development, including wind, solar, or other types of energy development, which can be site specific to the needs and development standards of large industrial energy projects and the associated uses.

## SECTION 1 LAND USES

1.1 **Permitted**
Solar energy system, industrial
Wind energy conversion system, industrial
Battery energy storage system

1.2 **Discretionary**
Agrivoltaics
Extensive agriculture & grazing
Educational and interpretive use
Office / Maintenance building
Work camp
Work or lay down yard

## SECTION 2 APPROVAL PROCEDURE

2.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.

2.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control district, it shall:

(a) cause a notice to be issued by the Development Officer in accordance standards found in this district;

(b) hear any persons that claim to be affected by the decision on the application.

2.3 Council may then approve the application with or without conditions or refuse the application.

2.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## SECTION 3 APPEAL PROCEDURE

3.1 Pursuant to section 685(4) of the *MGA*, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

## SECTION 4 GENERAL STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY, INDUSTRIAL SCALE

4.1 The following definitions apply to this section:

**Agrivoltaics** means a practice where solar panels are installed on agricultural land, allowing for the simultaneous production of electricity and food. It involves using land for both agriculture and solar energy generation, often with crops grown or animal grazing under or between the solar panels.

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land

**Parcel Boundary, External** - The property boundary for lands which are outside the footprint of the solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** - The property boundary for lands which are within the footprint of the project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual. Associated development including but not limited to laydown areas, maintenance buildings and agrivoltaics are separate uses.

4.2 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 Council.

4.3 Development permit applications for industrial scale solar energy installations shall 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 dimensioned setbacks:

(i) from the proposed fencing and panel(s) to property lines;

(ii) from fencing and panels to structures or uses on the development site;

(iii) from the panel(s) to residential dwellings within 300 m (985 ft.) of the property line of the proposed development; and

(iv) from the proposed development to clear vision corner site triangle of the intersection of two road right-of-ways;

(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 and Protected Areas (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) 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 Council, 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 Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and

(m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.

4.4 Council will consider the following as preferable sites:

(a) use of the poor quality lowest productive land and dry corners is preferred;

(b) use of cut-off, fragmented, irregular shaped parcels is preferred;

(c) to the extent possible, use of irrigated agricultural land should be avoided/minimized; and

(d) the use of an unsubdivided quarter section of high-quality agricultural land that has or could contain irrigation system infrastructure shall not be considered as suitable unless the Development Authority determines special or unique circumstances may warrant its inclusion. Consideration of the proximity to electrical sub-stations and feeder distribution infrastructure in relation to the location of the development may be considered as part of the special circumstances present.

4.5 Upon receipt of a development permit application, Council 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 Council);

(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**

4.6 A Solar Energy System, Industrial Scale including chain-link fencing 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; and

(d) not less that 85.34 m (280 ft) from the intersection of two registered road allowances, with or without an existing developed municipal road.

4.7 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.

4.8 In balancing existing land uses and the development of Solar Energy System, Industrial, the Council 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 park(s);

(c) within 2 km (1.2 miles) of land designated Group Country Residential or a designated Hamlet or Town boundary), or

(d) as required in an adopted intermunicipal development plan.

**Conditions of Approval**

4.9 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.

4.10 The Council may impose as a condition that the operator and/or landowner of an industrial scale 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.

4.11 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality; to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a condition upon review of the plan:

(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 Council 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.

## SECTION 5 GENERAL STANDARDS OF DEVELOPMENT FOR WIND ENERGY CONVERSION SYSTEM (WECS), INDUSTRIAL

5.1 The following definitions apply to this section:

**Blade** means a part of a WECS rotor which acts as a single airfoil, to extract kinetic energy directly from the wind.

**Blade Clearance** means the distance from grade to the bottom of the rotor's arc.
**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Horizontal Axis Rotor** means a wind energy conversion system, typical of conventional or traditional windmills.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land

**Parcel Boundary, External** - The property boundary for lands which are outside the footprint of the wind farm and adjacent to the WECS, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** - The property boundary for lands which are within the footprint of the wind farm.

**Project Footprint** means all the lands which are a part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Rotor's Arc** - The largest circumferential path travelled by a WECS blade.

**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.

**Towers** - The structure which supports the rotor above grade.

**Vertical Axis Rotor** - A wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

**Wind Energy Conversion System (WECS), Individual** – A wind energy conversion system less than 6.1 m (20 ft.) in height consisting of a single structure with the capacity to generate electricity only for the property owner's use on the site it is located and not supplying power to the grid.

**Wind Energy Conversion System (WECS), Industrial Scale –** A wind energy conversion system of one or more structures designed to convert wind energy into mechanical or electrical energy on one or more parcels of land for commercial purposes.

5.2 All development applications for multiple WECS / Industrial Scale Wind Farm shall be accompanied by the following information:

(a) a development permit application shall be submitted for each titled parcel;

(b) an accurate site plan showing and labeling the following:

(i) physical dimensions of the property or parcel;

(ii) the location of existing structures on the property or parcel;

(iii) elevation drawings plan drawn to scale;

(iv) foundation plan with specifications;

(v) if a non-tubular design is proposed, the anchor design, location of any guy wire anchors, and how the tower is to be secured from unauthorized access or use;

(vi) the exact location of each proposed WECS on the property;

(vii) the location of all existing and proposed utilities and sub-stations on the property or parcel;

(viii) the location of all existing and proposed utilities on lands abutting the subject property or parcel;

(ix) existing topography with contours at 3.0 m (10 ft.) intervals of the land;

(x) existing or proposed access roads;

(xi) if the WECS is to be developed in stages, a phasing plan;

(xii) proposed setbacks; and

(xiii) the project boundary including all lands (full quarter section and individual parcels) which area under lease or contract for the development of the multiple WECS/Industrial Scale Wind Farm.

(c) a digital version of the site plan showing exact location and base elevation of each wind turbine in UTM coordinates with NAD 83 datum, Zone 12;

(d) a visual representation depicting the wind farm from:

(i) no further than 5 km (3.1-miles) away;

(ii) each accessible residence within 3.2 km (2.0 miles) of the wind farm boundaries;

(iii) any significant sites as determined by the Development Authority.

(e) The visual representation shall include:

(i) scale elevations,

(ii) photographs and/or digital information of the proposed WECS showing total height, tower height, rotor diameter, colour and the landscape, and

(iii) photographs and/or digital information modeled on ideal visual conditions;

(f) an analysis of the visual impact of above ground transmission lines to and from the property or parcel if above ground transmission lines are proposed for the development;

(g) the manufacturer's specifications indicating:

- the WECS rated output in kilowatts;
- safety features and sound characteristics;
- type of material used in tower, blade, and/or rotor construction;
- dimensions;

(h) an analysis of the potential for electromagnetic interference to other WECS, radio, telephone, wireless, satellite, micro-wave, radar, or other electronic communication systems;

(i) an analysis of the potential for noise as required by AUC Rule 012 at:

- 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;

(i) an analysis of the potential for shadow or flicker (solar glint and glare assessment) as required by AUC Rule 007 at:

(i) the site of the tower,

(ii) the boundary of the development,

(iii) at any habitable or occupied residence within 2 km (1.2 miles) of any turbine;

(j) any impacts to the local road system including but not limited to:

(i) a plan showing ingress and egress from the property or parcel detailing any impacts to the local road system including required approaches from public roads having regard to the Municipal District's Road standards; and

(ii) identification of the road or roads to be used to bring construction materials and equipment to the property or parcel, and the road or roads to be used to remove construction materials/debris and equipment from the property or parcel;

(iii) a construction transportation plan which includes lay down yard parking areas and an employee and equipment transportation plan

(k) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment and Protected Areas (2018/09/14);

(l) an analysis of environmental consideration including roadways, on-site potential for fluid leaks, impact upon wildlife, or any other identified issues;

(m) a fire and emergency response plan prepared by a qualified professional and the plan is to be reviewed and approved by the MD of Willow Creek Emergency Services;

(n) a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners;

(o) the results of the historical resource analysis, if required by Alberta Culture;

(p) the results of the public consultation process initiated by the developer; and

(q) an analysis of private water wells, where landowners give consent, within 2.0 km (1.2 miles) of any proposed turbine which includes water well mapping, water quality and flow test benchmarking conducted by the applicant prepared by a qualified professional approved by the municipality.

5.3 Prior to making a decision on a development application for a multiple WECS/Industrial Scale Wind Farm, the applicant shall provide the Municipal District with the results of the applicant's circulation of their proposal to 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 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).

5.4 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 2 km (1.2 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.

5.5 The Development Authority may approve multiple WECS/Industrial Scale Wind Farm on a case-by-case basis having regard for:

(a) proximity to other adjacent land uses;

(b) density of WECS;

(c) consideration of the cumulative effect of all WECS approved or proposed within 5 km (3 miles) of the proposal;

(d) underlying utilities;

(e) information received through the circulation process and at the development hearing.

5.6 In balancing existing land uses and the development of a multiple WECS/Industrial Scale Wind Farm, Council 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 park(s);

(c) within 2 km (1.2 miles) of a developed Group Country Residential land use designation or Hamlet or Town boundary.

**Collector Lines**

5.7 All collector lines:

(a) (less than 69 kV) on the site of a multi-WECS shall be underground except where the Development Authority approves overhead installation; and

(b) required to connect WESC from one quarter section to another shall be underground except where the Council overhead installation; and

(c) any collector or transmission line necessary to service the development shall be located on private land and not located in developed or undeveloped municipal road allowances.

(d) Notwithstanding Section 5.7(c), the Municipality will consider collector or transmission lines which cross a developed or undeveloped municipal road allowance through the execution of a road crossing agreement approved by the Municipality.

**Setbacks**

5.8 A WECS shall be setback not less than 7.6 m (25 ft) from all property lines not fronting on or adjacent to a municipal roadway as measured from the rotor's arc (rotor diameter).

5.9 A WECS shall be setback from a dwelling unit within the wind farm project boundary (lands leased for wind energy development) not less than 500 m or as meets AUC Rule 012 permitted levels, whichever is greater.

5.10 A WECS shall be setback from a dwelling unit not within the wind farm project boundary (lands leased for wind energy development) not less than 1000 m or as meets AUC Rule 012 permitted levels, whichever is greater.

5.11 At no time shall the cumulative modelled sound level of a multi-WECS measured at the wind farm project boundary (including all titled parcels participating in the project) exceed 40dBa unless an easement, as approved by the Development Authority, is agreed to by the affected landowner and registered on the affected title.

5.12 A WECS shall be setback from a developed or undeveloped municipal roadway not less than the total height of the WECS, plus 10 percent and not less than 85.34 m (280 ft) from the intersection of two registered road allowances, with or without an existing developed municipal road.

5.13 A WECS shall be setback from a federally approved aerodrome, or a municipality approved airstrip, helipad, heliport or other aviation-related use a minimum of 4000 m (2.48 miles).

5.14 Where, in the opinion of the Development Authority, the setbacks referred to in Sections 5.8 through 5.13 above are not sufficient to reduce the impact of a WECS from a public roadway or a primary highway, the Development Authority may increase the required setback.

5.15 In the case of multiple WECS, setbacks can be increased from the minimum setback requirements in the district depending upon the number of WECS in a group and the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or land use.

**Minimum Blade Clearance**

5.16 The minimum vertical blade clearance from grade shall be 7.6 m (25 ft) for a WECS employing a horizontal axis rotor unless otherwise required by the Development Authority.

**Tower Access and Safety**

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

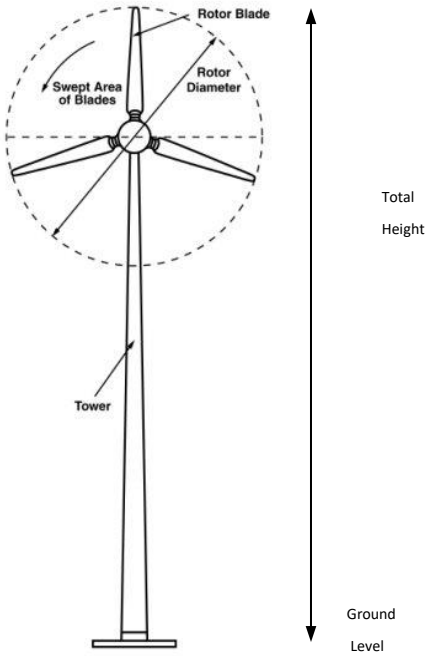
(a) a security fence with a lockable gate shall surround a WECS tower not less than 1.8 m (5.9 ft) in height if the tower is climbable or subject to vandalism that could threaten tower integrity;

(b) no ladder or permanent tower access device shall be located less than 3.7 m (12 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 Development Authority considers reasonable and appropriate;

(e) the use of tubular towers, with locked door access, will preclude the above requirements.




**Colour and Finish**

5.18 Unless otherwise required by the Council, a WECS shall be finished in a non-bright reflective matte and in a colour which minimizes the obtrusive impact of a WECS.

5.19 No lettering or advertising shall appear on the towers or blades. On other parts of the WECS, the only lettering will be the manufacturer's identification or municipal symbol.

**Conditions of Approval**

5.20 As a condition of development permit approval for a multi-WECS, Council shall consider, in addition to any other conditions authorized under other sections of this Bylaw, attaching conditions related to the following and in accordance with Sections 619 and 620 of the MGA:

(a) require the applicant/developer to enter into a road use agreement and/or development agreement with the municipality;

(b) place restrictions on the location, height and type of fencing used for the tower sites;

(c) the operator and/or landowner shall be responsible for controlling invasive plant threats and weeds in accordance with the Alberta Weed Control Act;

(d) 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.

(e) surface drainage and erosion control must also adequately address and account for impacts associated with the development, including any access roads within the development area;

(f) screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.

(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 Council 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.

(h) require the applicant/developer to comply with an approved conservation and reclamation plan which may include but not be limited to:

(i) that a pre-disturbance site assessment be filed with the municipality prior to the commencement of construction of the project; and

(ii) 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

(iii) 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 Council 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.

(i) require that the project commence construction within two years of approval, and complete the project within four years;

(j) require that the operation remain in continuous operation and if the operation is inactive for two consecutive years, or two cumulative years over a five-year period, the obligation to decommission the site is automatically triggered;

(k) require that, should the developer propose alteration, retooling or repowering of an existing multi-WECS project where the equipment has changed from the original approval, the developer shall apply for a new development permit;

(l) require the applicant complete and submit a copy to the municipality of an analysis of private water wells, where landowners give consent, within 2.0 km (1.2 miles) of any proposed turbine, post construction, which will include, but not be limited to, a comparison of water quality and water flow test against the benchmarking conducted by the applicant prior to the application prepared by a qualified professional approved by the municipality; and

(m) require that the applicant install a proximity warning system which will reduce the extent of light pollution emanating from the project, including but not limited to, a passive radar sensor system that is able to use radio frequencies to determine if there is an aircraft in the vicinity, its distance, position, and velocity.

## SECTION 6 BATTERY ENERGY STORAGE SYSTEM (BESS)

6.1 All Battery Energy Storage Systems (BESS) for any renewable energy power plant shall be considered as separate use to the power plant and must meet the following requirements at a minimum to ensure safety of the surroundings and emergency response access:

(a) the location selected shall be developed in such a manner that the grounds on and around the BESS facilities shall be of a fire retardant, non-combustible material such as rock, concrete or other similar material for at least 30.5 m (100 ft.), measured from the external wall of the BESS unit, and no flammable structures are contained within that surface; and

(b) shall have a spill containment and/or secondary containment engineered to contain any substances that could spill during typical operations or fire event and that is of a sufficient size to contain the proposed volume of until it can be remediated.

6.2 All Battery Energy Storage Systems (BESS) for any renewable energy power plant shall be set back:

(a) not less than 500 m (1640 ft) from any residence;

(b) not less than 53.3 m (175 ft) from any municipal road right-of-way (developed or undeveloped)

(c) not less than 85.34 m (280 ft) from the intersection of two registered road allowances, with or without an existing developed municipal road.

6.3 All BESS facilities shall have a means of direct access to/from a Municipal District developed road and shall be constructed in such a manner as to allow heavy truck traffic to convey across unimpeded.

6.4 The entire BESS facility shall be perimeter fenced with at least a 6' high security chain link fence with barbed wire overhang.

6.5 All BESS facilities shall be signed on the perimeter fence gate or side nearest the access road with a sign indicating:

(a) the danger of stored energy/electricity;

(b) access is restricted;

(c) the emergency response number of company; and

(d) any other pertinent information specific to stored energy or the batteries' chemical composition which would aid first responders.

6.6 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 Council 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.

(a) 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.

(b) 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.

6.7 As a condition of approval the applicant/developer shall comply with an approved conservation and reclamation plan which may include but not be limited to:

(a) that a pre-disturbance site assessment be filed with the 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 a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council 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.

(d) require that the project commence construction within two years of approval, and complete the project within four years;

(e) require that the operation remain in continuous operation and if the operation is inactive for two consecutive years, or two cumulative years over a five-year period, the obligation to decommission the site is automatically triggered;

(f) require that, should the developer propose alteration, retooling or repowering of an existing BESS project where the equipment has changed from the original approval, the developer shall apply for a new development permit;

(g) require that the applicant install lighting that complies with the dark sky policies found in Schedule 4, section 10.

## SECTION 7 OFFICE, MAINTENANCE BUILDING, WORK OR LAYDOWN YARD ASSOCIATED WITH ENERGY PROJECTS

7.1 The following minimum setbacks apply:

| Uses | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| All development including fencing | 22.8 | 75 | 22.8 | 75 | 22.8 | 75 |

7.2 All buildings, structures and development on parcels having frontage on a highway may have special requirements for setback, access and service roadways as determined by the Municipal Planning Commission in accordance with the requirements of Alberta Transportation.

7.3 The working area or laydown area utilized for the construction of an industrial scale renewable energy project shall not be located:

(a) closer than 500 metres (1640 ft.) to a residential dwelling, the separation distance being measured from the edge of the dwelling to the nearest edge of the planned construction working area or laydown yard;

(b) within 500 metres (1640 ft.) of an individual residence where provision is made regarding site-specific mitigation of noise, dust, visual, traffic, lighting and other effects of the development as agreed to by the resident in writing and a copy of the agreement submitted to the municipality;

(c) within 1000 metres (3,280 ft.) of a multi-lot or grouped country residential subdivision, hamlet or urban centre. The separation distance shall be measured from the nearest property line of the multi-lot subdivision to the nearest edge of the planned working area of the work or laydown yard.

7.4 Development permit applications shall be accompanied by the following information, as deemed necessary by the Development Officer:

(a) a detailed site plan including:

(i) identifying all proposed development on the site including construction trailers, outdoor storage, waste management locations, worker areas (including washroom buildings, lunch break areas, etc), parking and loading areas, proposed lighting and fencing:

(ii) all proposed development must be indicated on the site plan with dimensioned setbacks from property lines and the proximity of the proposed development site to adjacent parcels of land,

(iii) distances between the proposed development and any existing residences, grouped residential developments, or recreational areas with the noted setback distances in Section 7.3 above;

(b) any information regarding general public safety and security measures;

(c) preliminary grading/drainage plan;

(d) proposed lighting plan to comply with Dark Sky Policies;

(e) 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;

(f) a detailed plan of how industrial waste management practices will be part of the construction operations, for both the power generator and temporary laydown yard sites. Plans to address the following must be included with the application:

(i) all transport bracings, dunnage, crating or wrapping/packing material to be identified for removal (or recycling where possible);

(ii) all wastes are required to be removed offsite and disposed of at an appropriate landfill

(iii) applicants/developers/operators will all be responsible for the cleanup of any litter escaping the lands being used or developed for the laydown area and wind fencing maybe required to be installed as a condition of approval.

(g) a detailed plan of how the site will be reclaimed upon the ceasing of the land for the purposes of a lay-down yard.

(h) 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;

(i) if required by the Development Authority, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and

(j) 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.

## SECTION 8 SITE SPECIFIC DIRECT CONTROL

8.1 **Homestead Solar**

Bylaws: 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, and 1974.

**Schedule 2**

# FLOOD HAZARD PROTECTION OVERLAY

## SECTION 1 PURPOSE AND INTENT

The general purpose of this section is to provide for the safe and efficient use of lands within the floodway, high hazard flood fringe, and flood fringe as identified in the **"Fort Macleod Flood Study (2024)"** which currently assesses flood hazards along 19 km of the Oldman River and 15 km of Willow Creek through the Municipal District of Willow Creek and other provincial flood study in the future.

The intent of this section is to discourage new development on lands subject to flooding and achieve the long-term goal of maintaining and decreasing the overall density of development on lands that may be subject to flooding. The intent of the overlay district is to act as a layer with specific criteria that must be complied with that will exist over a property's existing land use designation. The overlay will direct additional information criteria and considerations for development and subdivision which take into account the potential for flood hazards as identified by the province.

## SECTION 2 APPLICABILITY

2.1 The provisions of this section shall apply to the following areas of the Municipal District as depicted on Alberta Environment and Protected Areas web site: https://www.alberta.ca/flood-hazard-identification-program and can be viewed using the Flood Awareness Map Application, and include:

(a) areas within floodway; and

(b) areas within flood fringe;

(c) areas impacted by flood events as depicted in the provincial flood mapping for the Municipal District of Willow Creek.

2.2 The provisions of this section shall apply to the following areas of the Municipal District as depicted in **Schedule 2, Overlays Maps, Flood Hazard Protection Overlay** and include:

(a) those lands contained adjacent to the Oldman River and

(b) those lands contained adjacent to the Willow Creek.

2.3 The following definitions shall apply to this overlay:

**Design Flood** – The minimum design flood standard in Alberta is the 1:100 flood, which is defined as a flood whose flow has a 1% chance of being equaled or exceeded in any year. The design flood can also reflect 1:100 ice jam flood levels if they are more severe than 1:100 open water flood levels or be based on a historical flood.

**Floodway** – The portion of the flood hazard area where flows are deepest, fastest, and most destructive. Floodway is described in the Alberta Environment and Protected Area's Flood Hazard Identification Program.

**Flood Hazard Area** means the total area flooded by a 1:100-year flood. It is usually divided into floodway and flood fringe zones.

**Flood Fringe** means the outer portion of the flood hazard area and the floodwater in the flood fringe is generally shallower and flows more slowly than in the floodway. Flood fringe is described in the Alberta Environment and Protected Area's Flood Hazard Identification Program.

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

**Flood Hazard Protection Overlay Area** or Lands Subject to Flooding means are those lands included on the maps in Schedule 1.

**High Hazard Flood Fringe** – The high hazard flood fringe identifies areas within the flood fringe with deeper or faster moving water than the rest of the flood fringe.

2.4 The lands subject to the Flood Hazard Overlay are found in Figure 1 below and can be viewed at Alberta Government Open portal at the Flood Hazard Identification Program https://www.alberta.ca/flood-hazard-identification-program.

## SECTION 3 DEVELOPMENT WITH THE OVERLAY DISTRICT

**Use**

3.1 In the Flood Hazard Protection Overlay, the permitted and discretionary uses listed in the land use district in which the site is located shall continue to apply only if supported by engineering and technical studies and meet all applicable development requirements.

3.2 Where provisions of the Flood Hazard Protection Overlay appear to be in conflict with the regulations of the land use district, the provisions of the Overlay shall take precedence and be applied in addition to the regulations of the district.

**Permits**

3.3 Properties which are located partially or entirely within the Flood Hazard Protection Overlay require a development permit for both permitted and discretionary uses.

3.4 The Development Authority may allow development on a site without the requirements of a development permit, where the landowner/applicant can provide proof that the development is located entirely outside of the designated Flood Hazard Protection Overlay area on the property and the use would be exempt from a permit in the land use district.

3.5 If constructing on a portion of land outside of the Flood Hazard Protection Overlay District, a site plan, real property report or survey will be required with the application which identifies the proposed building location.

3.6 If the parcel is entirely within the Flood Hazard Protection Overlay District, or the area proposed for construction is located on a portion of the property within the Flood Hazard Protection Overlay District, the applicant will be required to engage a professional Hydrological Engineer to provide recommendations to be submitted with the development permit application to ensure the proposed location and structure will endure potential flooding.

3.7 If new development is proposed within the floodway, proof must be provided that no other lands are available to locate the development within the lot. Should other lands be available on the lot that is outside of the floodway, new development within the floodway will not be permitted.

3.8 Development may be permitted in the Flood Hazard Protection Overlay at the discretion of the Development Authority based on the following plans, studies and information which are certified by a qualified and registered professional engineer and include:

(a) an appropriate engineering or technical studies supporting development safely within the Flood Hazard Protection Overlay area will be required to be submitted;

(b) detailed drainage studies and plans drawn to metric scale showing the nature, location, dimensions, elevation of the site and the location of existing or proposed structures, fill, storage of materials, and drainage facilities;

(c) any structure proposed including habitable rooms, electrical panels and heating units and operable windows will be flood-proofed where required, as specified in Alberta Building Code;

(d) information on grade elevation in relation to the 1:100-year flood elevation;

(e) Canadian Mortgage and Housing Corporation guidelines for building in flood susceptible areas; basement drainage; and/or site drainage.

3.9 The Development Authority may refer to Alberta Environment and Protected Areas, for comment on any development permit application for development within the flood hazard area.

3.10 The Development Authority shall not issue a development permit until it is satisfied through the submission of engineering reports that adequate flood proofing exists.

3.11 The Development Authority shall permit minor renovations and repairs to an existing building, whether structural or not, in the flood fringe without requiring the flood proofing of a building.

3.12 All mechanical and electrical equipment within a building shall be located at or above the designed flood level.

3.13 Basements shall be discouraged in new buildings within the flood fringe, floodway and on lands impacted by the Flood Hazard Protection Overlay District, unless they are flood proofed to the satisfaction of the Approving Authority.

3.14 Within the Flood Hazard Protection Overlay Area, no inside or outside storage of chemicals, explosives, flammable liquids, toxic or waste materials that cannot readily be removed in the event of a flood shall be allowed.

## SECTION 4 FLOOD HAZARD WARNING AND DISCLAIMER OF LIABILITY

4.1 The degree of flood protection intended to be provided by this section is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study for river and lakeshore settings. Larger floods may occur, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris.

4.2 This section does not imply that areas outside the floodway and flood fringe boundaries will always be totally free from flooding or flood damages, nor shall this section create a liability on the part of or be a cause of action against the Municipal District of Willow Creek No. 26 or any officer or employee thereof for any flood damages that result from the reliance on this section.

# RESERVOIR VICINITY OVERLAY

## SECTION 1 PURPOSE AND INTENT

The general purpose of this section is to provide for the safe and efficient use of lands adjacent to Pine Coulee Reservoir, Twin Valley Reservoir and Clear Lake, of which all lands are subject to duly adopted Area Structure Plans or Intermunicipal Development Plans. The intent of overlay is to review new development adjacent to water bodies in terms of impact on the operation and function of the irrigation reservoirs.

## SECTION 2 APPLICABILITY

2.1 While the construction and subsequent operation of water reservoirs is the responsibility of Alberta Environment and Protected Areas, the Municipal District of Willow Creek No. 26 is charged with controlling and regulating land use as the subdivision and development authority for privately-owned lands adjacent to the reservoirs.

2.2 Alberta Environment and Protected Areas and Protected Areas are responsible for the operation and maintenance of off-stream water reservoirs within the Municipal District of Willow Creek No. 26. The Pine Coulee Reservoir as well as the Little Bow Project, which includes both the Twin Valley Reservoir and diversion works to augment Clear Lake, have had area structure plans prepared and adopted as part of the decision by the Natural Resource Conservation Board.

2.3 The provisions of this section shall apply to the following areas of the Municipal District as depicted in **Schedule 2, Overlays Maps, Reservoir Vicinity Overlay** and include:

(a) those lands contained within the Pine Coulee Area Structure Plan; and

(b) those lands contained within the Little Bow Project Intermunicipal Development Plan (Twin Valley); and

(c) those lands contained within the Clear Lake Area Structure Plan.

## SECTION 3 GENERAL STANDARDS OF THE OVERLAY DISTRICT

3.1 Lands within the Reservoir Vicinity Overlay shall be designated as “Rural General” unless otherwise designated to another land use district found in Schedule 1.

3.2 All proposed non-agricultural uses not allowed within the “Rural General” land use district shall be required to undertake a redesignation process by Council prior to any decision being rendered on a proposed subdivision or development application.

3.3 At the discretion of Council or the appropriate development authority, a more detailed area structure plan may be required to be submitted in conjunction with a land use redesignation request on lands within the Overlay boundary.

3.4 The subdivision and/or development of lands within the Overlay boundary shall not significantly affect the reservoir infrastructure, any existing agricultural uses, nor any historical or archaeological resources in the immediate area.

3.5 Prior to rendering decisions on subdivision and/or development applications, the appropriate approval authority shall solicit and take into consideration the comments of any government department or agencies to whom the application was circulated.

3.6 Any action or decision rendered by Council or the Development Authority shall be consistent with the Municipal Government Act, the Provincial Land Use Policies, South Saskatchewan Regional Plan, any adopted Intermunicipal Development Plan, and all municipal planning-related documents and bylaws.

3.7 Any subdivision or development which proposes access to the reservoir shall be required to obtain the necessary reservoir access agreements from Alberta Environment and Protected Areas.

## SECTION 4 DEVELOPMENT WITH THE OVERLAY DISTRICT

4.1 In the Reservoir Vicinity Overlay, the permitted and discretionary uses listed in the land use district in which the site is located and should meet all applicable development requirements that apply.

4.2 Where provisions of the Reservoir Vicinity Overlay appear to be in conflict with the regulations of the land use district, the provisions of the overlay shall take precedence and be applied in addition to the regulations of the district.

4.3 A development permit is required for all permitted and discretionary uses and activities within the Reservoir Vicinity Overlay, unless specifically exempted in Schedule 3, Development Not Requiring a Permit.

4.4 In order to protect municipal, domestic and agricultural water supply, overall water quality and existing development in the immediate vicinity, the spreading of animal manures and the establishment of new intensive livestock operations within the Reservoir Vicinity Overlay shall be prohibited.

## SECTION 5 SUBDIVISION WITH THE OVERLAY DISTRICT

5.1 The Municipal District of Willow Creek No. 26 shall address each subdivision and development proposal on its own merits based on the criteria proposed in this bylaw and, as such, the sequence of any development proposed within the area structure plan boundaries has not been specified.

5.2 In the Reservoir Vicinity Overlay, subdivision of lands shall be in accordance with the land use district in which the parcel subject to the application is located.




# Schedule 3

## DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

**Schedule 3**

# DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

## SECTION 1 GENERAL

1.1 This Schedule does not negate the requirement of obtaining all required permits, as applicable, under the Safety Codes Act and any other Provincial or Federal statute.

1.2 This schedule does not negate the requirement of obtaining a business license where required.

1.3 Developments that shall not require a development permit must otherwise comply with all provisions of this bylaw including:

(a) the development must conform to the uses in the land use district in which the development is proposed; and

(b) the development must meet or exceed the applicable development standards including but not limited to setbacks from property lines, height, and site coverage as stated in the applicable land use district.

1.4 Notwithstanding that no development permit may be required by the municipality for the uses outlined below, any development within 300 m (984 ft.) of the limit of a provincial controlled highway or within 800 m (2,625 ft.) from the centre point of an intersection of a controlled highway and a public road would require the benefit of a permit from Alberta Transportation. This includes dugouts, shelter belts, animal shelters, etc.

1.5 If there is a doubt as to whether a development is exempt from obtaining a development permit, the matter shall be decided by the Municipal Planning Commission.

## SECTION 2 MUNICIPAL, PROVINCIAL AND FEDERAL DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following developments shall not require a development permit but must otherwise comply with all other provisions of this bylaw and other legislation in accordance with Section 1 of this schedule.

2.1 The maintenance or repair of public works, services and utilities on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities.

2.2 The installation and maintenance of buildings required for municipal operations on lands that are owned by the Municipal District of Willow Creek.

2.3 Municipal signs on public land.

2.4 The installation and maintenance of new or replacement playground facilities in public parks that are owned and operated by the Municipal District of Willow Creek.

2.5 Any use or development exempted under section 618(1) of the MGA.

2.6 Any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the MGA.

2.7 Telecommunication antenna systems that are regulated by Science, Innovation and Economic Development Canada subject to Schedule 8, Telecommunication Antenna Siting Process.

2.8 The completion of a building which was lawfully under construction at the date this bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted.

2.9 The completion of a building that did not require a development permit under the previous Land Use Bylaw and which was lawfully under construction prior to the adoption of this bylaw, and provided the building is completed within 12 months from the date this bylaw came into effect.

## SECTION 3 AGRICULTURAL DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following developments shall not require a development permit but must otherwise comply with all other provisions of this bylaw and other legislation in accordance with Section 1 of this schedule and applies to the **Rural General – RG, Nanton Urban Fringe – NUF, Residential Growth Area – RGA,** and the **Commercial Industrial Growth Area – CIGA** Land Use Districts. Landowners should complete the Farm Building Exemption Form for any buildings or structures.

3.1 Any use, building or structure associated with extensive agriculture or grazing (including corrals and wooden fences, stockpiles, farm sheds, quonsets, barns and farm workshops, haystacks and livestock shelters, pole-barns, fencing, grain bins, windrows, shelter belts and landscaping) not located:

(a) 22.9 m (75 ft.) from the right-of-way of any road; or

(b) 30.5 m (100 ft.) from a naturally occurring water body or outside the 1:100 flood levels, whichever distance is greater;

(c) within the Flood Hazard Protection Overlay; and

(d) must meet all requirements of the Land Use Bylaw.

3.2 Any use, building or structure proposed to be located within the above stipulated setback distances would require a development permit for an approved setback waiver. [Note: residential dwellings, additions, garages and shop buildings require a development permit.]

3.3 A dugout is exempt from a development permit if the applicable setbacks to all roadways (including the required site triangle restriction) and property lines are met in accordance with the bylaw (setbacks are to include the area for berms, stockpiles and fencing associated with a dugout).

3.4 Extensive agriculture or grazing of land.

3.5 Farm gravel pits for on-farm use to a maximum of 0.4 ha (1 acre);

3.6 The cutting or harvest of trees on private lands for personal use.

3.7 The demolition of an agricultural building or structure.

3.8 The erection or maintenance of agricultural fences associated with the extensive cultivation or grazing of land or an “Extensive agriculture” use;

3.9 Except in hamlets, the erection of farm, institutional, or memorial signs, including overhead gate signs, may be allowed to locate within the prescribed setbacks on private property provided all the following conditions are met:

(a) the signs conform with this bylaw in every other respect, and

(b) the signs do not obstruct vehicular visibility or create a snow-drifting problem.

3.10 The erection of real estate for sale signs may be allowed on a temporary basis provided the signs are located on private property and do not exceed 0.56 $m^2$ (6 $ft^2$) in size.

3.11 Two shipping containers associated with agriculture on a parcel at least 2 ha (5 acres) in size.

## SECTION 4 RESIDENTIAL DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following developments shall not require a development permit but must otherwise comply with all other provisions of this bylaw and other legislation in accordance with Section 1 of this schedule and applies specifically the **Hamlet Residential** Land Use District.

4.1 The carrying out of works of maintenance or repair to any building, if such works do not include structural alterations or major works of renovation including:

(a) interior renovations to a building which do not:

(i) create another dwelling unit,

(ii) increase parking requirements,

(iii) result in the change of use of a building,

(iv) increase the square footage (increase density), or

(v) change the exterior height of the building;

(b) changing the exterior finish of a building unless it is required as a condition of an authorized development permit.

4.2 Garden sheds, tool sheds and similar accessory buildings provided that:

(a) the accessory buildings do not exceed 9.2 $m^2$ (100 $ft^2$) in area and is not placed on a permanent foundation; and

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

4.3 Public utility buildings within designated hamlets on land owned by the Municipal District of Willow Creek;

4.4 Landscaping that was not specially required as part of the original development permit, provided any such landscaping meets the applicable setbacks to all roadways in accordance with the bylaw.

4.5 The erection of towers, flag poles and other poles not exceeding 15.2 m (50 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).

4.6 Uncovered decks or patios less than 0.6 m (2 ft.) above grade.

4.7 Any satellite dish less than 1 m (3.3 ft.) in diameter.

4.8 Temporary outdoor swimming pools (taken down each year) and above ground hot tubs.

4.9 The installation of asphalt, concrete, brick, stone, wood or aggregate driveways, sidewalks, patios or steps;

4.10 Soft-shelled buildings less than 10.0 $m^2$ (108 $ft^2$) in size;

4.11 Day homes;

4.12 Class A and Class C Signs may be exempt from requiring a development permit if the applicable provisions including but not limited to the size, density and setbacks which are contained in Schedule 6, Section 36 are met in accordance with the requirements of the bylaw.

4.13 Within designated hamlet residential districts, unless otherwise restricted in a district, the erection or construction of gates, fences, walls or other means of enclosure.

4.14 If there is any question whether or not a development requires a development permit, the matter shall be referred to the Municipal Planning Commission for a determination.

## SECTION 5 NON-RESIDENTIAL DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following developments shall not require a development permit, but must otherwise comply with all other provisions of this bylaw and other legislation in accordance with Section 1 of this schedule and applies to the **Hamlet Business – HB, Willow Creek Business Park – WCBP, Rural Commercial -RC, Rural Industrial – RI, Natural Resource Extraction – NRE, Claresholm Airport,** and the **Rural Recreational District – RR** Land Use Districts.

5.1 The temporary placement or construction of works, plants or machinery (not including shipping containers) needed to construct a development for which a development permit has been issued for the period of those operations.

5.2 Temporary and directional signs.

5.3 Excavation, grading, stripping, or stockpile provided it is part of a development for which a development permit has been issued or is addressed in a signed Development Agreement with the Municipal District of Willow Creek.

5.4 Seasonal sales that are not permanent, but may require a Municipal District of Willow Creek No. 26 Business License, (e.g. farmers' market, outdoor amusement park, fruit and vegetable stands, Christmas tree sales, etc.) if in the opinion of the Development Authority, such sales, activities and special events would not adversely affect:

(a) parking, or

(b) traffic flow, or

(c) the appearance of the site, or

(d) public safety, and

(e) the seasonal outside sale, activity or special event is in operation for a period not to exceed 30 days.

5.5 In all non-residential land use districts, heavy machinery excavation (i.e. stripping or stockpiling of topsoil, and rough grading of land), when such operations are performed in accordance with a valid Development Agreement made with the municipality which authorizes such work.

5.6 Despite Section 5.5 above, where no development agreement for heavy machinery excavation (i.e. stripping or stockpiling of topsoil and rough grading of land) exists, an application for a development permit is required.

5.7 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 in association with an approved permit for a laydown yard/use.

5.8 Class A and Class C Signs may be exempt from requiring a development permit if the applicable provisions including but not limited to the size, density and setbacks which are contained in Schedule 6, Section 36 are met in accordance with the requirements of the bylaw.

5.9 Within all non-residential districts, unless otherwise restricted in a district, the erection or construction of gates, fences, walls or other means of enclosure.

5.10 Recreation development associated with public utility facilities, playground equipment, walking trails and other passive recreation on land owned by the Municipal District of Willow Creek.

5.11 If there is any question whether or not a development requires a development permit, the matter shall be referred to the Municipal Planning Commission for a determination.




# Schedule 4

## LAND SUITABILITY AND SERVICING REQUIREMENTS

**Schedule 4**

# LAND SUITABILITY AND SERVICING REQUIREMENTS

## SECTION 1 APPLICABILITY

1.1 The provisions of this Schedule apply to all districts unless otherwise stated.

## SECTION 2 ACCESS

**General**

2.1 A parcel has access when it abuts either a public road or a private road approved in a condominium plan developed to full Municipal District standards.

2.2 The Municipal District Willow Creek No. 26 reserves the right to determine the most suitable access and egress point(s) onto a developed or undeveloped road with regard to any new accesses in the municipality at the time of application for development permit or subdivision.

2.3 As a condition of subdivision or development approval, the Development Authority may require the construction of new approaches, upgrading of existing approaches and/or removal of approaches to achieve the desired long-term planning and transportation objectives of the Municipal District.

2.4 If a parcel does not have access to a developed road to Municipal District Standards as outlined in the Municipal District Design Guidelines, the Development Authority shall require the applicant to develop a road to Municipal District Standards to provide access within the public road right-of-way.

2.5 The Development Authority shall impose a condition requiring the applicant to enter into a development agreement to construct or pay for the construction or upgrading of public roads necessary to serve the development or subdivision.

2.6 No use, development or subdivision shall be allowed without provision for congruent legal and physical access.

**Parcels Without Access**

2.7 When the only public roadway that the parcel abuts is an undeveloped road allowance or a road not developed to Municipal District Standards, the parcel does not have access.

2.8 Notwithstanding the land use rules for the land use district in which a parcel of land is located, all listed uses are discretionary when a parcel does not have access as described in 2.7.

**Easements**

2.9 The Development Authority may allow access by way of easement if deemed appropriate. In such case, the agreement, which shall deal with any matters required by the Development Authority, shall be registered on title and shall not be discharged without the authorization of the Development Authority.

**Construction of Approaches**

2.10 As a condition of development or subdivision approval, the Development Authority may require the construction of new approaches, upgrading of existing approaches and/or the removal of existing approaches to achieve desired access management objectives.

2.11 All approaches shall be constructed or upgraded to the satisfaction of the Public Works Department in accordance with Municipal District Design Guidelines. Where required, adjustments to approaches shall be at the cost of the applicant.

**Private Driveways in Rural Areas**

2.12 Landowners are responsible for the construction of private driveways in accordance with Policy 320-26 – Private Driveway Policy and may be required to enter into a development agreement.

2.13 Landowners are responsible for:

(a) ensuring that the driveway is in compliance with any applicable provincial or federal legislation;

(b) all snow removal, blowing, grading, gravelling, paving or any other maintenance of the driveway;

(c) erosion control measures to maintain the slope, including but not limited to mulching, matting or seeding;

(d) the construction and maintenance of any gates or signs placed on or around the driveway.

2.14 Private driveways shall be constructed in accordance with the following:

(a) the surface area of the driveway shall be a minimum of 5 m (16.4 ft.) in width, with a 0.6 m (2 ft.) shoulder or slide slope;

(b) the surface shall be gravelled;

(c) shoulders and side-slopes shall be no more than 3 to 1;

(d) a culvert shall be installed at the ditch where the driveway meets the municipal or provincial road, as directed by the Director of Operations or Alberta Transportation;

(e) the driveway shall be setback 6 m (20 ft.) from adjacent lands;

(f) gates shall be set so as not to encroach on the developed municipal road and shall not create a snow drifting hazard;

(g) a vehicle turn-around area sufficient to allow for the turning radius of an emergency vehicle or school bus shall be provided.

**Private Driveways in Hamlets or Multi-lot subdivisions**

2.15 Landowners are responsible for the construction of private driveways and may be required to enter into a development agreement with the Municipal District. The Municipal Planning Commission or Development Officer shall require:

(a) Vehicular access for corner lots shall generally be limited to locations along the minor street or cul-de-sac.

(b) In residential districts where a subject property does not provide a side yard sufficient for a driveway, then one off-street parking pad may be permitted in the front yard to a maximum of 20 ft. (6.1 m) in width.

(c) Only one driveway per lot should be permitted for residential development. A parking pad accessed from a registered laneway is not considered a driveway.

(d) Driveways shall be a minimum of 10 ft. (3.0 m) and a maximum of 20 ft. (6.1 m) in width, unless otherwise approved by the Municipal Planning Commission, on the basis of merit.

(e) Driveways shall be a minimum of 10 ft. (3.0 m) from the entrance to a lane and 25 ft. (7.6 m) from the intersection of two registered road rights-of-way.

**Road Frontage and Access**

2.16 All newly created lots shall have frontage on a public roadway which enables direct physical and legal access onto that public road. Frontage on a laneway alone will not be permitted. The minimum frontage requirements shall be as defined by the minimum lot dimensions in the applicable land use district.

2.17 All new development shall have frontage on and direct physical and legal access to a maintained public roadway, except for:

(a) development internal to a condominium plan containing private roadways; and

(b) development internal to a manufactured home community, dwelling group, or multi-use development containing internal roadways as approved by the Municipal Planning Commission.

2.18 Vehicular access to a corner lot shall generally be limited to locations along the minor residential street.

2.19 The Municipal Planning Commission may require access to be located so that it can be shared with an adjoining lot or development.

**Access to and Development near Provincial Highways**

2.20 All accesses onto provincial highways shall be approved by Alberta Transportation. All access to a provincial highway is considered temporary. Alberta Transportation will review any development adjacent to a provincial highway and determine whether an access, existing or proposed, is acceptable.

2.21 All land redesignations and new developments that will cause intensified or increased use of any access to provincial highways shall be approved by Alberta Transportation.

2.22 Provincial legislation may require that Alberta Transportation issue a Roadside Development Permit when development takes place in proximity of the provincial highway system.

2.23 Any development within the right-of-way or within 300 m (984 ft.) beyond the limit of the highway or within 800 m (2625 ft.) from the centre point of the intersection of the highway and another highway would require the benefit of a permit from Alberta Transportation.

2.24 A Traffic Impact Assessment (TIA) may be required to be prepared by Alberta Transportation at the sole cost of the developer or landowner to ensure that the existing at-grade local intersection with provincial highways would be adequate to accommodate the additional traffic that may be generated by the proposed development.

## SECTION 3 PUBLIC ROADWAY SETBACKS AND INTERSECTION SIGHT TRIANGLE REQUIREMENTS

**Setback From Public Roads - Rural**

3.1 In order to facilitate future widening/service road dedication and reduce potential snow drifting/sight restrictions, nothing shall be constructed, placed, excavated, or allowed to grow within the setback distances contained in each Land Use District from a rural public road (includes developed and undeveloped road rights-of-way/road allowances) except by Municipal Planning Commission approval. Refer to Figure 1 for illustration.

3.2 Extensive Agriculture (cultivation and grazing of land), bee hives, and irrigation systems within the Rural General District are exempted from section 3.1 provided snow drifting/sight restrictions are not created on adjacent roadways.

3.3 The Development Authority may require a greater setback distance from a public road (including developed and undeveloped road rights-of-way/road allowances) at its discretion.

3.4 Development within 300 m (984 ft) of a provincial highway right-of-way or 800 m (0.5 mile) from the centreline of a provincial highway and a public road intersection may be subject to additional setbacks and approvals as required by Alberta Transportation.

3.5 Despite any approvals granted by Alberta Transportation under section 3.4, in circumstances where this Section or the Development Authority stipulates a greater setback requirement than Alberta Transportation, the greater setback shall prevail.

**Setback From Local Internal Subdivision Roads - Rural**

3.6 The setback distances for all development, including buildings, structures, dugouts, shelterbelts, etc., from a local public road (developed or undeveloped) internal to a subdivision deemed as such by the Development Authority within land zoned Rural Industrial, Grouped Country Residential, Rural Commercial, and Rural Recreational, are as prescribed within the district standards.

**Setback From Public Roads Within Hamlets and Localities**

3.7 The setback distances of all development, including buildings, structures, landscaping, etc., from a public road (developed or undeveloped) within a designated hamlet and locality are as prescribed within the district standards. Refer to Figure 2 for illustration.

**Intersection Sight Triangle Setbacks - Rural**

3.8 Unless otherwise specified in this Bylaw, no buildings, structures, dugouts, reservoirs, excavations, shelterbelts, haystacks, fences, or other visual obstruction more than 2 ft. above a rural road grade are allowed within the 85.4 m. (280 ft) intersection sight triangle setback, measured along the property line, and illustrated in Figure 1, except by Municipal Planning Commission approval.

**Intersection Sight Triangle Setbacks - Urban**

3.9 Within a designated hamlet or locality with hamlet zoning, on a corner lot nothing shall be erected, placed, planted, or allowed to grow, in such a manner as to materially impede vision between a height of 0.91 m (3 ft.) and 3.05 m (10 ft.) above the centre-line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property line 7.62 m (25 ft.) from the point of intersection (Figure 2).

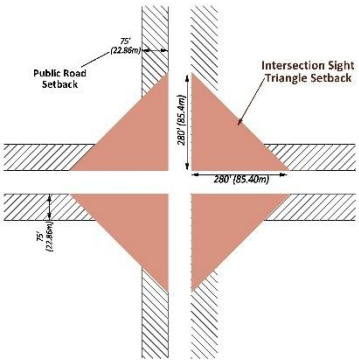



Figure 1 – Public Road and Intersection Sight Triangle Setbacks Rural Roads

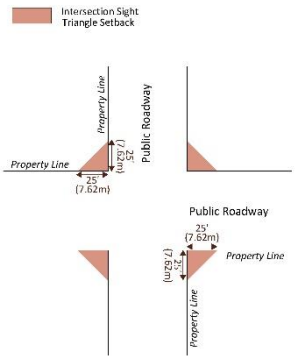



Figure 2 – Intersection Sight Triangle Setback – Urban or Grouped Lots

## SECTION 4 WETLANDS, WATER BODIES AND RIVER VALLEYS

4.1 The Development Authority may place development related conditions, including setbacks, on an application for development approval that may impact a water body, riparian area and/or environmentally significant area in accordance with the management practices outlined in Stepping Back from the Water (Government of Alberta, 2012) and/or the "Environmentally Significant Areas in the Oldman River Region" (Cottonwood Consultants, 1989).

4.2 An application for subdivision or development shall be required to identify all wetlands within the project area. Where required by the Development Authority, a professionally prepared wetland assessment shall be submitted prior to a decision on an application. Activities that may impact a wetland are expected to follow the Alberta Wetland Policy's mitigation hierarchy by seeking first to avoid, then minimize, then reclaim impacts to wetlands.

4.3 Land areas identified as permanent wetlands or that have wetland status as identified by Alberta Environment and Protected Areas are considered generally unsuitable for the majority of developments and may be denied a development permit at the discretion of the Development Authority.

4.4 Before approving any application to locate or expand a land use in or adjacent to a river valley or shoreland area, the Development Officer shall refer such an application to any local, regional, provincial or federal government agency that, in its opinion, has an interest in land use management.

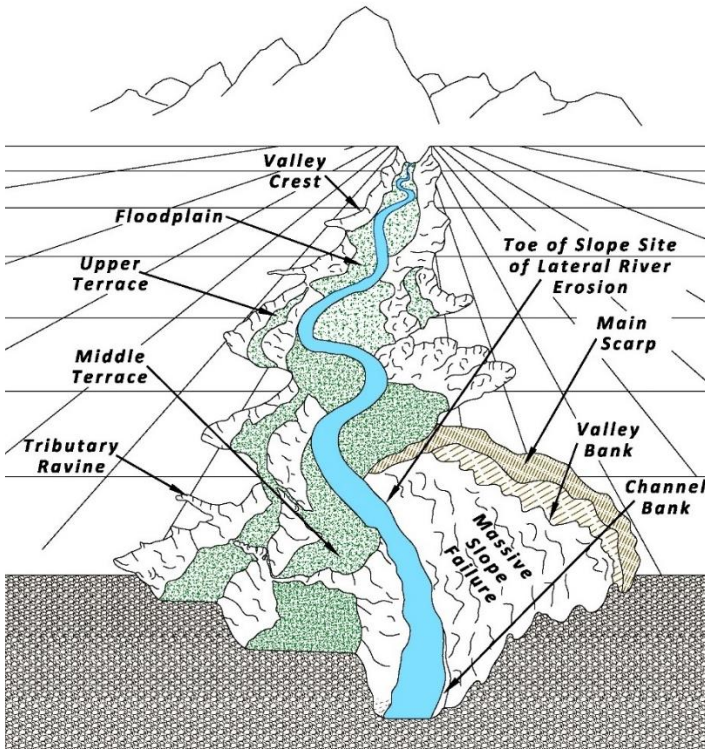



Figure 3 – River Valley

4.5 No application to locate or expand a land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Development Authority, the proposal will not:

(a) be located in a flood prone area;

(b) cause soil erosion or damage to a riverbank;

(c) cause deterioration of water quality;

(d) hinder the flow of water to the river;

(e) compromise aesthetic quality or natural amenities;

(f) be detrimental to an area of ecologically sensitive habitat or of historic or scenic importance;

(g) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is for a non-agricultural use;

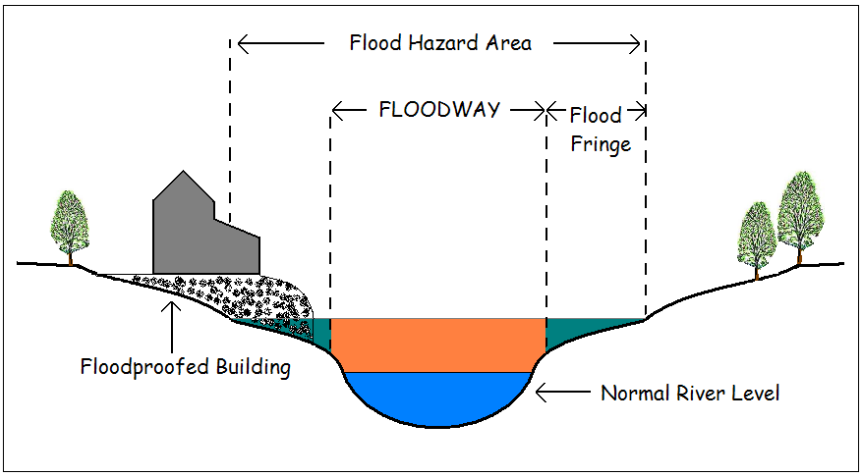
(h) have a detrimental effect on existing or proposed recreation areas; or

(i) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.

## SECTION 5 LANDS SUBJECT TO FLOODING

***NOTE TO READER:*** *Under section 693.1 of the MGA, the Lieutenant Governor in Council is empowered to enact regulations that rearticulate the meaning of floodway, and that control or outright prohibit the use or development of land located in a floodway within a municipality. Should such regulations be brought into force, Municipal District of Willow Creek No. 26 will be required to amend this Bylaw as necessary to ensure it complies with all provisions in the regulations.*

**Figure 5.1**




**Lands subject to the Flood Hazard Protection Overlay**

5.1 The Flood Hazard Protection Overlay apply to the lands identified in Schedule 1. If there is a conflict between the overlay and the underlying district, the provisions and regulations of the overlay shall take precedence and effect. Lands subject to the overlay shall follow the policy within Schedule 2: Flood Hazard Protection Overlay.

**Lands subject to Flooding not subject to the Flood Hazard Protection Overlay**

5.2 The Development Authority may refuse to approve an application for subdivision or development if it is of the opinion that the parcel or development will be located within the flood hazard area, or if it cannot be clearly demonstrated to the satisfaction of the Development Authority that the parcel will not be subject to flooding.

5.3 New development within the flood hazard area, as shown in Figure 5.1, shall be strongly discouraged; however, should the Development Authority 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 0.6 m (2 ft) above the flood elevation level corresponding to the design flood; and

(c) buildings shall have no “finished” floor space developed below the flood elevation level corresponding to the design flood.

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

5.5 Before a development permit is issued in a flood hazard area, the Development Authority may require that the applicant provide a certificate containing the seal and signature of a professional engineer or architect indicating that the requirements listed above have been met and that the building or structure is adequately protected against flood damage to the flood elevation level corresponding to the design flood.

5.6 The Development Authority may consult with Alberta Environment and Protected Areas or other qualified organizations or individuals to assist in determining high-water marks, flood hazard areas, banks and the level of a lake, dam, river or other waterway taking into account design flood elevation levels, wind set-up and wave run-up.

5.7 Where flood hazard area data is not available, but the Development Authority believes that lands may be subject to flooding, the Development Authority may require that development be set back such distance as the Development Authority considers reasonable and appropriate to minimize the risk of flooding.

5.8 Where a proposed development is granted permission to locate within the flood fringe of a flood hazard area of any water body, the Development Authority may request the developer to provide any of the following requirements prior to the issuance of a development permit:

(a) the registration of a Save Harmless Agreement against the title indemnifying the municipality in case of a subsequent flood causing damage to the development;

(b) the design for an appropriate private sewage disposal system to the satisfaction of the appropriate health authority and the Safety Codes Act;

(c) a certificate from a qualified Alberta Land Surveyor stating the top of the footings of any proposed development will be at or above the flood hazard area level and proof of such elevation;

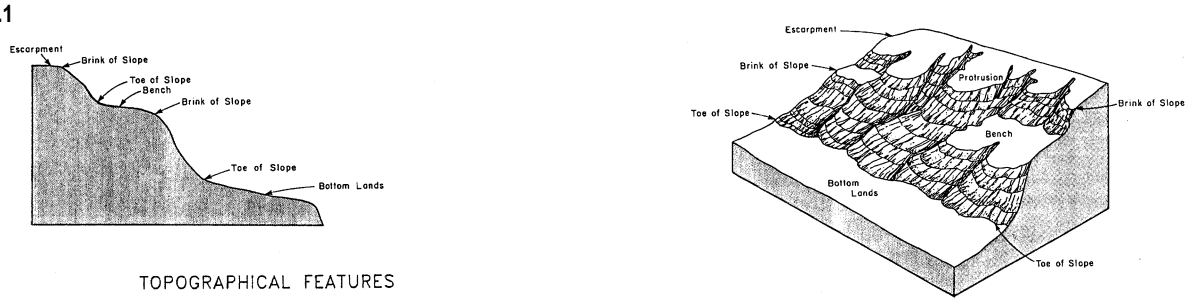
(d) submit, in writing, confirmation that any proposed setback requirements as established by Alberta Environment and Protected Areas and Parks or other government department are met or exceeded.

5.9 If, in the opinion of the Development Authority, land upon which development is proposed is subject to flooding, the Development Authority may require the applicant to submit a flood risk assessment prepared by a qualified professional engineer demonstrating that any potential hazards can be mitigated.

## SECTION 6 LANDS SUBJECT TO SUBSIDENCE OR EROSION

6.1 If, in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence, the Development Authority may require the applicant to submit a structural building plan prepared and sealed by a qualified professional engineer, and/or a slope stability analysis and/or a geotechnical report prepared by a qualified professional engineer demonstrating that any potential hazards can be mitigated.

**Figure 6.1**




TOPOGRAPHICAL FEATURES

6.2 For any proposed subdivision or development on sites with slopes of 15 percent or greater, the Development Authority may require that an applicant submit a professionally prepared geotechnical report/slope stability report. This requirement may be waived for agricultural, grazing and resource extraction uses where no buildings are proposed to be located on the land.

6.3 For the purposes of this section, “top of bank” is as determined by the Development Authority in consultation with Alberta Environment and Protected Areas and Parks or a professional engineer and information submitted must clearly identify the location of the top of bank to the property line and the distance from “top of bank” to the proposed development.

6.4 No development shall occur within the setback distances calculated using the General Guidelines for Setbacks on Land Adjacent to Steep Valley Banks (>15%) indicated in subsection 6.6 and Figures 6.1. The development setback distance and its sufficiency, including any specific building requirements, shall be confirmed by a geotechnical report or other acceptable soils analysis prepared by an engineer qualified in the field of soils analysis, submitted prior to issuance of a decision on the development permit application.

6.5 Notwithstanding section 6.4, development within the setback distances calculated using the General Guidelines for Setbacks on Land Adjacent to Steep Valley Banks (>15%) indicated in section 6.6 may be allowed on the basis of a geotechnical report or other acceptable soils studies prepared by an engineer qualified in the field of soils analysis which defines a safe development setback at the discretion of the Development Authority.

6.6 Notwithstanding the yard requirements prescribed in the land use districts, no permanent building shall be permitted within the following setbacks:

**Setbacks from Escarpment**

| Average Depth of Valley | Distance of Land Left Undisturbed |
|---|---|
| 0 - 15 m (0 - 49.2 ft) | 25 m (82 ft) |
| 15 - 30 m (49.2 - 98.4 ft) | 45 m (147.6 ft) |
| > 30 m (> 98.4 ft) | 60 m (196.9 ft) |

6.7 Sloped areas, including hummocks, buttes and other isolated land projections, slopes of greater than 20 percent are considered unsuitable for development unless otherwise determined by the Development Officer and all slopes greater than 15 percent may require special engineering and other treatment. If these topographic features are levelled, resulting slopes shall not exceed 15 percent and the levelling, compacting and other engineering, as well as environmental considerations, must be to the satisfaction of relevant authorities. Related to the foregoing, satisfactory proposed contour and other plans may be required.

6.8 Unless otherwise determined by the Development Officer or the Municipal Planning Commission, setbacks from toes of slopes shall be a minimum of 9.1 m (30 ft) from the toe of a slope.

## SECTION 7 CONTAMINATED LANDS AND BROWNFIELD DEVELOPMENT

7.1 Any application for either subdivision or development that is proposed on lands or in an area known or deemed to potentially contain contaminated lands, or is the site of former chemical, pesticide, heavy industrial, railway associated, mining, oil and gas processing or storage, gas station, automotive related uses or other similar type uses, may be subjected to special information requirements and conditions, including but not limited to, professional engineering and geotechnical studies, environmental assessments, water reports and soils analysis being submitted to the municipality in addition to any other applicable requirements.

7.2 Notwithstanding that a use of land may be permitted or discretionary in a land use district, the Development Authority may:

(a) request that a professionally prepared geotechnical analysis be submitted at the applicant's expense;

(b) depending on the nature of the hazard, request that an Environmental Site Assessment (ESA) as prepared by a qualified professional be submitted at the applicant's expense.

(c) refuse to issue a development permit or approve a subdivision, if the Development Authority is of the opinion that the site of the proposed development or use is not safe or poses a potential health or liability risk, based on the information provided; or

(d) if approving a development permit or subdivision, place conditions on the approval to mitigate or address potential or identified hazards, health risks, contamination or site-specific land concerns, including but not limited to:

(i) providing professional remediation, reclamation or clean-up of the parcel or site at the applicant or landowner's expense;

(ii) limiting or restricting development on the parcel or applying special setbacks to address the location of improvements on site;

(iii) providing professional engineering or geotechnical reports bearing the seal of a licensed engineer to support or verify any aspects of the proposal or condition of the land;

(iv) having the landowner or applicant post bonds or other security as it relates to the estimated costs of the reclamation or clean-up of the parcel;

(v) signing a legal agreement to indemnify and save harmless the municipality from all potential actions, suits, damages, or claims as it relates to the development of the land and any development permit being issued or subdivision approval;

(vi) any other reasonable conditions to ensure the development or subdivision may be approved as safe as reasonably possible and is suitable for the land.

## SECTION 8 ENVIRONMENTALLY SIGNIFICANT AREAS

8.1 Prior to making a decision on a subdivision or development application, the Development Authority may require an applicant to provide further studies by qualified professionals identifying the important aspects of land known or suspected to be environmentally significant.

(a) The Development Authority may consider the "Environmentally Significant Areas in the Oldman River Region" (Cottonwood Consultants, 1989) or other provincial information resources to determine the location of environmentally significant areas or features which may be required to be addressed.

(b) When an Environmental Site Assessment is required, it shall be prepared consistent with the Alberta Environment and Protected Areas Site Assessment Standard.

8.2 Notwithstanding that a use may be permitted or discretionary in the land use districts of the bylaw, the Development Authority may, at its discretion, either stipulate development setbacks or restrict development from identified environmentally significant or sensitive areas as a condition of subdivision or development permit approval.

## SECTION 9 HERITAGE CONSERVATION / HISTORICAL SITES

9.1 The Municipal Planning Commission may relax or vary a standard of the bylaw pertaining to site coverage, setbacks, height restrictions, access, parking and loading requirements, lot dimensions and sizes, if it is to accommodate the preservation or redevelopment of a building or development that has been officially designated as a historic building or site or meets the criteria in 9.2 below.

9.2 Sites or buildings considered as eligible to receive special consideration under the land use bylaw include; archaeological sites, cultural landscapes, ethnic and local heritage sites, pioneer and agricultural sites, schools, churches and community halls, historic commercial buildings or structures, transportation heritage and cemeteries.

9.3 The Municipal Planning Commission may waive certain requirements of the standards of the land use bylaw subject to the following conditions:

(a) the proposed work on the site would be compatible with and sympathetic to the character and context of the heritage site according to the federal heritage Standards and Guidelines for the Conservation of Historic Places in Canada;

(b) the heritage character-defining elements of the site are maintained;

(c) the existing buildings or use would be compromised if strict adherence to the land use bylaw standards were enforced;

(d) legal protection, in the form of a heritage designation or a covenant, may be a pre-requisite for any municipal heritage incentive.

9.4 Where Council has, after giving the owner 60 days' notice, designated by bylaw a historic resource within the municipality whose preservation it considers to be in the public interest, together with any land in or on which it is located that may be specified in the bylaw as a "Municipal Historic Resource", no person shall alter or destroy or repair the resource without the approval of Council or a person appointed by Council.

9.5 In conjunction of a development permit application submitted for a proposal declaring to be a historic building or site, the Development Authority may request that the applicant provide verification that the building, site or land has obtained official historic designation.

## SECTION 10 DARK SKY STANDARDS

10.1 The following standards shall apply:

(a) full cut off fixtures shall be installed on residences, buildings, structures, signs and yard lights;

(b) exterior lighting and fixtures shall be oriented as to direct all light below the horizon in a downward direction;

(c) structures requiring lighting from the bottom up shall be prohibited, except in the case of airports, runways, penitentiaries, flag poles and other federal or provincially regulated facilities;

(d) lighting on private property and in public areas shall use shields, reduced lumens, and LED light bulbs to limit the effects of light pollution on astronomical observation, plant and animal cycles, and safety and health of municipal residents;

(e) the use of laser light sources or search lights for outdoor advertising is prohibited;

(f) the use of non-shielded lighting, search lights and laser light sources for outdoor entertainment shall be prohibited, unless allowed by a temporary permit;

(g) temporary activities for which a temporary permit has been granted for the use of lighting prohibited in subsection (f) shall be extinguished as soon as reasonably possible, after the activity has ceased;

(h) the use of drop lens cobra head light fixtures for street lighting purposes is prohibited and wherever and whenever possible, flat lens streetlight fixtures shall be permitted; and

(i) development permits shall include a condition requiring no luminaire shall be oriented where the light emitted trespasses beyond the property line on which the luminaire is situated.

10.2 Exemptions from dark sky standards shall include:

(a) agricultural equipment;

(b) feedlots;

(c) dairies;

(d) corrals and barns used to manage livestock;

(e) penitentiaries and correctional facilities;

(f) law enforcement buildings and structures;

(g) emergency services vehicles and incident command scenes;

(h) holiday lighting;

(i) industrial/commercial entities which require external lighting where dark sky standards do not meet federal or provincial requirements; and

(j) flag poles.

## SECTION 11 SOLID WASTE DISPOSAL

11.1 All refuse on any construction site shall be properly screened from view and contained in an approved enclosure until such time as disposal occurs.

11.2 In all land use districts, refuse and garbage shall be stored in suitable containers. Refuse and garbage holding areas, including containers, shall be effectively screened from public view.

## SECTION 12 DRAINAGE

12.1 All development shall be required to establish and maintain parcel grading in such a manner that all surface water will drain from the building and other site improvements.

12.2 The Development Authority may require the applicant of a development to provide at their expense, a lot grading or finished elevation plan prepared by an Alberta Land Surveyor, professional engineer or architect as part of the information requirements in considering an application or as a condition of approval.

12.3 The Development Authority may establish parcel and building elevations if it is believed that drainage from existing elevations will affect adjacent parcels.

12.4 The Development Authority may require as a condition of development approval:

(a) engineered grading and drainage plans for the development;

(b) a legal land survey demonstrating that post-construction engineered grades have been met;

(c) grading and other measures, as appropriate, to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability.

12.5 The Development Authority may refuse to approve a development permit or a subdivision application if it cannot be demonstrated that site drainage can be suitably managed.

## SECTION 13 STORM WATER MANAGEMENT

***NOTE TO READER:*** *Under the Environmental Enhancement and Protection Act, Alberta Environment and Protected Areas and Parks approval for storm water projects is typically required for piped storm drainage collection systems, stormwater treatment facilities such as wet-ponds and dry-ponds, and piped stormwater outfalls (contact AEP for complete requirements).*

13.1 The Development Authority may require the applicant of a development or subdivision to provide at their expense, a storm water management plan prepared by a professional engineer as part of the information requirements in considering an application or as a condition of approval.

13.2 All storm water management plans submitted to the municipality must be prepared to the satisfaction of the Development Authority in accordance with Alberta Environment and Protected Areas and Park's Stormwater Management Guidelines for the Province of Alberta and Municipal District Design Guidelines.

13.3 When Alberta Environment and Protected Areas and Parks approval is required for a storm water management plan, the applicant is responsible for obtaining the necessary approval and filing a copy of the approval or refusal with the municipality once the application decision has been issued by the provincial department.

13.4 Stormwater management facilities, specifically proposed development adjacent to a provincial highway, requires stormwater management approval from Alberta Transportation and any other provincial or municipal regulatory departments or agencies.

## SECTION 14 WATER SUPPLY

***NOTE TO READER:*** *In Alberta, water is owned by the Crown, and its use is regulated by Alberta Environment and Protected Areas and Parks under the Water Act. Except where exempted for eligible agricultural or household use, a license is required for the diversion of surface water or groundwater. In accordance with the Approved Water Management Plan for the South Saskatchewan River Basin, new surficial diversions are not allowed.*

**Potable Water**

14.1 The Development Authority shall refuse to approve an application for subdivision or development if the proposed source of potable water, as defined in the Potable Water Regulation, is deemed to be not acceptable or cannot be verified.

**Water wells**

14.2 In accordance with section 23(3) of the Water Act, an application for a multi-lot (more than 6 parcels in a quarter section) subdivision proposing to use water wells shall be accompanied by a water report prepared by a professional engineer or professional geologist stating that the diversion of 1250 cubic metres per year for each of the parcels being created as a result of the subdivision will not interfere with any household users, licensees or traditional agriculture users who exist when the subdivision is approved.

## SECTION 15 SEWAGE DISPOSAL

**General**

15.1 Where a development requires a means of sewage disposal or treatment, the developer shall be required to install a sewage disposal system in accordance with Municipal District Design Guidelines or other system as approved by the municipality. The Development Authority may refuse to approve an application for subdivision or development if the parcel on which it is proposed is not large enough to support a sewage disposal system to the standard required.

**On-Site Private Sewage Systems**

15.2 The Development Authority shall require, as a condition on a development permit for a dwelling or building that requires a private septic sewage system that the applicant be responsible for having the private septic sewage system installed to meet all provincial regulations or standards including the Alberta Private Sewage Systems Standard of Practice.

15.3 The Development Authority may ask for a professional soil test/analysis at any time it is of the opinion it is warranted to determine the soil characteristics and the suitability of the land for private sewage septic systems in relation to the development or subdivision proposal. The soils test/analysis must be carried out in accordance with the Alberta Private Sewage Systems Standard of Practice.

15.4 All components of an on-site private sewage treatment system, whether a septic tank and treatment field, holding tank or lagoon/pond, must be located entirely within the legal property boundaries of the dwelling or building the system is associated with.

15.5 The private sewage treatment system must be setback from the various attributes and property lines of the site, as stipulated in the Alberta Private Sewage Systems Standard of Practice.

15.6 Sewage holding tanks are a method of private sewage disposal that may be considered for approval by the Development Authority at its sole discretion if the volume of daily waste produced is considered low and only if no other reasonable alternative is available. The applicant must provide a copy of a written agreement for the acceptance of the effluent to the municipality.

**Communal Treatment Systems**

15.7 For grouped country residential or other multi-lot developments, communal treatment systems may be considered as an acceptable method to treat sewage effluent. In determining the suitability of allowing such systems, the Municipal Planning Commission may take any or all of the following into consideration:

(a) the type of system proposed, and the technology involved in the treatment;

(b) the engineering specifications and documented operating record of such systems;

(c) the projected life cycle of such a system;

(d) the annual maintenance and operating costs;

(e) the required monitoring and reporting of the system and what level of certification of the operator is required;

(f) the proposed access, fencing, and security of the infrastructure associated with the treatment system;

(g) the location of the system and its associated infrastructure or disposal area and the proximity to adjacent or nearby land uses;

(h) if a setback waiver request to Alberta Environment and Protected Areas and Parks is needed in relation to any nearby or proposed residences determined to be located within the provincially regulated 300 m (984 ft) setback requirement of the Subdivision and Development Regulations;

(i) the proposed ownership of the parcel (i.e. dedicated to Municipal District of Willow Creek);

(j) comments or recommendations from Alberta Health Services, Alberta Environment and Protected Areas and Parks, and any other government or referral agency;

(k) any other matter Municipal District of Willow Creek No. 26 deems relevant to the proposal and consideration of approval of the treatment system.

15.8 At its sole discretion and prerogative, the Municipal Planning Commission may accept or may refuse to approve any communal sewage treatment system.

15.9 The costs related to the preparation of an engineering report and application to be submitted to Alberta Environment and Protected Areas, in support of a setback waiver request in relation to the provincially regulated 300 m (984 ft) setback requirement to a communal sewage treatment system, shall be borne entirely by the developer.

15.10 If approving a communal sewage treatment system, the Municipal Planning Commission may, at the time of subdivision or development, require the developer to enter into a development agreement with the municipality for the construction and installation of the system necessary to serve the subdivision or development at the applicant's expense.

**Municipal Treatment Systems**

15.11 If a development is proposing to install, extend, or connect to a municipal sewage treatment system, the Municipal Planning Commission may consider approval of such requests at its own discretion. An applicant proposing this method will be requested to obtain written authorization from the municipality consenting to such prior to a subdivision or development permit application being deemed complete, unless a different method of consent has been specified in a statutory plan or other agreement with the municipality.




# Schedule 5

## STANDARDS OF DEVELOPMENT

**Schedule 5**

# STANDARDS OF DEVELOPMENT

## SECTION 1 APPLICABILITY

1.1 The provisions of this Schedule apply to all districts unless otherwise stated.

## SECTION 2 AREA STRUCTURE PLANS AND DESIGN SCHEMES

2.1 A duly prepared area structure plan, prepared by a qualified professional, shall include any or all of the following as determined by the Development Authority:

(a) Site Plan – a detailed site plan showing all proposed lots and future development area on the said parcel. The site plan shall be drawn to scale.

(b) Contours – Where developments are proposed to be built in areas of slopes greater than 10° or where roads and water channelization are to be incorporated in the development, a detailed contour map shall be prepared for the development area.

(c) Geotechnical Reports – The following testing and subsequent reports may be required to be done:

(i) soil analysis,

(ii) aquifer and groundwater analysis,

(iii) slope stability,

(iv) drainage.

(d) Water Supply – The area structure plan shall describe the water supply proposed for the development area as per the Municipal District of Willow Creek No. 26 Design Guidelines. In the case of grouped residential, all proposals which create 6 or more lots in a quarter section shall have a Water Report prepared in accordance with the Water Act.

(e) Sewage Disposal – The area structure plan shall describe the sewage disposal system proposed for the development area and be in accordance with the Municipal District of Willow Creek No. 26 Design Guidelines.

(f) Types of Subdivision – An application that proposes a multi-lot subdivision shall be undertaken either by a plan of survey or by a condominium plan.

(g) Development Agreements – Pursuant to the Municipal Government Act the municipality may, at the time of subdivision or development, require the developer to enter into a development agreement for the construction of roadways and/or servicing necessary to serve the development area.

*NOTE: The municipality may require the developer to provide a form of security to ensure that any or all aspects of the agreement are undertaken to the satisfaction of the municipality.*

(h) Architectural Controls – As a development standard of the area structure plan, architectural controls are suggested to be supplied by the developer to ensure that all development in the development area is consistent with neighbouring property. These controls may be registered concurrently by a Restrictive Covenant at the time a plan of survey is registered with the Land Titles Office.

(i) Phasing of Subdivision and Development – The developer shall provide to the municipality a detailed time frame that outlines the timing they envision for the consideration and subsequent decision on their development and/or development application.

(j) Public Participation Process and Consultation – The developer may be required to provide to the municipality a detailed outline of the proposed public participation process for the development and/or subdivision. An indication of the time and place of public meetings as well as consultation with the elected officials and affected community ratepayers is encouraged.

(k) Transportation Routes and Public Utilities – A requirement of an area structure plan is to indicate and provide locations of existing and proposed transportation routes and public utilities which will serve the development area.

(l) Municipal Reserve Dedications – Pursuant to the Municipal Government Act, the municipality may require the applicant proposing a multi-lot subdivision to provide up to 10 percent of the development area for Municipal Reserve purposes. The municipality's existing policy is to take money in place of land for this purpose, (2010-PAD-057) and should be done so in accordance with the policy.

(m) Subdivision and Development Referrals – The developer may be required to obtain other regulatory approvals from the agencies and government departments that have jurisdiction on these uses. The municipality is required to refer certain applications to various agencies and departments for their comments and consent.

*NOTE: A municipal approval does in no way absolve a developer from obtaining any other necessary local, provincial or federal approvals including the requirement to undertake an environmental impact assessment.*

(n) Other Development Considerations – The developer, in preparing the area structure plan, shall provide details regarding the following matters:

(i) solid waste disposal;

(ii) emergency services;

(iii) school bus service;

(iv) fire suppression;

(v) landscaping;

(vi) location, width and turning radius of existing and proposed roadways;

(vii) access and egress to the proposal;

(viii) a statement of all the intended land uses for the development site;

(ix) types and location of fencing proposed for the development;

(x) the environmental impacts on lands and wildlife in the immediate area; and

(xi) historically significant lands.

(o) Municipal Considerations – The municipality, at its sole discretion, may undertake any or all of the following:

(i) adopt a duly prepared area structure plan by municipal bylaw which will govern subsequent subdivision and development of the specific area,

(ii) change any or all of the guidelines or requirements outlined in the above-noted sections,

(iii) waive the requirements to provide any of the information discussed in these guidelines,

(iv) require the developer to provide any additional information not addressed or contemplated in these guidelines.

## SECTION 3 BUILDING DESIGN, CHARACTER AND APPEARANCE

3.1 The Development Officer or Municipal Planning Commission may impose conditions to ensure:

(a) that the design, character and appearance of a building is compatible with other buildings in the vicinity unless it is setting a higher standard of design, character and appearance for the land use district or a particular locality of it;

(b) that the design, character and appearance of the building is consistent with the purpose of the land use district in which the building is located;

(c) that a development complies with any provision of a statutory plan applicable to the design, character and appearance of the building in the district; and

(d) that, where the development is to be located adjacent to or within the distance prescribed by the *Highways Development and Protection Act and Regulation*, the design of a building will be to a higher standard than that required elsewhere in the Municipal District. This may include, but is not limited to:

(i) appearance of building,

(ii) landscaping,

(iii) access/egress from property, and

(iv) fire protection.

3.2 The maximum allowable height of the exposed portion of a concrete or block foundation, above the average finished surface level of the surrounding ground, may be limited by the Municipal Planning Commission.

3.3 If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Municipal Planning Commission may regulate the orientation and location of the building as a condition of development approval.

## SECTION 4 BUILDING SETBACKS

4.1 The Municipal Planning Commission may waive the building setback requirement in a well-established residential area if in their opinion, the setback blends in with the prevailing yard pattern.

4.2 The designated officer or the Municipal Planning Commission may require varied building setbacks in new residential areas if, in his or their opinion, the variation in setbacks will enhance the development of that area.

4.3 The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use is incompatible with a residential use.

4.4 The Municipal Planning Commission may require increased building setbacks (other than those listed in 4.3 above) if, in their opinion, such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

## SECTION 5 DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

5.1 The Municipal Planning Commission may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district.

5.2 The maximum allowable height of the exposed portion of a concrete or block foundation, above the average finished surface level of the surrounding ground, may be limited by the Municipal Planning Commission.

5.3 In hamlets or localities, if a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Municipal Planning Commission may regulate the orientation and location of the building as a condition of development approval.

## SECTION 6 SECONDARY FRONT YARD PROVISION

6.1 In any hamlet residential land use development where any lot has more than one front yard setback requirement, the Development Officer or Municipal Planning Commission may allow for a reduction of up to one-half of the front yard requirement for one of the yards; however, the full setback shall apply to the main entrance side of the dwelling. This reduced front yard is termed the "Secondary" front yard.

## SECTION 7 DRIVEWAYS IN HAMLETS

7.1 Vehicular access for corner lots shall generally be limited to locations along the minor street or cul-de-sac.

7.2 In Hamlets where a subject property does not provide a side yard sufficient for a driveway, then one off-street parking pad may be permitted in the front yard to a maximum of 20 ft. (6.1 m) in width.

7.3 In laneless subdivisions, and when not already included in laned subdivisions, all single-family and duplex dwellings should provide for the future construction of an attached garage or carport for one or more vehicles.

7.4 Only one driveway per lot should be permitted for single-unit residential development from a registered road. A parking pad accessed from a registered lane is not a driveway.

7.5 Driveways shall be a minimum of 10 ft. (3.0 m) and a maximum of 20 ft. (6.1 m) in width, unless otherwise approved by the Municipal Planning Commission, on the basis of merit.

7.6 Driveways shall be a minimum of 10 ft. (3.0 m) from the entrance to a lane, and 25 ft. (7.6 m) from the intersection of two public roadways. (see Figure 7.1)

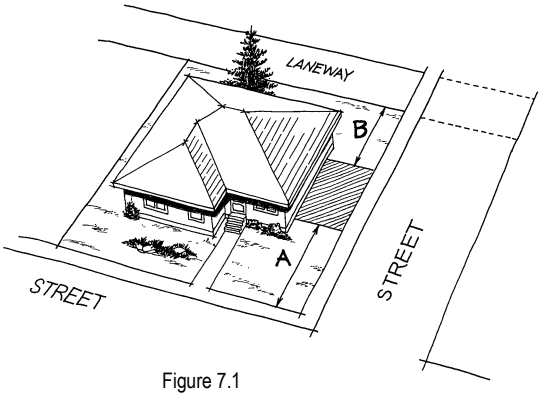



Figure 7.1

## SECTION 8 DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

All building demolitions or removals in all land use district excluding the "Rural General-RG" district shall comply with the following:

8.1 No person shall commence or cause to be commenced the demolition or destruction of any building or structure, or portion thereof, until all necessary permits have been obtained.

8.2 A demolition approval must be obtained for the demolition or removal of any building or structure greater than 11.1 $m^2$ (120 $ft^2$.) in size.

8.3 Whenever an approval is issued for the demolition or removal of a building or structure, it shall be a condition of the permit that the lot shall be cleared, with all debris removed, and left in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Officer.

8.4 When a demolition approval for the demolition or removal of a building or structure, the Development Officer may require the applicant to provide a cash deposit, irrevocable letter of credit or other acceptable form of security in such amount as to cover the costs of reclamation to any public utility or municipal infrastructure.

8.5 Whenever a demolition or removal of a building or structure is carried out, the property owner shall, at his own expense, protect any wall, structure, sidewalk or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement. Further, the property owner shall ensure that adequate measures are taken by way of fencing and screening to ensure public safety.

8.6 The applicant shall be responsible for obtaining all necessary Safety Codes approvals and utility service disconnections before demolition or removal of buildings or structures.

## SECTION 9 SITE GRADING AND RETAINING WALLS

9.1 The applicant shall be required to grade a parcel in such a manner that all surface water will drain from the building and other site improvements.

9.2 The Development Officer or Municipal Planning Commission, at their discretion, may establish parcel and building elevations if it is believed that drainage from existing elevations will affect adjacent parcels.

9.3 The Development Officer or Municipal Planning Commission may require as a condition of development approval:

(a) engineered grading and drainage plans for the development;

(b) a legal land survey demonstrating that engineered grades have been met;

(c) grading and other measures, as appropriate, to control surface drainage, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability;

(d) the applicant is responsible for ensuring adherence to final grades.

9.4 The Development Officer or Municipal Planning Commission may require the applicant of a development or subdivision to provide at their expense, a storm water drainage management plan prepared by a licensed professional engineer as part of the information requirements in considering an application or as a condition of approval.

9.5 The Development Officer or Municipal Planning Commission may refuse to approve a development permit or a subdivision application if it cannot be demonstrated to the satisfaction of the relevant approval authority that storm water drainage can be suitably managed.

9.6 The Development Officer or Municipal Planning Commission may require an applicant to provide a site grading plan for any development if there is the possibility the development may block drainage, natural drains or drain water onto neighbouring lands.

9.7 The Development Officer or Municipal Planning Commission may require the construction of a retaining wall as a condition of a development permit if, in his opinion, significant differences in grade exist or will exist between the parcel being developed and adjacent parcels.

9.8 As a condition of a development permit, the Development Officer or Municipal Planning Commission may require special grading and/or paving to prevent surface drainage problems with neighbouring lots.

9.9 Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Officer, to a rear or side property boundary or as approved in an engineered stormwater management plan.

## SECTION 10 EASEMENTS

10.1 A minimum setback of 3.0 m (10 ft.) shall be required from any utility easement or right-of-way registered for the protection of municipal water mains and sewer mains or any other such infrastructure, as determined by the municipality in a designated Hamlet.

10.2 A minimum setback of 3.0 m (10 ft.) shall be required from any utility easement or right-of-way in all other Land Use Districts.

10.3 No development permit may be issued for a development that encroaches into or over a utility easement or right-of-way without the written consent of the easement owner or the person whose utility line is found in the easement or both.

10.4 All development permit applications submitted to the municipality shall illustrate on the site plan the specific location of any easements or utility rights-of-way on the parcel. Prior to deeming a development permit application complete, the developer or landowner may be required to provide utility easement or right-of-way information in the form of agreements or registered plans.

10.5 The Development Officer or Municipal Planning Commission may exercise its discretion and waive any land use districts standard requiring a 3.0 m (10 ft.) or other specified additional setback to a utility easement or right-of-way if, in the opinion of the Development Authority, it will negatively impact the lot owner and is deemed to be unreasonable or will negatively impact the development potential of the lot.

## SECTION 11 EXPOSED FOUNDATIONS AND EXTERIOR BUILDING FINISHES

11.1 The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a foundation may be limited by the Development Officer or Municipal Planning Commission.

11.2 The Development Officer or the Municipal Planning Commission may require specific finishing materials and/or colours to be used to ensure the compatibility of a proposed:

(a) development with surrounding or adjacent developments,

(b) addition or ancillary structure with existing structures on the same parcel.

## SECTION 12 LANDSCAPING STANDARDS AND GUIDELINES

12.1 The Development Officer or Municipal Planning Commission may impose landscaping or screening requirements on development applications for permitted and discretionary uses if, in their opinion, they would serve to improve the quality or compatibility of any proposed development.

12.2 Where any parcel or part of a parcel adjacent to a provincial highway is used for outdoor storage of goods, machinery, vehicles, buildings, or waste materials, the Development Officer or Municipal Planning Commission may require screening by buildings, fences, hedges, trees, berming, or other landscaping features to their satisfaction.

12.3 The front yard shall be landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Officer or Municipal Planning Commission.

12.4 In the case of corner lots, the minor street frontage shall also be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.

12.5 Landscaping may consist of any or all of the following:

(a) trees, shrubs, lawn, flowers;

(b) large feature rocks, bark chips, field stone;

(c) berming, terracing;

(d) other innovative landscaping features.

12.6 Where screen planting is required, low water use and indigenous species should be used.

12.7 Within hamlets and the grouped residential areas, landscaping of lots shall be carried out within two years of the date a development permit is issued, to the satisfaction of the Development Officer or the Municipal Planning Commission.

12.8 In addition to any other provisions of this Bylaw, landfill sites, gravel pits, sewage lagoons, sewage treatment plants, industrial storage yards and other similar forms of development may be required to be screened from view by a vegetated buffer strip or some other form of screening.

12.9 The Development Officer or the Municipal Planning Commission, in considering an application, may impose conditions requiring the retention of trees or additional plantings of such a type and extent that are considered necessary.

## SECTION 13 LIGHTING IN HAMLETS

13.1 Where artificial outdoor lighting is provided to illuminate any parcel, building or site, the type, location and orientation of lighting shall:

(a) avoid direct illumination of the neighbouring properties;

(b) not adversely affect the use, enjoyment and privacy of any dwelling; and

(c) not interfere with traffic safety on public roadways.

13.2 Outdoor lighting is to be mounted not more than 6.1 m (20 ft.) above ground, excepting outdoor lighting for public uses and lighting approved in conjunction with a development permit.

13.3 Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded so as not to adversely affect neighbouring properties or traffic safety on public roadways.

## SECTION 14 UTILITIES AND SERVICING IN HAMLETS

14.1 The erection of a building on any site may be prohibited where it would otherwise be permitted when, in the opinion of the Municipal Planning Commission, satisfactory arrangements have not been made for the supply of water, gas, electric power, sewage, street access or other services or facilities necessary to serve the development.

14.2 Private outdoor use coal burning appliances/utilities or other similar utilities shall not be permitted within the designated Hamlets

14.3 Private sewage disposal systems are not permitted in any Hamlet Land Use District where a municipal sewage system exists, except where in the opinion of the Municipal Planning Commission, the development does not require water and sewer.

14.4 In a block where infill development has been identified, as determined by the Municipal Planning Commission consistent with the long-range growth policies, a coordinated approach to provision of infrastructure will be required.

## SECTION 15 OFF-STREET PARKING AND LOADING AREA REQUIREMENTS FOR NON-AGRICULTURAL USES

15.1 The off-street parking and loading requirements and design standards apply to:

(a) all new buildings and uses, and

(b) the expansion or enlargement of existing buildings or uses.

15.2 In the case of expansion or enlargement of an existing building or use, additional off-street parking spaces will be required to serve the expanded or enlarged area only, not the entire building or use.

15.3 Off-street parking requirements based on floor area are to be computed on the gross floor area (GFA) of the building. Table 1, Minimum Required Off-Street Parking, shall be used to calculate the minimum number of off-street parking spaces a use is required to provide.

15.4 Where a use is not listed, minimum required off-street parking shall be provided as required by the Development Authority having regard to the listed use that is most similar to the proposed use. As an alternative, the Development Authority may require a parking study to be prepared by a qualified professional at the applicant's expense to determine the parking requirements for a use not listed in Table 1.

15.5 Calculation of off-street parking requirements resulting in a fractional number of 0.5 or greater shall be rounded up and rounded down when resulting in a fractional number of less than 0.5.

15.6 A multiple use development must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority.

15.7 A shared parking provision based upon the proposed sharing of parking spaces between two or more uses must include a written agreement between the owners on record. Where such off-site parking is approved, a caveat shall be registered against the lot to guarantee the continuous use of the site for parking.

15.8 All required parking spaces shall be provided on the same lot as the building or use, except where the Development Authority may permit off-site parking spaces to be provided on a lot within 152.4 m (500 ft) of the building or use if, in the Development Authority's opinion, it is impractical to provide parking on the same lot as the building or use. Where such off-site parking is approved, a caveat shall be registered against the lot to guarantee the continuous use of the site for parking.

**Barrier Free Parking**

15.9 The minimum number of barrier-free parking spaces to be provided shall be a portion of the total number of off-street parking spaces required, in accordance with Table 2.

15.10 Each barrier-free parking space shall be:

(a) designed as a 2.4 m (8 ft.) wide parking stall adjacent to a 2.4 m (8 ft.) wide access aisle where the access aisle is demarcated to indicate no parking, in accordance with the National Building Code - Alberta Edition,

(b) have a firm, slip-resistant and level surface,

(c) be clearly signed as being for the use of persons with disabilities only in accordance with the National Building Code - Alberta Edition.

15.11 There must be a well-lit, discernible, barrier-free path of travel leading to the building entrance.

15.12 It is recommended that an additional number of spaces be considered when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, recreation centres, medical services and restaurants.

**Loading**

15.13 One loading space shall be provided for each loading door for all commercial or industrial uses unless determined by the Municipal Planning Commission it is not necessary.

15.14 The minimum dimensions for a loading space shall be 3.1 m (10 ft.) by 9.1 m (30 ft.) with an overhead clearance of 4 m (13 ft.).

15.15 Each loading area shall provide a doorway into the building sufficient to meet the needs of the use within the building.

15.16 Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow or parking.

15.17 The Development Authority may require additional loading areas or doors if, in the Development Authority's opinion, such additional areas or doors are deemed necessary.

15.18 The Development Authority may consider a joint loading area for two or more uses if, in the Development Authority's opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.

**Stacking Spaces for Drive-through Uses**

15.19 Vehicle-oriented uses should be located only where the development will not adversely affect the functioning of surrounding public roadways.

15.20 Queuing space should be provided as follows:

(a) Gas station: 9.1 m (30 ft.) from each end on pump island;

(b) Bank machine: 22.9 m (75 ft.) from bank machine window;

(c) Car wash: 15.2 m (50 ft.) from car wash entrance;

(d) Any use that has an order box and pick-up window component: 30.5 m (100 ft.) from order box to pick-up window.

**Table 1 – Minimum Required Off-street Parking**

| USE | MINIMUM PARKING SPACES |
|---|---|
| Drive-in/drive-through use<br>Entertainment establishment | 1 space /5.1 $m^2$ (55 $ft^2$) of seating area plus 1 space per employee |
| Shopping centre | 1 space /23.2 $m^2$ (250 $ft^2$) of GFA |
| Convenience store<br>Recreation facility | 1 space /27.9 $m^2$ (300 $ft^2$) of GFA |
| Financial institution<br>Grocery store<br>Personal service<br>Retail store<br>Service station/gas bar | 1 space /37.2 $m^2$ (400 $ft^2$) of GFA |
| Automotive sales and/or service<br>Bulk oil / fuel station<br>Government service<br>Kennel<br>Office | 1 space /46.5 $m^2$ (500 $ft^2$) of GFA |
| Construction supply and contractor<br>Equipment sales, rental and service<br>Intensive horticultural service<br>Light industry/manufacturing<br>Truck transportation/dispatch depot<br>Warehousing<br>Wholesale trade | 1 space /65 $m^2$ (700 $ft^2$) of GFA |
| Car wash<br>Truck wash | 1 space per employee |
| Restaurant | 1 space per 4 seats plus employee parking |
| Health service | 1 space per staff member and 1 space per examination room |
| Hotel/motel | 1 space per guest room |
| All other Uses | As required by the Development Officer or Municipal Planning Commission |

**Table 2 – Barrier-free Parking**

| Number of parking spaces required | Number of barrier-free spaces required |
|---|---|
| 2-10 | 1 |
| 11-25 | 2 |
| 26-50 | 3 |
| 51-100 | 4 |
| for each additional increment of 100 or part thereof | one additional stall |

15.21 The minimum stacking space requirements may be varied by the Development Authority depending upon the intensity of the proposed development.

15.22 All portions of the queuing lane shall be contained on the parcel on which the development is located. The use of public lanes or roadway shall be prohibited as part of the queuing lane.

15.23 Queuing lanes should be located to the outer perimeter of the businesses parking lot wherever possible, to avoid vehicles in queuing spaces from impeding/blocking other vehicles navigating parking spaces.

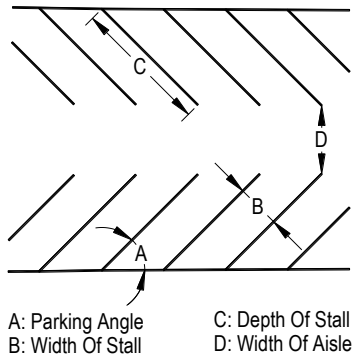
15.24 Queuing lanes must provide sufficient space for turning and manoeuvring and be maintained by the parcel owner.

**Off-street Parking Design Standards**

15.25 Off-street parking areas shall be accessible and designed in a manner which will provide for orderly parking in accordance with the minimum parking space dimensions in Table 3, Minimum Parking Space Dimensions.

**Table 3 – Minimum Parking Space Dimensions**

| A: Parking Angle | B: Stall Width | | C: Stall Depth | | D: Aisle Width | |
|---|---|---|---|---|---|---|
| Degrees | m | ft | m | ft | m | ft |
| 0 | 2.4 | 8.0 | 6.7 | 22 | 3.7 | 12 |
| 30 | 2.7 | 9.0 | 5.5 | 18 | 3.5 | 11 |
| 45 | 2.6 | 8.5 | 6.1 | 20 | 3.9 | 13 |
| 60 | 2.6 | 8.5 | 6.4 | 21 | 5.5 | 18 |
| 90 | 2.9 | 9.5 | 5.6 | 18.5 | 7.3 | 24 |




15.26 Parking space designs proposing tandem or stacked parking to a maximum of two vehicles per stall may be approved by the Development Authority provided the spaces are for employee parking only.

15.27 The stall width and depth requirements for an off-street parking space may be reduced by the Development Authority where spaces are designed to accommodate compact vehicle parking.

15.28 Where a use or development may need to accommodate over-sized vehicles such as tractor-trailers, large recreational vehicles, buses or other similar vehicles, the Development Authority may require larger parking space and aisle dimensions.

15.29 Off-street parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

15.30 Off-street parking spaces adjacent to a road right-of-way shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.

15.31 The Development Authority may require that off-street parking areas or portions thereof be paved as a condition of approval.

**Design Requirements for Multi-stall Parking Area (Parking Lots) for all Uses**

15.32 For multi-stall parking areas of more than 20 total stalls, every 10 stalls should be interrupted by landscaping or other site elements deemed appropriate by the Development Authority.

15.33 All multi-stall parking areas should incorporate Low Impact Development (LID) practices such as tree filter boxes and curb-cuts where other LID storm water management tools have been implemented on or adjacent to the site.

15.34 All multi-stall parking areas shall incorporate pedestrian rights-of-way at key points throughout the parking area including but not limited to building or facility entrances and between aisle intersections, in the form of walkways and crossings that are clearly delineated through the use of techniques such as but not limited to:

(a) paint;

(b) context-appropriate signage;

(c) texturized pavement, paving stone or interlocking brick;

(d) raised crossings;

(e) bump-outs;

(f) bollards and other site elements physically separating pedestrians from vehicle rights-of-way; and

(g) any other technique deemed appropriate by the Municipal Planning Commission.

15.35 All multi-stall parking areas shall be adequately illuminated and consideration of light shields

## SECTION 16 PIPELINE AND OTHER UTILITY CORRIDOR SETBACKS

16.1 Any development involving pipeline and/or power line transmission rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial Regulations or Acts and any regulations or directives established by the Alberta Energy Regulator (AER).

## SECTION 17 PRE-PLANNED DEVELOPMENT

17.1 Where a pre-planned coordinated development is proposed for an area greater than 1 acre (0.4 ha), the standards shown in the land use schedule may be relaxed by the Municipal Planning Commission to an amount necessary to enable the area to be developed to the highest standards of use and amenity provided that:

(a) it is completed in one continuous operation; and

(b) this is done on the basis of a comprehensive development plan approved by the Municipal Planning Commission.

## SECTION 18 QUALITY OF DEVELOPMENT

18.1 The designated officer or the Municipal Planning Commission may require additional standards as conditions of a development permit, in order to improve the quality of any proposed development within any land use district.

## SECTION 19 HAZARDOUS CHEMICAL STORAGE

19.1 No hazardous substances (as defined in the Alberta Environment and Protected Areas Protection and Enhancement Act) shall be permitted to be stored or kept within a Grouped Country Residential, Rural Recreational, Single Lot Country Residential or Hamlet Residential land use district.

## SECTION 20 OUTDOOR FUEL STORAGE

20.1 The outdoor storage of fuel in any non-agricultural land use district shall be suitably fenced to the satisfaction of the Fire Marshall.

20.2 Above ground fuel tanks are prohibited in the Hamlet Residential and Grouped country residential land use districts.




# Schedule 6

## USE SPECIFIC STANDARDS OF DEVELOPMENT

# USE SPECIFIC STANDARDS OF DEVELOPMENT

## SECTION 1 ABATTOIRS

1.1 The abattoir must not be located closer than 304.8 m (1,000 ft.) to any adjacent residential dwelling.

1.2 All abattoir facilities must have a designated loading area.

1.3 Applications for abattoirs shall be referred to Alberta Health Services and Alberta Agriculture and Irrigation for comment prior to a decision being made by the Development Authority.

1.4 The applicant shall be responsible for compliance with the Alberta Health Standards and Guidelines and the Alberta Building Code requirements.

1.5 The facility and all processing must be able to comply with the Alberta Meat Inspection Act and Regulations or the Canada Meat Inspection Act and Regulations and must be a licensed Federal abattoir or a Provincial abattoir that is inspected by the Regulatory Services Division of the Meat Inspection Branch of Alberta Agriculture and Rural Development.

## SECTION 2 ANHYDROUS AMMONIA STORAGE FACILITIES

2.1 For a development application for a bulk anhydrous ammonia storage facility or a residential dwelling in proximity to an existing bulk ammonia storage facility the Development Authority:

(a) shall consider the location of neighbouring residential uses and apply the "Guidelines for the Location of Stationary Bulk Ammonia Facilities" prepared by Alberta Environment and Protected Areas before making a decision on a development application concerning a bulk ammonia storage facility; and

(b) in all instances, a development application for a residential dwelling shall not be approved if it is located within 500 metres (1,640 ft.) of an established Anhydrous Ammonia bulk storage facility.

## SECTION 3 ANIMAL (HOUSEHOLD PET) BOARDING, DAY CARE OR TRAINING FACILITY

3.1 An application for a development permit must be made to the Development Officer by submitting:

(a) a completed development application form and fee; and

(b) a detailed site sketch showing all existing building(s) and proposed facilities, including setback distances from property lines.

3.2 In addition to the application requirements in Section 3.1 an application for a development permit shall include:

(a) type of facility (day care, training or other);

(b) the maximum number of household pets on site at any one time, including the number of personal household pets;

(c) sound proofing of the building and related facility;

(d) methods of noise mitigation;

(e) number of on-site parking for customers;

(f) identification of supervision during active operation;

(g) days and hours of operation;

(h) expected traffic generation;

(i) identification of roadways to and from the site and the type of roadway;

(j) identification of whether there will be new buildings or structures or usage of existing structures;

(k) waste management plan detailing disposal in consultation with the local Health Authority; and

(l) proposed signage.

3.3 A dog agility or training facility that does not involve the boarding of dogs may be exempted from sections 3.2 (a) through (m) at the discretion of the Development Officer.

3.4 An application for a boarding or kennel development permit must be made to the Development Officer by submitting:

(a) a completed development application form and fee;

(b) a site plan indicating the legal description, all property lines and easements, and the location of existing and proposed development in relation to lot boundaries;

(c) floor plans, elevations and sections of the kennel buildings at a minimum scale of 1:200 or such other scale as required by the Development Officer, and

(d) may require an inspection report by a Doctor of Veterinary Medicine submitted with application.

3.5 No buildings or exterior exercise area(s) to be used to accommodate dogs shall be allowed within 304.8 m (1,000 ft.) of any dwelling located on adjacent parcels and a diagram indicating the distances shall be submitted with the development permit application. A reciprocal setback from existing kennels shall be applied to all new dwellings.

3.6 All dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building and shall be constructed to the following standards:

(a) interior walls and ceilings shall be constructed of washable building material;

(b) exterior walls should be fire-resistant and impervious to moisture;

(c) doors, window frames and window sashes should be impervious to moisture and rodent resistant;

(d) insulation shall be required, taking into consideration the breed, age and overall health of the dogs; and

(e) all facilities must have adequate ventilation and light.

3.7 The Municipal Planning Commission shall determine the maximum number of adult dogs that may be kept at any one time by the operator of a private or commercial kennel.

3.8 In addition to soundproofing requirements, the times at which the animals are allowed outdoors may be regulated.

3.9 All kennel facilities shall be screened by both a visual and sound barrier, by fences and/or landscaping, from existing dwellings on adjacent parcels to the satisfaction of the Municipal Planning Commission.

3.10 Kennel facilities shall be operated in accordance with health regulations and, in particular, excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health Services.

3.11 Permits issued for kennel development may be limited to a maximum period of three years and shall be subject to immediate revocation if the kennel is not developed or operated in accordance with the conditions of approval.

3.12 Application for a renewal of a development permit for a kennel operation shall take into consideration the following:

(a) mandatory inspection report by a Doctor of Veterinary Medicine submitted with application;

(b) review of complaints or comments from adjacent landowners;

(c) complaints filed to the Alberta Society for the Prevention of Cruelty to Animals (SPCA);

(d) compliance with the Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations – Edition May 2007.

3.13 As a condition of approval, the Municipal Planning Commission shall require that the applicant submit an inspection report, prepared by a Doctor of Veterinary Medicine, to the Municipality on the anniversary date of the permit. In addition, at the discretion of the Municipal Planning Commission, the applicant may be required to submit yearly inspection reports as a condition of approval.

## SECTION 4 ALTERNATIVE RENEWABLE ENERGY CLASS A AND B

This section is applicable to those development projects whose primary intent and purpose is to develop facilities either for single source use (Class A) or multi-source use (Class B) including, but not limited to, biodiesel, biofuel, bio-char, anaerobic digesters, geo-exchange, carbon capture and storage, geothermal, micro-hydro, waste-to-energy, or fuel cells. All of these developments require a development permit.

4.1 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.

(d) information regarding setbacks from property lines and the proximity to structures or uses on both the site and adjacent parcels of land;

(e) information or verification of the proposed source of water if required for the type of facility;

(f) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment and Protected Areas (2018/09/14);

(g) an analysis of environmental consideration including roadways, on-site potential for fluid leaks, impact upon wildlife, or any other identified issues;

(h) a fire and emergency response plan prepared by a qualified professional and approved by the Municipal District of Willow Creek Emergency Services; and

(i) a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.

(j) 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 Council.

4.2 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 biofuel 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) Council 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.

4.3 Depending on the type of energy project proposed, either Class A or Class B, Council 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 and Protected Areas, 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 for securing any necessary approvals from agencies including but not limited to Alberta Environment and Protected Areas and Parks, Alberta Utilities Commission and the Alberta Energy Regulator with copies of approval filed with the municipality.

(h) 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.

(i) Council may apply to 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.

4.4 Prior to making a decision on a development application, the Development Authority may refer and consider the input of the government agencies and departments as necessary.

4.5 Upon receipt of a development permit application, Council 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 Council);

(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.

## SECTION 5 AUTOMOTIVE REPAIR, PAINT SHOP AND SALES

5.1 Automotive repair shops shall not be located within 50.3 m (165 ft.) of the boundary of any property in a grouped country residential land use district. This distance may be relaxed if the parcel of land on which the automotive repair shop is located is within a hamlet.

5.2 Automotive detail and paint shops uses are not permitted within 76.2 m (250 ft.) of the boundary of any property in a grouped country residential development, or within 100 m (328 ft.) from an existing residential dwelling, whichever distance is greater. This distance may be relaxed if the use is for automotive detail only and it is not associated with a paint shop.

5.3 All operations associated with automotive repair, detail or paint shop uses shall be contained within a completely enclosed building except where outdoor storage is expressly permitted.

5.4 Where exterior storage is permitted, such storage shall not be located in the front yard and shall be screened from view from any road or lane. Wherever possible, outdoor storage should not back onto or face an adjacent residential parcel. The Municipal Planning Commission may place conditions on a development permit approval to require screening.

5.5 The applicant shall be responsible for compliance with Alberta Environment and Protected Areas and Protected Areas regulations and guidelines for containing, storing and disposing of paint or fluids.

5.6 For any business that is involved in selling, repairing, or salvaging automotive vehicles, the applicant shall be responsible for compliance with the Alberta Motor Vehicles Industry Council (AMVIC) licensing requirements.

5.7 Applications for automotive repair, detail or paint shop uses may be referred to Alberta Environment and Protected Areas and Parks and Alberta Health Services for comment prior to a decision being made by the Municipal Planning Commission.

5.8 For an individual or business involved in automotive vehicle sales only (including lease consignment), a development permit approval will be required if transactions correspond to the licensing requirements of the Alberta Motor Vehicles Industry Council (AMVIC).

## SECTION 6 AUTO WRECKAGE AND SALVAGE YARDS

6.1 The site shall not be located within 1 km (0.6 mile) from any adjacent residence.

6.2 All vehicles and machinery must be stored within the enclosure and maintenance of the site should be in accordance with the standards deemed necessary for the use of the site in an acceptable fashion at the discretion of the Municipal Planning Commission.

## SECTION 7 BATCH PLANTS

7.1 The Municipal Planning Commission shall solicit and consider the comments of Alberta Environment and Protected Areas and Alberta Health Services before making a decision on a development application concerning a batch concrete or asphalt plant.

7.2 The Municipal Planning Commission may require that the developer enter into a Road Use Management Agreement with the Municipal District in order control traffic on municipal roads and manage dust control and/or maintenance issues.

7.3 The applicant shall be responsible for obtaining an approval and complying with Alberta Environment and Protected Areas regulations and guidelines.

7.4 The Municipal Planning Commission may require verification of a secure and suitable water supply, as required for the type of development, in consideration of a permit approval.

**Concrete Plant**

7.5 The building or working area used for processing/mixing aggregate shall not be located closer than 2 kilometres (1.2 miles) to a residential dwelling, the separation distance being measured from the edge of the dwelling to the nearest edge of the planned working area of the sand and gravel extraction operation.

**Asphalt**

7.6 The applicant shall be responsible for preparing an odour mitigation plan detailing the measures to be undertaken to reduce odours that may be produced by the asphalt plant.

7.7 The Municipal Planning Commission shall consider the proposed location of the building or working area used for processing/mixing of asphalt, specifically the proximity of adjacent residential dwellings, when determining an appropriate setback for the proposed operation.

## SECTION 8 BUILDINGS WITH LIVE/WORK UNITS

8.1 A building may be occupied by a combination of one or more of the uses listed for a district and each use shall be considered a separate use and each use shall obtain a development permit.

8.2 The Development Authority may require that each use has its own separate utility servicing lines and infrastructure provided.

8.3 The minimum size of a dwelling unit shall be 74.3 $m^2$ (800 $ft^2$).

8.4 The dwelling unit shall be part of and contiguous with the building that contains the non-residential use.

8.5 The use of the non-residential portion of live/work units shall be limited to the permitted and discretionary uses in the appropriate land use district.

8.6 The resident owner or owner's employee, as resident, shall be responsible for the non-residential activity performed.

8.7 Separate entrances shall be provided for the non-residential and residential uses. Each entrance shall have direct or indirect (via a hallway) access to a public street.

8.8 The building must comply with all applicable provincial Safety Code requirements.

## SECTION 9 CANNABIS NURSERY, CANNABIS CULTIVATION AND CANNABIS PROCESSING

The requirements of this section apply to cannabis nursery, cannabis cultivation and cannabis processing facilities as defined by the Land Use Bylaw and are in addition to any federal regulations required by the Government of Canada.

9.1 The owner or applicant must provide, as a condition of development approval, a copy of the current license for all activities associated with a cannabis facility as issued by Health Canada.

9.2 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 municipal legislation.

9.3 The building or working area used for cannabis nursery, cannabis cultivation and cannabis processing facilities shall not be located closer than 500 m (1640 ft.) from a residence or residential parcel, not associated with the use.

9.4 For indoor facilities, the development must be done in a manner where all processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.

9.5 For outdoor cultivation facilities, the development must include security and fencing as per the Federal Regulations.

9.6 The development must include equipment designed and intended to remove odours and particles from the air where it is discharged from the building as part of the ventilation system.

9.7 The Municipal Planning Commission may require, as a condition of a development permit, a public utility and waste management plan, completed by a qualified professional including detail on:

(a) the incineration of waste products and 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.

9.8 The separation distance to a residence or residential parcel may be relaxed or varied if the appropriate waivers have been obtained by the applicant from the affected landowners. The separation distance shall be measured from the closest point of the cannabis facility building or other structure (i.e. fence).

## SECTION 10 CANNABIS RETAIL STORE

**Application Requirements**

10.1 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:

(a) prior to applying for a municipal development permit for a Retail Cannabis Store, the applicant is required to apply to 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;

(b) details of the proposed store location and a detailed listing and site plan of surrounding businesses and uses, both on adjacent (contiguous) parcels and those identified as sensitive sites in within 300 m (drawn on a high quality and clearly legible site plan with text descriptions.

**Criteria and Standards**

10.2 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.

10.3 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.

10.4 A Retail Cannabis Store shall not be approved for a development permit if the premises is located within a 300-metre separation 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 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 school reserve or municipal and school reserve under the Municipal Government Act; or

(f) the boundary of the parcel of land which contains a church, community centre, library or recreation facility where persons under 18 years of age may attend or congregate.

10.5 The specified separation distances applicable to Retail Cannabis Stores are not eligible to be varied or waived by the Development Authority, or on an appeal by the Subdivision and Development Appeal Board.

10.6 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.

10.7 The design and construction of a Retail Cannabis Store must meet all provincial building code requirements.

## SECTION 11 CAMPGROUNDS, FAMILY AND COMMERICAL

**Private Family Campground**

11.1 A private family campground is an area for seasonal private family recreation which is used or intended to be used where no fee or charge is paid and may include the use of recreational units, including any licensed recreation vehicle similar to recreational non- permanent accommodation, as a part of the recreational use. The number of recreational units per lot, parcel, or quarter section allowed is as follows:

| Parcel Size | Number of Camping Units Allowed |
|---|---|
| 5 acres to 20 acres | 3 |
| 21 acres to 160 acres or greater | 5 |

11.2 Private family campground may be located on any vacant property within the Rural General – RG land use district, including but not limited to a vacant lot, parcel, or quarter section, and is subject to the following.

(a) recreational and other vehicles, camp trailers, and 5th wheels must have current registration and be in an operable, road-worthy condition;

(b) where permanent or temporary buildings or structures are desired, a development permit is required;

(c) all waste and garbage must be managed on-site and removed from the site regularly during camping and upon completion of camping;

(d) the lot, parcel, or quarter section on which camping 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.

(e) compliance with all minimum setbacks for the land use district must be met. Any relaxation to required setbacks are at the discretion of the development authority to maintain the quiet amenity of neighbouring properties.

(f) sewage must be disposed of at an off-site sani-dump facility or portable toilet properly disposed of off- site. Development permit approval must be obtained for the installation of an on-site private sewage disposal system.

(g) camping on vacant land by persons other than the property owner and/or their invited guests is prohibited. All camping 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.

(h) The storage of recreational and other vehicles, camp trailers, and fifth wheels in off-season periods is strictly prohibited.

11.3 When any of the criteria in sections 11.1 and 11.2 cannot be met, a development permit shall be required to request a waiver to one or more of the standards.

**Commercial Campground**

11.4 Applications which propose to establish or enlarge a commercial campground or recreational vehicle park shall be:

(a) required to submit a detailed area structure plan approved by Council, and

(b) evaluated with respect to Alberta Economic Development and Tourism's Minimum Standards for Approved Campgrounds and Trailer Parks or its replacement document.

11.5 Where a commercial campground is proposed to be developed on a parcel designated as Rural Recreational - RR, the following shall apply:

(a) be located on a site not less than 1.2 ha (3.0 ac) in size and shall be of such a size that would provide adequate parking, and the site plan shall indicate the number and location of parking stalls;

(b) shall be accessed by a paved or hard surfaced road. If the adjacent municipal road or provincial highway is gravelled, the applicant shall be required to upgrade the access road at the sole cost of the developer as required by the Municipal Planning Commission;

(c) a soils analysis for private sewage disposal which estimates the volumes of sewer and size of system required;

(d) the development should be serviced by a reliable potable water source to the satisfaction of the Municipal Planning Commission;

(e) all campsite boundaries shall be defined on the ground by permanent flush stakes, or markers, with a stall number or other identification system and the minimum camping stall shall be:

(i) 6.0 m (20 ft.) in width,

(ii) 18.0 m (60 ft.) in depth,

(iii) 108 $m^2$ (1,200 $ft^2$) in area;

(iv) with a minimum distance between camping site shall be 3.0 m (10 ft.).

(f) each camp site stall must be accessed by an internal road and shall be hard surfaced or surfaced to the satisfaction of the Municipal Planning Commission and shall be:

(i) 3.0 m (10 ft.) in width for one-way traffic, and

(ii) 6.0 m (20 ft.) in width for two-way traffic;

(g) a minimum of 10 percent of the total site shall be set aside in a location suitable to the Municipal Planning Commission as a common open space recreation area;

(h) one parking stall per campsite and 1 visitor parking stall at a ratio of one stall per 10 campsites;

(i) fires will be permitted only in designated fire pits or other such facilities as determined by the Municipal Planning Commission;

(j) a landscaping plan that retains natural vegetation shall be provided to the satisfaction of the Municipal Planning Commission; and

(k) a plan showing proposed accessory structures including but not limited to decks and sheds which are to be developed in conjunction with seasonal campsites. These will be considered on a case-by-case basis with consideration given to the location of the campground in potential flood areas.

11.6 One on-site security/operator suite may be permitted. Details of the size of the residence as well as proposed servicing shall be submitted with the application.

11.7 Noise control measures may be required and may include the use of berms, natural barriers and screens and locating noise-insensitive aspects of the campground close to the noise source.

11.8 All facilities shall meet public health regulations and be kept in a manner satisfactory to the health regulatory authority.

11.9 Recreational vehicle parks may allow for seasonal stays and park model recreation vehicles between May 1 and October 31. The Municipal Planning Commission may alter the months of operations if the development has met the requirements for the provision of services (water and sewer) in the winter months.

11.10 A campground may include as supplementary uses any or all the following and for the purpose of this section, the following definitions apply:
**Bathroom Facility means** an accessory building that includes any or all the following: bath facilities, shower facilities, washroom facilities, and or toilet facilities.
**Laundry Facility means** an accessory building that provides for the washing and/or drying of clothes or other laundry.
**Camp Kitchen means** an accessory, un-insulated building intended to provide temporary shelter solely for the purpose of preparing or eating food.

11.11 Construction of roads and /or approaches leading to a proposed or enlarged campground may be required as a condition of development approval. An existing road or approach may be required to be upgraded to sustain the volume and type of traffic to be generated by the proposed campground.

## SECTION 12 CAR / TRUCK AND TRAILER WASH FACILITIES

12.1 The building surfaces shall be constructed of a material that is durable.

12.2 The building shall be located a minimum of 30.48 m (100 ft.) from the boundary of any residential land use district and 800 m (2625 ft.) from land used for grouped residential development.

12.3 As part of the complete development permit application requirements for a car or truck wash use, the Municipal Planning Commission may require the applicant to provide verification acceptable to the Municipal Planning Commission that there is a secure water source sufficient to service the development.

12.4 A development permit approval for a car or truck wash may be denied, if in the opinion of the Municipal Planning Commission, there is not a sufficient water source to service the development.

12.5 Lagoons or private sewage septic treatment systems may not be used for handling the grey water resulting from the washing of vehicles if the proposed system is determined to be not suitable by the Development Authority. As a condition of a development permit approval, the Development Authority:

(a) may require the proposed grey water system to be engineered by a qualified professional with a technical report submitted to the satisfaction of the municipality and deemed acceptable; or,

(b) may require the proposed development to be connected to municipal sewage services, if available, at the applicant's expense.

## SECTION 13 CHILD CARE FACILITIES INCLUDING DAY HOME

**Day Home**

13.1 A day home shall have no more than six (6) children including children who reside in the home per a day.

13.2 The use requires a minimum of one (1) on-site pick-up stall.

13.3 Signage for day home facilities must comply with the following:

(a) a maximum of one sign;

(b) sign must be no greater than 0.74 $m^2$ (8 sq. ft.) in size; and

(c) sign must be located in the buildings window.

**Day Care / Child Care Facilities**

13.4 If determined necessary by the Development Authority, the applicant for a day care or childcare facility may be required to meet and consult with all adjacent landowners in the vicinity of where the use is proposed.

13.5 In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.

13.6 Signage for day/childcare facilities must comply with the following:

(a) a maximum of one sign;

(b) sign must be no greater than 0.74 $m^2$ (8 sq. ft.) in size; and

(c) sign must be located in the building's window in a residential land use district.

(d) In a residential land use district, a request for more than one sign or a sign greater than 0.74 m2 (8 sq. ft.) requires a separate development permit application. In a commercial or industrial land use district, one exterior building sign may be permitted in addition to a window sign.

13.7 The use shall not generate traffic problems within the district.

13.8 The use requires a minimum of one (1) on-site pick-up and drop-off space for every 10 children/clients and the location of passenger loading zones for day care facilities may be specified by a condition of a development permit.

13.9 On-site parking is required with the provision of one (1) space per employee. On-site parking should be separated from pedestrian traffic and outdoor areas for children.

13.10 A facility catering to children must have screening for any outdoor play areas to the satisfaction of the Development Authority.

13.11 All applications for day care facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies. All childcare facilities must be licensed and operate in accordance with the provincial Early Learning and Child Care Act.

13.12 In considering the suitability of a building or site for a discretionary day care/child care use, the Development Authority may consider the appropriateness of the location for child care with regard for the proximity to required services, parks, neighbourhood characteristics, traffic issues or congestion in the neighbourhood, and if the size is adequate to meet program requirements, including outdoor space, parking, and the drop-off zone.

## SECTION 14 DATA PROCESS OPERATION

14.1 An application for a Data process operation shall be accompanied by all the application submission requirements in accordance with Administration, section 30 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, semi-trucks 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 professional which measures sound from the proposed facility to the nearest dwelling/or building. 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; and

(e) any other information that may be required by the Development Authority.

14.2 Proposals for Data process 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.

14.3 An application for a Data process 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.

14.4 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 for applications utilizing an on-site power plant generating 10 MW or more.

14.5 At all times during the operation of the Data process operations 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 |
|---|---|---|
| Other parcels zoned for Industrial purposes | 75 dB | 70 dB |

14.6 On-site power generation proposed to be used in conjunction with Data process operations 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 14.6, more sophisticated sound mitigation solutions shall be required prior to commencement of operations.

14.7 In response to noise complaints:

(a) by residents, the Data process operation that is the subject of those complaints may, at the discretion of the Development Authority, be required to undertake sound level testing at the location of the most affected dwelling to demonstrate that the noise threshold is not exceeded.

(b) by operators of other properties within the Industrial land use district, the Development Authority may determine that noise compliance testing is required to demonstrate compliance.

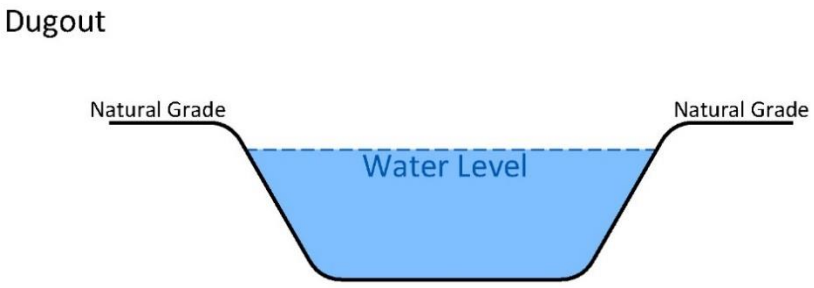
(c) any required compliance testing shall be undertaken at the cost of the developer.

## SECTION 15 DUGOUTS AND AGRICULTURAL WATER RESERVOIRS

**Dugouts**

15.1 A dugout used by a landowner to store water for the purposes of stock watering or domestic use that has a capacity of less than 2,500 cubic metres (88,287 cubic ft.) will not require a development permit if located a minimum of 22.9 m (75 ft.) from the right-of-way of a highway or municipal road, measured from the edge of the water.

15.2 Any dugout with a capacity greater than 2,500 cubic metres (88,287 cubic ft.) shall be considered an agricultural water reservoir and shall require a development permit.




15.3 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.

15.4 Dugouts may be allowed closer to the right-of-way of a highway or public road if a barricade is 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 and a development permit is required.

15.5 The minimum standard of a barricade that may be required around a dugout shall be a post and cable barricade as per Alberta Transportation standards.

15.6 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**

15.7 Development permit application for an above grade water reservoir for agricultural purposes with a capacity greater than 2,500 cubic metres (88,287 cubic ft.) shall submit the following information:

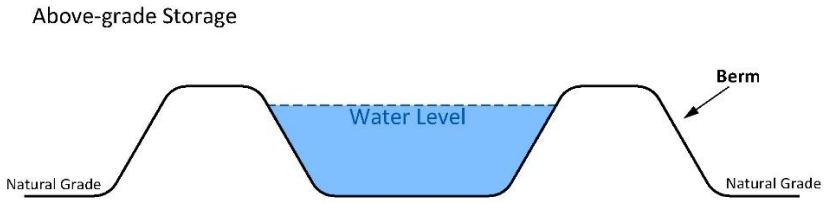
(a) a detailed site plan including all setbacks from property lines, location of municipal road, location of easements in proximity of the proposed reservoir site; and

(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.

15.8 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.

15.9 As a condition of approval, the developer shall submit a certified copy of the “as built” construction drawing to the municipality.




## SECTION 16 FABRIC BUILDINGS / COVERED STORAGE STRUCTURES

Fabric buildings or covered storage structures which meet the definition of this bylaw are to be considered as permanent buildings or structures and must meet the required setbacks, maximum height, maximum site coverage and other applicable standards of the bylaw. Development permit applications involving fabric buildings shall be considered with regard to the following:

16.1 Permit applications will be processed in accordance with the use proposed, which must meet or be similar to the applicable land use district permitted or discretionary uses listed.

16.2 Fabric buildings which do not meet the definition of this bylaw or are associated with uses which are prohibited in the bylaw, are deemed to be prohibited uses.

16.3 Fabric building/storage accessory building or structures:

(a) shall not be located in the front or side yard in any hamlet residential land use district, and

(b) may be located in the front or side yard setback within all other districts.

16.4 A fabric storage accessory building or structure shall not be located within the required setback from a public road or on an easement.

16.5 A fabric storage accessory building or structure shall be setback a minimum 1.22 metres (4 ft.) from the principal dwelling and from all other structures on the same lot.

16.6 All buildings or structures must be securely tethered and anchored to the ground in accordance with provincial Safety Code requirements. Additionally, all fabric covers must be securely tethered to the structures' frame.

16.7 As a condition of a development permit approval, the Development Authority may:

(a) stipulate specific requirements for the type of fastening or tie-down system in accordance with current CSA standards, and

(b) determine the fabric material colour to be applied to the accessory building or structure.

## SECTION 17 FENCES AND SHELTERBELTS ASSOCIATED WITH AGRICULTURE

17.1 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel and are not subject to the 22.9 m (75 ft.) setback from municipal roads.

17.2 Fences used as an enclosure, barrier, boundary, means of protection, privacy screening or confinement constructed of any allowable material (wood, stone/brick, metal, or plastic) with less than 85 percent of their surface area open for free passage of light must be located outside the required setbacks for the land use district including:

(a) 22.9 m (75 ft.) from the right-of-way of any roadway maintained by the municipality;

(b) 60.1 m (200 ft.) from a naturally occurring water body or outside the 1:100 flood elevation, whichever distance is greater;

17.3 In rural areas along local roads, the construction or erection of a fence, hedge or shelterbelt shall comply with the following:

(a) no fence, hedge or shelterbelt shall be erected which would unduly restrict the vision of approaching traffic; and

(b) no hedge or shelterbelt should be erected closer than 9.1 m (30 ft.) of the right-of-way of a public road.

## SECTION 18 HAZARDOUS INDUSTRIES

Hazardous industries are those uses that may be detrimental to public health, safety or welfare beyond the boundaries of the site or parcel upon which it is situated. For such uses, the following shall apply:

18.1 The Development Authority shall solicit and consider the comments of Alberta Environment and Protected Areas and Alberta Health Services before making a decision on a development application concerning a hazardous industry.

18.2 The Development Authority shall solicit and consider the comments of an adjacent municipality within an adopted Intermunicipal Development Plan boundary before making a decision on a development application which proposes to establish or enlarge a hazardous industry and shall consider any relevant policies in the Intermunicipal Development Plan.

18.3 Prior to a decision being made on a hazardous industry, the Development Authority may hold a public meeting in order to solicit the views of the public in regard to the application.

18.4 The Development Authority may require that a hazardous industry shall be located in a designated heavy industrial land use district and specified area, in accordance with the Municipal Development Plan.

## SECTION 19 HOME BASED BUSINESS

19.1 An application for a home occupation shall be considered by the Municipal Planning Commission or the designated officer upon an application filed by the registered owner of the property.

19.2 The issuance of a development permit for a minor home occupation shall not involve the display or storage of goods or equipment outside or inside the premises where these items are exposed to public view from the exterior.

19.3 No variation in the residential character and appearance of the dwelling, accessory residential building, or land shall be permitted.

19.4 No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare produced by the use shall be discernible beyond the premises.

19.5 Advertising signs shall be permitted in accordance with the signage regulations.

19.6 The use shall not cause an increase in the demand placed on any one or more utilities (water or sewer) and the combined total consumption for a dwelling and its home occupation does not significantly exceed the average for residences in the area.

19.7 Permits issued for home occupations shall be subject to the conditions attached and may be revoked at any time if, in the opinion of the Municipal Planning Commission, the use is or has become detrimental to the residential character of and amenities of the neighbourhood.

## SECTION 20 INTENSIVE HORTICULTURAL USES CLASS A AND B

20.1 The site of a horticultural use may be approved for development, expansion, or for the creation of a separate parcel provided:

(a) the area of the proposed parcel shall be a minimum of 1.21 ha (3 acres);

(b) the proposed location is suitable for the intended use;

(c) the proposed use or operation will be developed in such a manner no run-off water can directly enter any waterbody, watercourse, groundwater, irrigation system, public roadway ditch or riparian area;

(d) there will be adequate provision for waste treatment, temporary waste storage facilities and arrangements for waste disposal on the operator's own land or any other land, in accordance with standards set by the appropriate provincial departments; and

(e) the proposed use otherwise complies with legislation and regulations relating to such uses.

20.2 The horticultural use shall submit information regarding the source and volume of water necessary for the operation of the development which may include approvals and proof of licences for the diversions of the anticipated water volumes.

20.3 A comprehensive site plan shall be submitted with indicates the buildings, parking areas, loading areas, access and egress to the site as well as any other improvements necessary for the operation.

## SECTION 21 INTENSIVE LIVESTOCK OPERATION

21.1 For the purposes of determining the requirement for a development permit and applying the standards of the Land Use Bylaw:

(a) is capable of confining a specified minimum number of animals as outlined in the Table below; and

| Type of Livestock | No. of Animals Requiring a Development Permit | No. of Animals Requiring a NRCB Registration | Number of Animals Requiring a NRCB Approval | Factor to be used to determine animal unit |
|---|---|---|---|---|
| Beef Cows/Finishers (900+ lbs.) | 75 - 149 | 150 - 349 | 350+ | 1.1 |
| Beef Feeders (<900 lbs.) | 100 - 199 | 200 - 499 | 500+ | 2 |
| Dairy (milking, replacements & dries) | 25 - 49 | 50 - 199 | 200+ | 0.5 |
| Swine (sows - farrow to finish) | 15 - 29 | 30 - 249 | 250+ | 0.56 |
| Swine (sows - farrow to wean) | 25 - 49 | 50 - 999 | 1,000+ | 1.5 |
| Swine (feeders) | 250 - 499 | 500 - 3,299 | 3,300+ | 5 |
| Swine (weaners) | 250 - 499 | 500 - 8,999 | 9,000+ | 18.2 |
| Poultry (broilers) | 1,000 - 1,999 | 2,000 - 59,999 | 60,000+ | 500 |
| Poultry (breeder) | 500 - 999 | 1,000 - 15,999 | 16,000+ | 100 |
| Poultry (layers) | 2,500 - 4,999 | 5,000 - 29,999 | 30,000+ | 125 |
| Poultry (pullets) | 1,000 - 1,999 | 2,000 - 59,999 | 60,000+ | 500 |
| Turkeys (toms) | 500 - 999 | 1,000 - 29,999 | 30,000+ | 50 |
| Ducks | 500 - 999 | 1,000 - 29,999 | 30,000+ | 50 |
| Geese | 500 - 999 | 1,000 - 29,999 | 30,000+ | 50 |
| Horses (PMU) | 50 - 99 | 100 - 399 | 400+ | 1 |
| Horses (feeders) | 50 - 99 | 100 - 299 | 300+ | 1 |
| Sheep (ewes/lambs) | 100 - 199 | 200 - 1,999 | 2,000+ | 5 |
| Goats | 100 - 199 | 200 - 1,999 | 2,000+ | 6 |
| Bison | 75 - 149 | 150 - 349 | 350+ | 1 |
| Elk | 75 - 149 | 150 - 399 | 400+ | 1.7 |
| Deer | 100 - 199 | 200 - 999 | 1,000+ | 5 |

(b) an intensive livestock operation is any feedlot or covered facility of significant investment and/or permanence: and

(c) is at a density of greater than 2 animal units per acre for more than six consecutive months, and less than thresholds established in the Agricultural Operation Practices Act Regulation.

**Minimum Setbacks for Uses Involving Livestock or Animals**

21.2 All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the Agricultural Operations and Practices Amendment Act and Regulations shall not be located closer to a neighbouring residence than 30.5 metres (100 ft.).

21.3 All corrals, feeders, shelters or other structures for the feeding of animals less than the numbers outlined in the Agricultural Operations and Practices Amendment Act and Regulations shall not be located within 30.5 metres (100 ft.) of the boundary or right-of-way an irrigation district canal, creek, stream, river, lake shore or water body.

## SECTION 22 ISOLATED COMMERCIAL / INDUSTRIAL CLASS A AND B

22.1 An isolated industrial use means any commercial, industrial or light industrial use located on a parcel of land not adjacent to other existing industrial uses designated Rural Industrial or Rural Commercial and that would not substantially change the agricultural characteristics of an area.

22.2 **Isolated Industrial Class A** means business uses which can be compatibly located with surrounding uses and involve limited manufacturing and assembly of products or parts, including packaging and incidental storage of the product; or agricultural, industrial and construction support services, limited rentals and service; a non-labour intensive interior storage or warehousing use; and the retail sale of goods to the public.

*Examples include but are not necessarily limited to: bulk fuel depots; welding and fabrication shops; machine shops; trailer assembly; oilfield maintenance and instrumentation; plumbing and electrical shops; cabinetry and woodworking shops; mechanical repair; water hauling; equipment, machinery and vehicle sales, rental and service; trucking and transport service; and other such uses determined by the Development Authority to be similar in nature.*

22.3 **Isolated Industrial Class B** means manufacturing, warehousing and business uses which can be compatibly located with surrounding uses and involve manufacturing and assembly of predominantly previously prepared materials, finished products or parts, including packaging and incidental storage of the product; or agricultural, industrial and construction support services, including machinery, large scale equipment and vehicle sales; or a interior storage or warehousing use requiring a relatively large area of land but minimal on-site improvements, which does not include retail sale of warehouse goods to the public.

*Examples include, but are not necessarily limited to: equipment, machinery and vehicle sales, rental and service; trucking and transport service; and other such uses determined by the Development Authority to be similar in nature*.

22.4 Isolated rural industrial Class A and B development shall not be approved if, in the opinion of the Development Authority or Subdivision and Development Appeal Board, a more suitable, compatible, serviceable and/or accessible hamlet industrial, rural industrial or alternative rural lot is reasonably available.

22.5 Isolated Class B rural industrial development shall be discouraged, unless otherwise specified in an adopted Intermunicipal Development Plan:

(a) within two miles of urban municipalities;

(b) within one mile of a designated hamlet, locality or grouped country residential district;

(c) within one mile of a public park, recreation area or private commercial recreation district;

(d) within one-half mile of an existing or approved rural residence, public institutional use or intensive agricultural operation;

(e) within one-half mile either side of a provincial highway, designated tourist, scenic or recreational access road;

(f) adjacent to a waterbody;

unless the Development officer, Municipal Planning Commission or Subdivision and Development Appeal Board is satisfied that adequate measures and high operational standards will be undertaken and maintained to minimize any nuisance, hazard or noxious effect on vicinity land uses.

## SECTION 23 MIXED USE DEVELOPMENTS (BUILDINGS OR PARCELS)

23.1 Mixed-use developments shall be subject to the following:

(a) as part of the development proposal review the applicant must submit a concept plan.

(b) mixed-use development should be sited at the edges of a residential neighbourhood, at a collector and arterial street intersection or a collector and local street intersection, at the entrance to a neighbourhood, at the entrance to a commercial-hub area, or in conjunction with a park, school, civic use, or public space.

23.2 Parking requirements will be based on the following:

(a) space for parking should be balanced between a project's mix of uses and may be developed as joint use parking areas.

(b) no more than 50 percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.

(c) flexible parking regulations based on peak parking hours may be considered by the Development authority based on the consideration of:

(i) providing sufficient parking, balancing the parking needs of different land use types based on hours of operation; and

(ii) where parking demands peak during different times of the day, parking may be shared if the Development Authority is of the opinion that there will be minimal impacts to adjacent land uses.

(d) parking and vehicle driveways should be located away from building entrances and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.

(e) for buildings with mixed residential/commercial uses, the residential component should have the required minimum off-street parking requirements which are not shared with business uses. The additional off-street parking spaces shall be provided for the business component in consideration of the parking standards in Schedule 5.

**Buildings with Residential/Commercial Units (Mixed)**

23.3 A building may be occupied by a combination of one or more of the uses listed for a district and each use shall be considered a separate use and each use shall obtain a development permit.

23.4 The Development Authority may require that each use has its own separate utility servicing lines and infrastructure provided.

23.5 The minimum size of a dwelling unit shall be 65.0 $m^2$ (700 sq. ft.).

23.6 The non-residential portion of residential/commercial units shall be limited to the permitted and discretionary uses in the appropriate land use district.

23.7 The business/commercial component of a residential/commercial unit must be a minimum of 25 percent of the Gross Floor Area.

23.8 The dwelling unit shall be part of and contiguous with the building that contains the principal commercial land use.

23.9 Separate entrances shall be provided for the commercial and residential uses. Each entrance shall have direct or indirect (via a hallway) access to a public street.

23.10 The building must be able to comply with all applicable provincial Safety Code requirements.

**Parcels with Mixed-Use**

23.11 A building or use may be a combination of one or more of the uses listed for a district and each use shall be considered a separate use and each use shall obtain its own development permit.

23.12 Building separation setbacks are required when an abutting property or site with an existing building has windows facing to the side. In such circumstances, any new development or addition shall provide at least ten ft. of separation between the existing and new building, or other separation as required or may be applicable in compliance to the provincial Safety Code.

23.13 The building must be able to comply with all applicable provincial Safety Code requirements.

23.14 The development of the site must provide acceptable road access, storm water management, fire suppression, and utility and servicing requirements that are acceptable to the municipality.

## SECTION 24 MOTOCROSS TRACKS / MOTOR SPORTS FACILITIES

24.1 Setbacks for outdoor motocross / motor sport tracks should be:

(a) a minimum 4.8 km (3.0 miles) from schools, residences, campgrounds, hospitals, parks, playgrounds, churches and other institutions, recreational trails and known habitat of rare, threatened or endangered animal species;

(b) a minimum 4.8 km (3.0 miles) from national wildlife refuges, migratory bird sanctuaries, or protected natural areas designated under legislation.

24.2 In deciding on an application, including establishing any conditions of approval, the Municipal Planning Commission shall have regard to the potential impact on existing and proposed uses in the vicinity of the proposed site.

24.3 The Municipal Planning Commission shall consider the site, natural features, and the quality of the land on which the development is proposed as such uses shall be discouraged on good quality agricultural land and in environmentally sensitive or significant areas.

24.4 Motocross or motor sport facilities may include associated accessory uses that cater to the public which may include public washrooms, food sales, parking and viewing areas, which shall be reviewed and considered at the discretion of the Municipal Planning Commission on site specific basis.

## SECTION 25 MOVED-IN BUILDINGS - RESIDENTIAL

Moved-In Building – Residential means a previously existing, established and occupied dwelling, which is removed from one site and then transported and re-established on another site. For the purposes of this bylaw, a moved-in building does not include a “manufactured home”, “modular home”, “ready-to-move home”, motor home, travel trailer, recreation vehicle and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

25.1 Before considering any application for a moved-in building, the Development Officer or Municipal Planning Commission shall require:

(a) recent colour photographs of all elevations including additions; and

(b) floor plan and accurate site plan for the location to which the building is to be placed or moved; and

(c) specifications of the structure of the building; and

(d) may require a personal inspection by the municipality to determine the unit's suitability.

25.2 In deciding on an application, including establishing any conditions of approval, the Development Officer or Municipal Planning Commission shall have regard to the potential impact on existing and proposed uses in the vicinity of the proposed site.

25.3 As a condition of approval the Development Officer or the Municipal Planning Commission, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if it would serve to improve the quality or compatibility of any proposed development.

25.4 The Development Officer or Municipal Planning Commission, may require a security deposit of a minimum $5000.00 to a maximum value of up to 50 percent of the appraised value of the building to ensure the conditions of the development permit are met. Return

of the security deposit is contingent on the Development Authority verifying the completion of all the conditions of this section and the development permit.

## SECTION 26 MOVED-IN BUILDINGS - NON-RESIDENTIAL

Moved-In Building – Non-Residential means a previously used or existing, established and working building, which is removed from a site, and then transported and re-established on another site. Examples include garages or shops.

26.1 Before considering any application for a moved-in building, the Development Authority shall require:

(a) recent colour photographs of all elevations including additions; and

(b) floor plan and accurate site plan for the location to which the building is to be placed or moved; and

(c) specifications of the structure of the building; and

(d) may require a personal inspection by the municipality to determine the unit's suitability.

26.2 In deciding on an application, including establishing any conditions of approval, the Development Authority shall have regard to the potential impact on existing and proposed uses in the vicinity of the proposed site.

26.3 As a condition of approval the Development Authority, at their discretion, may place conditions on a development permit including stipulating exterior finish colour and type of material, new roof material, colour and type, and orientation of building on parcel.

26.4 As a condition of approval the Development Authority, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in its opinion, they would serve to improve the quality or compatibility of any proposed development.

26.5 The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

26.6 The Development Authority may require a security deposit of a minimum $5000.00 to a maximum value of up to 50 percent of the appraised value of the building to ensure the conditions of the development permit are met. Return of the security deposit is contingent on the Development Authority verifying the completion of all the conditions of this section and the development permit.

## SECTION 27 OUTDOOR SHOOTING RANGE

The following standards and criteria will apply for consideration of a development permit application for a shooting (firing) range, including rifle, pistol, shot guns for skeet shooting and archery.

**Application Information**

27.1 An application must be accompanied by the following information:

(a) a comprehensive site plan illustrating the location of the range and any buildings on the parcel of land, accessory buildings or structures, access and egress to the parcel, parking areas, landscaping, utility easements or corridors. For outdoor ranges, the site plan, or supplementary plan, must illustrate or identify the adjacent land uses within the 1 km setback distance prescribed in section 27.2 below;

(b) a surveyed site plan; and

(c) the type of water and sewer servicing proposed;

27.2 In addition to firing range standards administered by the province, an outdoor shooting range shall be set back 800 m (0.5 miles) from schools, residences, campgrounds, hospitals, parks, playgrounds, churches and other institutions.

27.3 For outdoor archery ranges, the applicable minimum land use district setbacks apply, however, the direction of fire and orientation of ranges approved must not be toward a public highway, road, trail, developed area or public use area.

27.4 Accessory buildings may be permitted at a firing range provided they are used for purposes incidental to the firing range such as:

(a) firearm safety training;

(b) hunter education;

(c) fundraising and social activities that support the Shooting Club;

(d) grounds or building maintenance; and

(e) sale of items for the convenience of range users, such as snack foods.

**Public Consultation**

27.5 Public notification is required prior to the Development Authority rendering a decision on a development permit application. Notification shall be sent to landowners within 800 m (0.5 mile) distance of the site on which a firing range is being proposed.

27.6 The Municipal Planning Commission may, prior to rendering a decision, require the applicant to hold a public meeting with landowners within an 800 m distance of the site. If this is required, then the applicant must submit a report regarding the public response to the proposal and copies of all written submissions.

**Other Required Approvals**

27.7 Notwithstanding that a development permit may be approved by the municipality, this in no way exempts an applicant from being responsible for obtaining all required federal or provincial licenses or approvals.

27.8 As a condition on a development permit approval, the Development Authority may require that the applicant provide a copy of all federal or provincial licenses, approvals or refusals issued by federal or provincial authority to the municipality.

## SECTION 28 PAINTBALL RECREATIONAL USES

28.1 Before considering any application for a paintball recreational development, the Development Authority shall require from the applicant:

(a) an accurate site plan for the location of the paintball recreation zone and any structures, buildings, or topography to be used as part of the use, access, setbacks to public roadways, and parking areas;

(b) information on the type and proximity of adjacent land uses, including the identification of all residential dwellings located within a 1.6-kilometre (1 mile) radius;

(c) a narrative describing the operation, whether it is seasonal or year-round, proposed days and hours of business.

28.2 A outdoor recreational paintball operation shall not be located closer than 300 metres (984 ft.) to an adjacent residential dwelling and within 500 metres (1,630 ft.) of a multi-lot or designated grouped country residential subdivision, hamlet or urban centre. The separation distance being measured from the edge of the dwelling to the nearest edge of the planned active recreational paintball use area.

28.3 A indoor recreational paintball operation may have the setbacks distances found in section 30.2 reduced if measures are in place to reduce the noise impact to adjacent uses.

28.4 If approving a development permit for a paintball recreational development, the Development Authority may place conditions on the approval limiting the business hours and days of the week the development may operate.

## SECTION 29 PREFABRICATED DWELLINGS (MANUFACTURED, MODULAR, AND READY-TO-MOVE)

29.1 Eligible Prefabricated Dwellings are:

(a) new factory-built dwelling units (single-wide manufactured dwelling, double-wide manufactured dwelling, modular dwelling units) that have not been previously occupied and are built in conformity to the current Alberta Safety Codes standards and CSA certification for a year-round permanent dwelling;

(b) new Ready-to-Move dwelling units that have not been previously occupied and would normally be constructed on the site intended for occupancy, but for various reasons, are constructed off-site and are built in conformity with the current Alberta Safety Codes standards for a year-round permanent dwelling and then transported to the site intended for occupancy;

(c) previously occupied factory-built dwelling units (single-wide manufactured dwellings, double-wide manufactured dwellings, and modular dwelling units) built as a year-round permanent dwelling in a good state of repair to the satisfaction of the Municipal Planning Commission.

29.2 A development permit application for a New Prefabricated Dwelling under section 29.1(a) and (b) shall be accompanied by the following additional information:

(a) recent colour photographs or renderings showing each elevation of the building;

(b) a set of professional building plans illustrating the exterior design, floor plan, elevations, and foundation type of the home unless determined otherwise by the Development Officer;

(c) any proposed additions, including porches, steps, decks, garages, or other similar features;

(d) photo of the serial number plate, if applicable; and

(e) the proposed foundation or footing type.

29.3 A development permit application for a Used (Previously Occupied) Prefabricated Dwelling under section 29.1(c) shall be accompanied by the following additional information:

(a) recent colour photographs showing each elevation of the building;

(b) drawing of the floor plan, or if available, professional building plans illustrating the exterior design, floor plan, elevations, and foundation type of the home;

(c) any proposed additions, including porches, steps, decks, garages, or other similar features;

(d) a description of any proposed improvements to the exterior of the dwelling (e.g. replace shingles, windows, doors, repaint or replace siding);

(e) and photo of the serial number plate, if applicable;

(f) the proposed foundation or footing type; and

(g) documentation prepared by a qualified Safety Codes inspector, demonstrating that the dwelling meets the requirements of the current Alberta Safety Codes standards (building and fire) or other comparable documentation deemed acceptable by the Development Authority. If the dwelling does not meet the requirements of the current Alberta Safety Codes standards, the application shall also include the following:

(i) information indicating how the dwelling will be brought up to meet the current requirements of the Alberta Safety Codes; and

(ii) the proposed timeframe for completing the improvements.

29.4 Within the Hamlet Residential District, Prefabricated Dwellings are subject to the following additional requirements:

(a) the design, character and appearance of a prefabricated dwelling must be compatible with the surrounding dwellings in the opinion of the Development Officer or Municipal Planning Commission;

(b) the compatibility of a proposed single-wide prefabricated dwelling or a proposed previously occupied prefabricated dwelling with existing dwelling types will be considered prior to issuance of a decision on a development application;

(c) roof-pitches and variation of rooflines may be regulated to ensure compatibility with existing dwellings;

(d) any wheels, hitches, or running gears shall be removed immediately upon placement of the prefabricated dwelling;

(e) all prefabricated dwellings not placed on permanent foundations of continuous concrete or continuous concrete block foundations, shall be skirted to the satisfaction of the Development Officer or Municipal Planning Commission;

(f) additions to a Prefabricated Dwelling shall be of a complementary design and finish to that of the dwelling; and

(g) all development permit approvals for a previously occupied Prefabricated Dwelling shall be subject to a condition specifying a time limit for completion of the development, including all exterior finishes.

29.5 At the discretion of the Development Authority, Prefabricated Dwellings in any other land use district may also be subject to the additional standards in subsection 29.4.

**Additions to Prefabricated Dwellings**

29.6 Any additions, such as enclosed patios, entrance porches, carports, storage areas, additional rooms, or any other roofed structure, shall require a development permit and are subject to the following;

(a) all home additions shall be of a design and finish which will complement the unit;

(b) the materials and colours used in the construction of additions shall be of a quality, style and design which will match or complement the dwelling; and

(c) materials used shall be those commonly used for exterior finishing of residences.

**Development Permit Conditions**

29.7 As a condition of approval the Development Officer or the Municipal Planning Commission, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in his or its opinion, they would serve to improve the quality or compatibility of any proposed development.

29.8 The Development Officer or Municipal Planning Commission, may require a security deposit of a minimum $5000.00 to a maximum value of up to 50 percent of the appraised value of the building to ensure the conditions of the development permit are met.

## SECTION 30 PREFABRICATED DWELLING COMMUNITY STANDARDS

30.1 An approved siting plan shall be required prior to the subdivision and/or development of land, and all development shall conform to the siting plan.

30.2 The siting plan shall show:

(a) lot or site dimensions and minimum setbacks;

(b) the type of dwelling and number of dwelling units on each lot or site;

(c) signage, garbage containers, and lighting;

(d) open space, buffers, landscaping including screening around garbage containers and community facilities and buildings;

(e) location of utilities or required infrastructure; and

(f) other information as deemed necessary by the Municipal Planning Commission.

30.3 The lots sizes shall be as follows:

(a) Community Area – A minimum size of 2.02 ha (5.0 acres).

(b) Lot or Site Area for Dwellings

(i) A minimum area for single section homes of 350 $m^2$ (3767 $ft^2$.).

(ii) A minimum area for multi-section homes of 400 $m^2$ (4306 $ft^2$.).

(c) Lot or Site Width

(i) A minimum width for single section homes of 12.1 m (40 ft.).

(ii) A minimum width for multi-section homes of 13.4 m (44 ft.).

(d) Lot or Site Depth

(i) A minimum depth for single section homes of 28.9 m (95 ft.).

(ii) A minimum depth for multi-section homes of 30.1 m (100 ft.).

(e) Density – A maximum density of 20 dwelling units per ha (8 units per acre).

30.4 The setbacks and development shall be as following:

(a) Front Yard – A minimum yard measured from a community or public road right-of-way of 4.6 m (15 ft.).

(b) Side Yards – Principal Building – 1.2 m (4 ft.) for each side yard.

(c) Rear Yard – A minimum yard of 1.5 m (5 ft.).

(d) Separation Spaces – A minimum separation between any building and the boundary of the community is 4.6m (15 ft.).

30.5 Vehicular and pedestrian areas criteria include:

(a) All roads in a community shall meet the municipality's Engineering Design Standards.

(b) Internal pedestrian walkways shall have a hard surface and a minimum width of 0.9 m (3 ft.).

(c) Visitor parking shall:

(i) be located in convenient areas throughout the community;

(ii) be properly signed; and

(iii) not be used for storage.

(d) A secondary access from a public roadway shall be provided for emergency access to any community containing more than 50 lots or sites.

(e) All roads shall be designed, constructed and paved in accordance with specifications approved and certified by a Professional Engineer.

30.6 Recreation and Landscaping Areas criteria includes:

(a) On parcels of land where reserves have been taken, the Municipal Planning Commission may require a maximum of 2.5 percent of the gross area of the parcel for recreational use.

(b) On parcels of land where reserves have not been taken, the Municipal Planning Commission may require a maximum of 10 percent of the gross area of the parcel for recreational use.

(c) Areas of a community not occupied by dwellings, buildings, roads and other facilities shall be landscaped to the satisfaction of the Municipal Planning Commission.

(d) Adequate screening shall be provided around garbage containers and storage facilities to the satisfaction of the Municipal Planning Commission.

30.7 The need for a buffer area, landscaping, screening or a perimeter fence, shall be determined on an individual case by case basis depending upon natural conditions found on the parcel, adjacent land uses and the proposed roads, storage facility, lots or sites and open space locations. The buffer width requirement may be reduced or eliminated by the use of berms, walls, fences or dense landscape screening, or a combination thereof as determined by the Municipal Planning Commission.

30.8 Only one freestanding identification sign of a residential character and appearance, shall be erected at the entrance of a community unless the Municipal Planning approves another sign due to the layout, location and size of the community. Directional signs within the community shall be integrated in design and appearance, be kept in scale with the immediate surroundings, and constructed of durable materials.

30.9 Adequate road lighting shall be designed by a professional engineer to the satisfaction of the Municipal Planning Commission. Such lighting shall be installed and maintained to adequately illuminate the travelled portion of the road including all intersections, the turning circle of cul-de-sacs, any point at which an internal roadway changes direction 30 degrees or more, and any off-street visitor parking areas in conformance with the Schedule 5, Section 10.

30.10 Underground utilities shall be provided to all lots or sites.

## SECTION 31 RECREATIONAL VEHICLE (RV) STORAGE

31.1 The maximum number of recreational vehicle units permitted on the site shall be as determined by the Municipal Planning Commission. Generally, there should not be permitted more than 60 units per acre of land.

31.2 Storage shall be carried out as required under the Alberta Fire Code pertaining to water for fire suppression, fencing and access.

31.3 Vehicle entrances and exits, as well as internal vehicle routes shall be designed in a manner that provides a safe and clearly defined circulation pattern.

31.4 All on-site roadways shall have a durable hard surface of gravel or similar material and the same shall be drained and developed to the satisfaction of the Development Authority.

31.5 Where on-site parking or storage is illuminated, all lighting shall be positioned in such a manner that lighting falling onto abutting properties is minimized and meet the standards required in Schedule 4, Section 10: Dark Sky Policies.

31.6 Any developed portion of the site must be graded, contoured and seeded and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto public roadway or other neighbouring property.

31.7 There shall be no:

(a) storage of hazardous materials or goods on-site;

(b) day use or over-night accommodation shall be allowed on-site; or

(c) storage of recreational vehicles for the salvage of, or for derelict recreational vehicles.

31.8 The recreational vehicle compound may be fenced with a minimum 1.8 m (6 ft.) high chain link fence around the periphery of the storage area, or as otherwise required by the Development Authority.

31.9 Any proposed sanitation dump shall be in accordance with the Alberta Safety Code Standard of Practice.

31.10 At the discretion of the Municipal Planning Commission, a landscape plan may be required as part of the submission for a development permit and the plan must be prepared by a certified landscape architect or a person qualified to perform such work.

## SECTION 32 RELIGIOUS ASSEMBLY

32.1 A religious assembly should be accessed by a paved or hard surfaced road. If the adjacent municipal road or provincial highway is gravelled, the applicant will be required to upgrade the access road at the sole cost of the developer as required by the Municipal Planning Commission.

32.2 Where a religious assembly is proposed to be developed on a parcel designated as Rural General - RG, the following regulations shall apply:

(a) be located on a site not less than 1.6 ha (4.0 acres) in size;

(b) should be located on a road which is paved or hard surfaced;

(c) a soils analysis for private sewage disposal which estimates the volumes of sewer and size of system required;

(d) the development should be serviced by a reliable potable water source to the satisfaction of the Municipal Planning Commission;

(e) the parcel shall be of such a size that would provide adequate parking, and the site plan shall indicate the number and location of parking stalls.

32.3 Where a religious assembly is proposed to be developed on a parcel on land not designated Rural General - RG, the following regulations shall apply:

(a) the maximum total parcel coverage shall not exceed 29%;

(b) the maximum height shall not exceed 10.1 m (33 ft.) or the maximum allowable height of the applicable district, whichever is greater;

(c) the building setback shall be a minimum of 15.2 m (50 ft.) along the side yards flanking and/or abutting residential development;

(d) the building setback shall be a minimum of 7.6 m (25 ft.) along the front and rear yards;

(e) the parcel shall be of such a size that would provide adequate parking, and the site plan shall indicate the number and location of parking stalls

(f) the building shall be required to connect to water and sewer services to the satisfaction of the Municipal Planning Commission, and

(g) a minimum of 6.1 m (20 ft) of the required yard setbacks shall be landscaped to the satisfaction of the Municipal Planning Commission.

32.4 To minimize impact on adjacent uses, the Approving Authority may require that the development be designed to reduce the perceived massing of the structure through techniques including but not limited to increased setbacks and landscaping, articulation of elevations and rooflines, and finishing materials and colours.

## SECTION 33 SANDBLASTING, WELDING AND FABRICATION FACILITIES

33.1 Where the proposed use is located within 150 m (492 ft.) of an existing residential use or residential, park, conservation or institutional land use, all welding, fabrication, sandblasting and similar potentially noxious uses and operations shall be fully contained within a building or other suitable structure designed to contain noise, odours, and dust.

33.2 In all instances, the building or structure containing any approved sandblasting, welding, or fabrication operation shall be located no closer than 90 m (295 ft.) to an adjacent residential dwelling.

33.3 Required yards, buffers and landscaped areas shall not be used for storage, parking, loading, unloading or similar uses.

33.4 The operator is prohibited from disposing of any shop wastes into a storm drain, septic tank, onto the ground or into surface water.

33.5 All materials must be stored in the proper containers with the correct label in accordance with any provincial environmental regulations or procedures.

33.6 Landscaping, if required by the Municipal Planning Commission, shall be as follows:

(a) on sites smaller than 1.5 ha (3.0 acres) a minimum of 10 percent, or as otherwise required by the Development Authority, of the site shall be landscaped;

(b) on sites larger than 1.5 ha (3.0 acres) a minimum of 50 percent, of the required front and side yard setbacks of the site shall be landscaped or as required by the Development Authority;

## SECTION 34 SECONDARY SUITES / MULTIGENERATIONAL HOUSING

**Secondary Suite General Standards**

34.1 A secondary suite shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure. A Secondary Suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.

34.2 A secondary suite shall be restricted to a lot occupied by a single-detached dwelling. A secondary suite is prohibited from being constructed within or in conjunction with a duplex, semi-detached dwelling, multi-attached or multi-unit dwelling or apartment housing.

34.3 All secondary suites developed after December 31, 2006, shall comply with all Alberta Building Code requirements, including separate heating/ventilation systems for each dwelling unit. Pre-existing suites developed prior to December 31, 2006, must meet the requirements of the Alberta Fire Code.

34.4 The maximum floor area of the secondary suite shall be as follows:

(a) in the case of a secondary suite located completely below the first storey of a single detached dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;

(b) in the case of a secondary suite developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 29 percent of the total floor area above grade of the building containing the associated principal dwelling.

**Secondary Suites (Contained Within a Single-Detached Dwelling)**

34.5 A secondary suite (contained within a single-detached dwelling) shall remain accessory to and subordinate to the single-detached dwelling and shall not exceed the floor area of the principal dwelling and shall have a minimum floor area not less than 32.5 $m^2$ (350 $ft^2$.).

34.6 A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.

34.7 In Hamlet Residential land use districts:

(a) only one secondary suite may be developed in conjunction with a principal single-detached dwelling, and it may not be developed within a multi-unit dwelling (e.g. duplex, semi-detached or fourplex unit);

(b) a secondary suite shall not be developed within the same principal dwelling containing a Home Occupation, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.

34.8 The secondary suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

34.9 The secondary suite shall have full utility services through service connections from the principal dwelling unit.

34.10 Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

34.11 Parking must be able to be adequately provided on site for the additional suite in consideration of bylaw requirements. In Hamlet Residential land use districts requirements: one (1) off-street parking stall per secondary suite (in addition to regular residential requirements).

**Multigeneration Dwelling (Contained Within a Single-Detached Dwelling)**

A multi-generational dwelling household is defined as a household in which at least two generations of a family live under the same roof.

34.12 The secondary dwelling unit may be completely independent of the main dwelling (i.e. kitchen, bathroom, bedroom) but each unit must be connected to and accessible from the inside. Each unit may have a separate exterior door for private access.

34.13 A minimum of 3 on-site parking spaces shall be provided for the dwelling.

**Secondary Suites (Detached Garage) Standards**

34.14 The maximum height to roof peak of the garage shall not exceed 9.1 metres (30 ft.)

34.15 A secondary suite (detached garage) shall have an entrance separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure.

34.16 One on-site parking space shall be provided for each secondary suite.

34.17 A secondary suite (detached garage) shall remain accessory to and subordinate to the single-detached dwelling and shall:

(a) have a minimum floor area of 32.5 $m^2$ (350 $ft^2$.), and

(b) not exceed 111.52 $m^2$ (1200 $ft^2$.) in all land use districts.

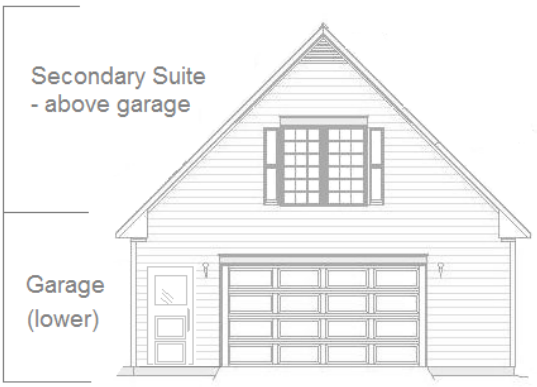
Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.

34.18 The maximum lot coverage of a secondary suite (detached garage) shall be limited to the area as stipulated for an accessory building for the applicable land use district.

34.19 A secondary suite in conjunction with a detached garage shall meet the setbacks for accessory buildings found in the appropriate land use district.

34.20 A secondary suite (detached garage) shall be located on the upper floor of the garage, and the main (grade) floor shall be restricted for garage/accessory use. In all land use districts, the building must be utilized as a functional garage/accessory building for purposes incidental to the single unit dwelling with a functional overhead garage door installed and cannot be used for additional living space.

34.21 On lots or parcels where sewage treatment is managed individually on-site, the soils and private septic treatment system must be designed and sized to manage the additional effluent produced for the additional dwelling suite on the parcel of land.




34.22 An applicant is responsible to ensure that a secondary suite (detached garage) must be able to be constructed on a foundation of strip footings and concrete walls, concrete piers set below frost level, or other suitable foundation in accordance with the Alberta Building Code, unless otherwise permitted under the code.

34.23 An applicant is responsible for obtaining all required building permits and the development of a secondary suite (detached garage) shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

## SECTION 35 SERVICE STATIONS, GAS BARS AND ELECTRIC VEHICLE CHARGING STATIONS

**General Standards**

35.1 Maximum site coverage shall be 30 percent.

35.2 The exits and entrances to the station site shall be clearly marked by curb cuts, painted markings, concrete abutments or any other means satisfactory to the Development Authority.

35.3 A chain link fence not less than 0.9 m (3 ft.) high may be required around the property to catch debris and trash and provide screening.

**Service Stations or Gas Bars**

35.4 The minimum front yard shall be 12.2 m (40 ft.), and no gasoline pumps shall be located closer than 6.1 m (20 ft.) from the front property line.

35.5 The side and rear yard shall be 6.1 m (20 ft.) with no intervening pumps or accessories.

35.6 The location and installation of the fuel tanks shall be in accordance with the Fire Protection Act and Alberta Environment and Protected Areas Risk Management Guidelines for Petroleum Storage Tanks.

**Electric Vehicle Charging Stations**

35.7 An electric vehicle charging station when proposed on the site of an existing service station shall be considered an accessory use to the principle use and the Development Officer or Municipal Planning Commission should give consideration to the cumulative impacts to the required on-site parking if the applicant intends to convert parking stalls to charging station stalls.

35.8 An electric vehicle charging station when proposed to be the principal use of a parcel of land, the Development Officer or Municipal Planning Commission should consider the requirements of the land use district regarding setbacks and site coverage.

## SECTION 36 SIGNS

36.1 The following definitions apply:

**Billboard Sign** means a sign, primarily self-supporting and permanently affixed to the ground, that advertises goods, products, services, events or facilities which are at a location other than the property on which the sign is located.

**Class A Sign** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event. Sign typology consists of the following: election, identification, directional, parking (circulation or restrictions) or real estate.

**Class B Sign** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event. Sign typology may consist of the following: awning /canopy, fascia, freestanding, wall, roof or projecting.

**Class C Sign** means a portable object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event mounted on a standard, column or A-frame and capable of being moved manually.

**Directional Sign** means a sign which is required to provide direction to a business, trade or institution and advertises goods or services which are at a location other than the property on which the sign is located. A directional sign may also be a temporary sign depending upon how it is to be used.

**Fascia Sign** means a sign placed flat and parallel to the face of a building so that no part projects more than 0.3 m (1 ft.) from the building.

**Free Standing Sign** means a sign on a standard base or column permanently fixed to the ground and not attached to any building or other structure. The sign advertises goods and services which are at the location on which the sign is located.

**Functional Sign** means a sign which is not intended to be used for promotional purposes. It is required by public authorities, utility companies and other companies. Its sole purpose is for the direction and control of traffic, pedestrians or parking (i.e. identification of service locations and on-site hazards).

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

**Roof Sign** means any sign erected upon, against, or directly above a roof or on top of or above the parapet wall of a building.

**Sign** means any device or structure used for the display of advertisements, pictures and/or messages and without, in any way, restricting the generality of the foregoing, includes posters, notices, panels and boarding.

**Sign Area** means the total surface within the outer edge of a frame or graphics, the sum of the area of the smallest rectangle enclosing the letters, numerals or graphics.

**Temporary Sign** means a sign which is not permanently anchored to the ground or affixed to a building, advertising for a limited time goods, services or activities and which by their nature, could readily be relocated to service a similar purpose in another location. These include garage sale signs, banners, portable signs, pennants, signs advertising a demonstration of agricultural methods and signs announcing the sale of goods or livestock on land not normally used for commercial purposes.

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

**General Provisions**

36.2 Any person applying to erect, enlarge or structurally alter a sign that is on privately owned lands shall comply with the provisions of this section. These regulations do not deal with signage within Municipal or Provincial right of ways.

36.3 On privately held land adjacent to provincial highways, the applicant or landowner shall contact Alberta Transportation to ensure the signage is in compliance with the Alberta Highway Control Regulations. Where required, a copy of the approved Roadside Development Permit shall be submitted as part of the application.

36.4 No sign shall be placed or project within a public road allowance or be attached to any object in a public road allowance except as may be allowed by Alberta Transportation and Economic Corridors or the Municipal District of Willow Creek.

36.5 Class B and C signage is prohibited in the and Hamlet Residential – HR land use districts.

36.6 No more than two Class B and C signs per parcel are permitted, except if the parcel is in an industrial or commercial land use district.

36.7 Notwithstanding 36.6, if the parcel located in an industrial or commercial land use district is vacant of approved development, the number of Class B and C signs allowed on the parcel is two. The illumination for any sign should not create a direct glare upon the surrounding site, roadways or multi-parcel residential subdivision and signs operating or employing video, motion picture, laser, or other similar projection devices may only be allowed in commercial or industrial districts.

**Prohibited Signs**

36.8 All signs that are not in accordance with the definitions for signs 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 which are located on parcels of land for the purpose of communicating a message or advertising;

(b) signs mounted, painted, placed on, attached or affixed to a trailer, truck, automobile, or other form of motor vehicle, licensed or un-licensed, so parked or placed so that the sign is discernible from a public street or right-of-way as a means of communication 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;

(d) billboard or similar type signs, as defined in the definitions of this bylaw, whose main purpose is off-premises or third-party commercial advertising.

**Class A Signs**

36.9 No permit is required for the following signs, and these sign types may be located within the required setback from roads or property lines as established in the appropriate land use district and are subject to the condition that the sign may be removed or relocated at the owner's expense upon request by written notice from the Municipal District:

(a) farm identification sign,

(b) dwelling sign or address,

(c) real estate signs,

(d) election signs,

(e) historical or memorial signs/plaques,

(f) parking signs,

(g) directional signs not greater than 1.9 $m^2$ (20 $ft^2$), and

(h) home occupation signs not greater than 2.2 $m^2$ (24 $ft^2$) in conjunction with an approved development permit.





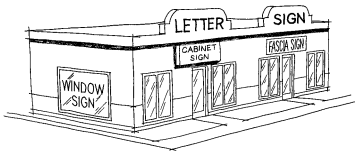








**Class B Signs**




36.10 Awning and Canopy Signs

(a) Awning and canopy signs should only be allowed in commercial and industrial districts.

(b) No person should erect an awning sign, a canopy sign, or an under-canopy sign unless such sign is at clearance a minimum of 1.5 m (5.0 ft) from the average ground level at the face of the building; and does not project more than 3.0 m (10 ft) from the face of the building or structure to which it is attached.

(c) Awning or canopy sign which encroach into a road right-of-way may be required to enter into an encroachment agreement with the municipality.

36.11 Fascia Signs

(a) Fascia signs should not be located above any portion of a roadway, or project over public property unless there is a minimum clearance from grade of 2.4 m (8 ft.) and a maximum projection of 0.3 m (1 ft.).

(b) A fascia sign should not exceed 15% of the visible area of the façade of each wall of the building on which it is located and may be illuminated.

36.12 Freestanding Signs

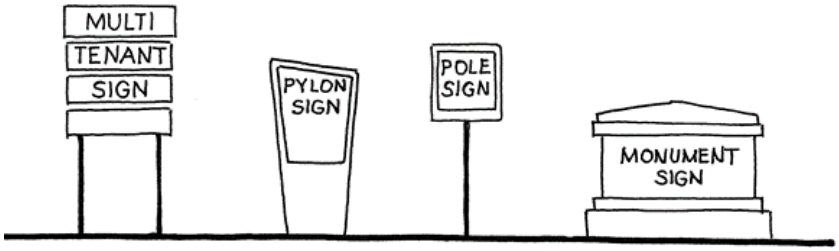
(a) Freestanding signs are subject to the following:

(i) The maximum area of the freestanding sign should not exceed approximately 12.0 $m^2$ (130 $ft^2$).

(ii) The sign may be illuminated but should not have flashing or intermittent lights or devices or mechanisms that create the impression of flashing or intermittent lights. However, reader board signs are permitted.

(iii) The bottom of a freestanding sign should be a minimum of 1.8 m (6 ft.) above grade and the space between the bottom of the sign and the grade should be unobstructed, except for such supports as the sign may require and be placed on a permanent foundation.

(b) A freestanding sign may be located within a setback area as established in accordance with the setbacks of the Land Use District and but must be a minimum of 3.0 m (10 ft) from the property line and is subject to the condition that it be removed or relocated at the owner's expense upon request by written notice from the Municipal District of Willow Creek.



36.13 Projecting Signs

(a) The nearest edge of a projecting sign should not extend more than 0.3 m (1 ft) from the building face.

(b) No projecting sign should be erected so that the bottom thereof is less than 3.6 m (12 ft) or more above grade.

(c) The maximum area of a projecting sign should be 4.6 $m^2$ (50 $ft^2$).




36.14 Roof Mount Signs

(a) Roof signs should be placed on, above or be incorporated as part of the roof of a building.

(b) The maximum area is limited to 50 percent of the copy face which may be allowed to project above the roof of a building.




36.15 Wall and Painted Wall Signs

(a) Wall signs should be securely fastened to walls and should not be entirely supported by an unbraced parapet wall and shall have a maximum horizontal dimension of 6.1 m (20 ft).

(b) Only one painted sign per wall is permitted and should not exceed 3.1 m (10 ft) in height and 9.1 m (30 ft) in length.

**Class C Signs**

36.16 Portable Signs

(a) The maximum area of a portable sign shall be 4.6 $m^2$ (50 $ft^2$). Larger signs will require a variance to be granted.

(b) Except for portable signs erected by the Municipal District or the RCMP, portable signs will not require a permit when in place for no more than 30 consecutive days in a calendar year. Permits will be required for a portable sign proposed on site for more than 30 days.




(c) A portable sign may be allowed in a setback area as established in the Land Use Bylaw but must be a minimum of 3.0 m (10 ft) from the property line and is subject to the condition that it be removed or relocated at the owner's expense upon request by written notice from the Municipal District.

## SECTION 37 SHIPPING CONTAINERS

**General Standards**

37.1 Shipping containers shall only be allowed in the land use districts where they are listed as a permitted or discretionary use in Schedule 2, Land Use District Regulations.

37.2 An application for a development permit must be completed and submitted to the Development Officer along with the appropriate application fee. At least two recent colour photographs of each container (one end view and one side view) must accompany the application.

37.3 There shall be a primary use on the property where the shipping container is proposed, except as provided in section 37.13.

37.4 The front, rear and side setback requirements shall be regulated by the requirements of the appropriate land use district.

37.5 The maximum number of shipping containers permitted on a lot shall be regulated by the Municipal Planning Commission.

37.6 Where multiple shipping containers are permitted on a parcel they shall be stacked no more than two containers high.

37.7 The Municipal Planning Commission may require as a condition of approval that any shipping container be sandblasted and/or painted to the satisfaction of the Development Authority.

37.8 The Municipal Planning Commission may require as a condition of approval that any shipping container be screened from view or landscaped.

37.9 The exterior of all shipping containers must be kept clean and regularly painted.

37.10 Shipping containers shall not display advertising, company logos, names or other marketing.

37.11 The Municipal Planning Commission may regulate the time period for which a development permit is valid through the issuance of a temporary permit. The validity of a temporary permit shall not exceed one year.

37.12 The Municipal Planning Commission may require as a condition of approval the posting of a security deposit guaranteeing compliance with the conditions of the permit.

**Shipping containers associated with Agriculture**

37.13 Within the Rural General- RG land use district a maximum of (2) two shipping containers are permitted without obtaining a development permit. In addition to the General Standards, shipping contains are subject to the following provisions:

(a) the shipping containers must be associated with agriculture;

(b) the lot upon which the containers are placed is 2 ha (5 acres) or greater in size; and

(c) require a building permit.

**Temporary Shipping Containers**

37.14 A shipping container may be placed temporarily on a construction site, for the period of construction only, in any land use district without obtaining a development permit subject to the following provisions:

(a) the shipping container is needed in connection with construction of a development for which a development permit has been issued;

(b) the construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is not permitted;

(c) no more than one shipping container is placed on the construction site (a development permit will be required for any additional shipping containers that are required);

(d) the exterior of the shipping container is kept clean and does not display any advertising other than the company logo or trademark;

(e) in hamlet land use designations, the shipping container shall be located a minimum of 3 m (10 ft.) from the front property line and 1.5 m (5 ft.) from the side and rear property lines. On corner lots, placement of the container shall also comply with the corner lot restrictions in each land use district;

(f) the shipping container shall be removed immediately upon completion of construction or sooner as may be required by the Development Authority.

## SECTION 38 SHOP HOUSE / SHOUSE

38.1 A shop house means a dwelling unit that is contained, wholly or partly, within an accessory building that appears, predominantly, as an accessory building and shall be considered either the principal dwelling or a second dwelling unit on the parcel.

38.2 The combined building may have the dwelling unit located on the main or second floor and shall have an entrance separate from the entrance to the accessory building either from a common indoor landing or from the exterior of the structure.

38.3 The dwelling unit shall:

(a) have a minimum floor area of 92.9 $m^2$ (1000 $ft^2$.), and

(b) appropriate separation between the dwelling unit and accessory building shall be maintained in accordance with building code.

38.4 The maximum height to roof peak of the building shall not exceed 7.1 metres (30 ft.)

38.5 On lots or parcels where sewage treatment is managed individually on-site, the soils and private septic treatment system must be designed and sized to manage the additional effluent produced for the dwelling suite on the parcel of land.

38.6 An applicant is responsible for obtaining all required building permits and the development of the combined dwelling and shop and shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

## SECTION 39 SOLAR ENERGY SYSTEMS, INDIVIDUAL

**Solar Energy System, Individual - Roof or Wall Mounted**

39.1 A solar collector attached to a wall or roof of a dwelling or accessory building shall be required to obtain a development permit and is processed subject to the applicable land use district (including meeting all required setbacks to roadways and property lines) and the following additional standards:

(a) A solar energy system mounted on a roof:

(i) may project a maximum of 1.22 m (4 ft.) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(ii) must not extend beyond the outermost edge of the roof and shall be located as to not impede access to the roof structure for emergency purposes, to the satisfaction of the Municipal District; and

(iii) may only provide energy to the parcel on which the system is installed but may be connected to and in times of excess power generation feed power back into the provincial power/electrical grid.

(b) A solar energy system mounted to a wall:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways; and

(ii) must be located a minimum of 2.4 m (8 ft.) above grade; and

(iii) may project a maximum of 0.4 m (1.5 ft.) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iv) may only provide energy to the parcel on which the system is installed but may be connected to and in times of excess power generation feed power back into the provincial power/electrical grid.

**Solar Energy System, Individual – Free-Standing**

39.2 A free-standing solar energy system or a solar energy system mounted to any structure other than a roof or wall of a building or dwelling shall be required to obtain a development permit and is processed subject to the applicable land use district (including meeting all required setbacks to roadways and property lines) and the following additional standards:

(a) the system must be located such that it does not create undue glare on neighbouring property or public roadways; and

(b) the maximum height may not exceed 3.0 m (10 ft.) above existing grade; and

(c) any system proposed in a land use district other than Rural General – RG, the system must not be located in the front or secondary front yard of a principal building.

39.3 Free-standing solar energy systems may be connected to and in times of excess power generation feed power back into the provincial power/electrical grid. Any system which proposes to transmit or distribute power or energy off-site to other parcels/properties shall be considered a private utility and will require a development permit for that purpose.

39.4 The use of multiple free-standing solar collectors where the primary purpose and intent of the project is to collect, convert and feed energy back into the provincial power/electrical grid for the commercial sale and distribution off-site to the marketplace, shall be deemed a Solar Energy System, Industrial Scale.

39.5 Prior to the installation of a free-standing solar collector the applicant and/or landowner shall obtain the following if applicable and copies of any and all required permits and/or approvals shall be provided to the Municipal District:

(a) any and all relevant federal and provincial permits and permissions;

(b) an electrical permit, and if applicable, a building permit (or any other Safety Codes Permit that may be required);

(c) wire service provider (WSP) approval for solar collectors that are proposed to be connected to the provincial power/electrical grid; and

(d) Alberta Utilities Commission (AUC) approval for solar collectors that are proposed to be connected to the provincial power/electrical grid with a rated output of 10 kW or greater.

39.6 All parcels that utilize a solar collector may be required to erect a sign notifying all emergency responders/personnel of the presence of an "Renewable Energy Source" located on-site. If a sign is required to be erected, it shall be located and designed to any required municipal specifications and be reasonably maintained for the life of the project (to the satisfaction of the Municipal District).

39.7 Any and all free-standing solar collectors shall be suitably anchored and secured, to the satisfaction of the Municipal District.

## SECTION 40 SURVEILLANCE / SECURITY SUITES

40.1 A development permit for a surveillance/security 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 Authority, 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.

40.2 Where a surveillance security 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.

40.3 The minimum and maximum floor area of any detached surveillance / security suite shall be 48.8 $m^2$ (525 $ft^2$.) and 102 $m^2$ (1100 $ft^2$.) respectively.

40.4 Where a surveillance/security suite is a manufactured home unit, the dwelling shall comply with Schedule 6, section 29.:

## SECTION 41 TELECOMMUNICATION ANTENNA SITING PROTOCOLS

41.1 Telecommunication, radio communication and broadcast antenna systems are regulated by Industry Canada. An applicant proposing to locate a telecommunication, radio communication or broadcast antenna system within the Municipal District, which does not meet the exclusion criteria in Appendix B shall be subject to the Siting Protocol process as stipulated in Appendix B. The Telecommunication Antenna Siting Protocol Application form and applicable fee must be submitted by the proponent to the Development Authority who will determine if the municipality will grant a letter of concurrence or non-concurrence. (See Appendix B – Telecommunication Siting Protocol).

## SECTION 42 TOURIST HOMES

A tourist home means a dwelling unit operated as an accommodation unit, occupied by a guest or guests for a period of less than 28 days.

42.1 Tourist homes are prohibited in any land use district except where they are expressly listed as a discretionary use.

42.2 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 in which they are located:

(a) The maximum number of bedrooms in a dwelling unit used for a tourist home shall be four, with maximum of eight 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) Tourist homes shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.

42.3 The 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 register that shall be reasonably available for inspection by designated officer;

(b) provide 1 on-site parking stall per bedroom. Parking stalls shall not be tandem;

(c) 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;

(d) ensure that all parts of the dwelling conform to the Alberta Safety Code.

A bed and breakfast are subject to the following criteria:

42.4 A bed and breakfast operation shall only provide breakfast meals to registered overnight guests prepared in the common kitchen of the principal residence.

42.5 A bed and breakfast operation shall be operated out of the primary residence and may also include the use of one supplementary building, being either:

(a) an existing farm building or similar building that is proposed to be converted into temporary sleeping quarters and used in conjunction with an existing residence for a bed and breakfast; or

(b) an authorized supplementary residence.

42.6 No cooking facilities are allowed in sleeping rooms or suites.

42.7 In addition to the off-street parking requirements for the dwelling/accessory building units itself, one off-street parking space per rented guest room shall be required for a bed and breakfast operation.

42.8 Applications for bed and breakfast operations shall be referred to Alberta Health Services for comment.

42.9 Alterations to the principal building may be permitted but shall not change the principal character or external appearance of the principal building.

42.10 A development permit is based solely on the location of use. If a permit holder relocates within the municipality, the person must apply for a development permit to continue the use from the new location.

## SECTION 43 SWIMMING POOLS AND HOT TUBS

43.1 Private swimming pools shall be classified as an accessory structure for the purpose of setback distances from property lines.

43.2 Any private swimming pool with a design depth greater than 0.6 m (2 ft.) shall be constructed and fenced in accordance with Safety Codes requirements.

43.3 Temporary above ground swimming pools and above ground hot tubs do not require a development permit but are subject to Safety Codes and may require a building permit.

43.4 Construction of an in-ground swimming pool and swimming pools that are attached to a deck require a development permit and are subject to the following additional standards:

(a) placement of a swimming pool shall be limited to the side and rear yard only;

(b) swimming pools are subject to the setback requirements for accessory structures in the applicable land use district;

(c) swimming pools are subject to the maximum lot coverage requirements for accessory structures in the applicable land use district.

## SECTION 44 WIND ENERGY CONVERSION SYSTEM (WECS), INDIVIDUAL

44.1 A single wind energy conversion system shall be required to obtain a development permit and is processed subject to the applicable land use district (including meeting all required setbacks to roadways and property lines) and the following additional standards:

(a) An application for a single WECS may, upon the request of the Development Authority, be required to provide some or all of the information including:

(i) an accurate site plan showing and labelling the physical dimensions of the property or parcel; the location of existing structures on the property or parcel; elevation drawings plan drawn to scale; foundation plan with specifications;

(ii) the exact location of the proposed WECS on the property, the proposed setbacks of all existing and proposed utilities and sub-stations on the property or parcel; the location of all existing and proposed utilities on lands abutting the subject property or parcel;

(iii) if a non-tubular design is proposed, the anchor design, location of any guy wire anchors, and how the tower is to be secured from unauthorized access or use;

(iv) manufacturers specification of the WECS.

(b) The system's tower shall be set back a minimum distance equal to the height of the tower from all parcel lines and a minimum distance of 3.0 m (10 ft.) from any other structure on the parcel on which the system is located if not attached to a structure. In addition, the system's tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels.

(c) The system's tower may not exceed a maximum height of 8.8 m (40 ft.) on a parcel of less than 0.4 ha (1 acre), a maximum of 19.8 m (65 ft.) on a parcel of 0.4 ha (1 acre) to less than 2.0 ha (5 acres), and maximum height of 24.4 m (80 ft.) on a parcel 2.0 ha (5 acres) or more.

(d) No more than one (1) WECS shall be allowed on a parcel.

(e) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

## SECTION 45 WORK CAMPS

45.1 Work camps shall only be allowed in the land use districts where they are listed as a discretionary use in Schedule 2, Land Use District Regulations. In all other districts, work camps are prohibited.

45.2 All work camps shall be developed in compliance with the Work Camps Regulation, Public Health Act, Alberta Regulation 218/2002 as amended.

45.3 A concept plan shall be provided, to the satisfaction of the Municipal Planning Commission that indicates the location, design standards and site requirements of the following:

(a) common accessory uses and services, such as washrooms, laundromats, recreational buildings, retail stores, food concessions, fire pits, firewood storage,

(b) proposed lighting,

(c) water supply, wastewater disposal facilities, and solid waste collection facilities: and

(d) any other similar uses or services that may be associated or required for the development of a work camp.

45.4 The following regulations shall be applied in designing the work camp site plan:

(a) the road system shall be properly signed for users and for emergency response vehicles, and shall to sensitive to the topography and environmental characteristics of the site;

(b) roads shall be surfaced to the satisfaction of the Municipal Planning Commission;

(c) all utility services and all utility wires and conduits shall be provided as required by the Municipal Planning Commission; and

(d) setbacks shall be in accordance with the regulation of the applicable land use district.




# Schedule 7

## USE AND USE RELATED DEFINITIONS

**Schedule 7**

# USE AND USE RELATED DEFINITIONS

**In this bylaw, words used in the singular include the plural, and words using the masculine gender include the feminine gender.**

## A

**ACCESSORY BUILDING** means a building that is physically separate from the principal building on the parcel on which both are located, and which is subordinate and incidental to that of the principal building; a typical accessory building is a private garage or shed. A typical accessory building has both a roof and walls and a means of access (door) and the use of which is subordinate and incidental to that of the principal use of the site on which it is located. No accessory building shall be used for human habitation.

**ACCESSORY STRUCTURE** means a structure that is detached from the principal building. It is ancillary, incidental, and subordinate to the principal building or use. A typical accessory structure may have a roof and no walls (gazebo) or walls and no roof (pergola) and can also include, but is not limited, to flagpoles, swimming pools, and storage tanks. When a structure is attached to the principal building by a roof, a floor, a wall, or a foundation, either above or below grade, it is considered part of the principal building. No accessory structure shall be used for human habitation.

**ACCESSORY USE** means a use of a building, structure or part of a parcel which is ancillary, subordinate, and incidental to the principal use of the building or site and is located on the same parcel as the principal use or building.

**ADDITION** means construction that increases the footprint of an existing building or structure on the parcel of land. Typically, there will be a common connection from the existing building to the addition that includes a foundation of some type beneath the addition.

**ADDITIONAL DWELLING UNIT** means a residential dwelling unit located on the same parcel as an approved dwelling unit, either within the same building as the existing dwelling unit or in a detached building. Additional dwelling units shall be developed in accordance with the standards set forth in this bylaw and only in those land use districts where the use is listed.

**AERONAUTICAL USES, PRIVATE** means the private operation of any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations. This includes but is not limited to private airstrips, helipads, and heliports.

**AGGREGATE EXTRACTION OPERATION** means a use involving on-site extraction of surface or subsurface mineral products or natural resources and the storage of the same. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining.

**AGGREGATE STOCKPILING** means the temporary storage of materials, on or off a hard surface, of aggregate materials.

**AGRICULTURAL BUILDING** means a building associated with and generally essential to an agricultural operation. Such structures or facilities may include but are not limited to the following: machine sheds, shops, storage sheds, granaries and other ancillary farm building associated with the farming operation. Feed mills are a separate use.

**AGRICULTURAL LABOUR HOUSING** means one or more dwelling units for the purposes of occupancy by a person who is employed in an agricultural pursuit and their relations. See also **EMPLOYEE HOUSING**.

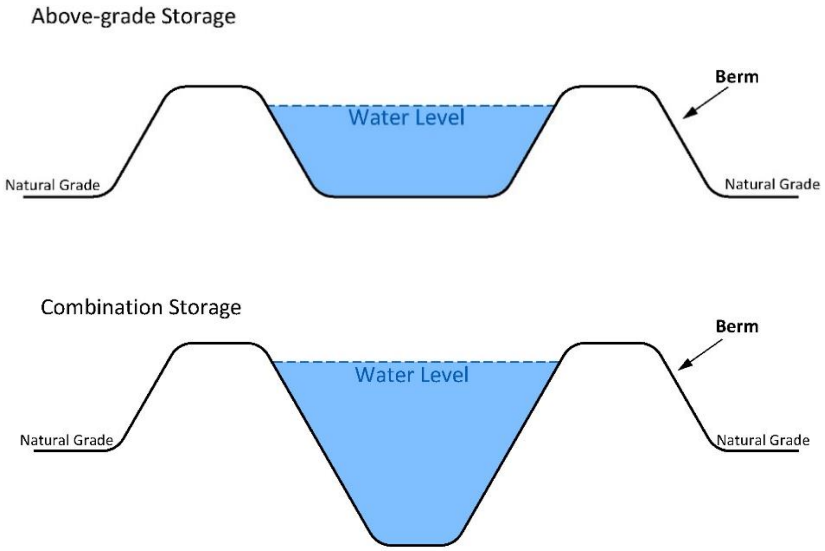
**AGRICULTURAL OPERATION** means a parcel or parcels of land whether contiguous or non-contiguous for the purposes of using the agricultural land for gain or reward or in the hope or expectation of gain or reward including: the cultivation of land and the production of agricultural field crops; the raising of livestock, but excluding 'Confined Feeding Operations' as defined by the *Agricultural Operations and*

*Practices Act* (AOPA); and 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.

**AGRIGULTURAL PROCESSING** means a development principally associated with processing of agricultural products. This use does not include Cannabis Processing Facility. Note: Agricultural Processing is listed both as an exclusive use in certain districts and a use within Rural Industrial Class B.

**AGRICULTURAL STRUCTURE** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include but are not limited to the following: grain bins, silos, animal feeding facilities, corrals, pens, and other ancillary farm structures. Feed mills are a separate use.

**AGRICULTURAL WATER RESERVIOR** means a development specifically constructed for the purpose of containment and storage of a water supply for non-public use that exceeds 1 acre (0.40 ha) in size, including any associated berms, stockpile and fencing and/or includes any portion of water storage above the natural grade of the surrounding lands.




**AGRIGULTURAL PROCESSING** means a development principally associated with processing of agricultural products. This use does not include Cannabis Processing Facility. Note: Agricultural Processing is listed both as an exclusive use in certain districts and a use within Rural Industrial Class B.

**AGRITOURISM** means a development for a tourist-oriented activity, event, service and/or facility that is part of an agricultural operation that promotes the products grown, raised and/or processed on that agricultural operation. Agritourism may include guest ranch, petting zoo, corn maze, winery, micro-distillery, or microbrewery.

**AIRPORT AND RELATED USES** means any area designed, prepared, equipped or set aside for the arrival, departure, movement or servicing of commercial or private aircraft; and includes any associated buildings, installations, open space, runways and equipment for landing/take-off and flight control. Such an operation will include all the facilities required for the housing, administration, management and maintenance of aircraft.

**ALTERNATIVE/RENEWABLE ENERGY, CLASS A** means energy that is renewable or sustainable that is generally derived from natural sources, such as but not limited to, geo-exchange, micro-hydro, carbon capture and storage, geothermal, micro-hydro, waste-to-energy, anaerobic digesters, biodiesel, biofuel or fuel cells, and is for the sole use and consumption of the landowner, resident or occupant but does not include individual wind or solar energy systems.

**ALTERNATIVE/RENEWABLE ENERGY, CLASS B** means those commercial/industrial renewable energy 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, geo-exchange, micro-hydro, carbon capture and storage, geothermal, micro-hydro, waste-to-energy, anaerobic digesters, biodiesel, biofuel or fuel cells but does not include industrial scale wind and solar energy systems.

**ANTENNA, TELECOMMUNICATION, RADIOCOMMUNICATION OR BROADCASTING** means a device regulated pursuant to the Radiocommunication Act requiring approval by the federal government, which is used to receive and/or transmit radio-frequency signals, microwave signals or other communications energy transmitted from or to be received.

**ANIMAL (HOUSEHOLD PET) BREEDING, BOARDING, DAYCARE OR TRAINING** means a facility where pets are housed, fed, and cared for, excluding veterinary clinic, for a period of time on a temporary basis, either for part of a day or overnight. This use also includes the breeding of small domestic animals, normally considered household pets such as dogs or cats, excluding livestock, and also includes the boarding, caring and training. In addition, the use can also include the training, exercising, and socializing of small domestic animals.

**ARCHERY RANGE** means a building, structure or outdoor area or space used to carry on the sport of archery. This may include a retail space for the sale of archery related goods only.

**ASPHALT BATCH PLANT, TEMPORARY** means the processing, manufacturing, recycling, and sales of asphalt and the accessory manufacture and sales of products made from asphalt for a specific period of time, usually to support construction projects.

**ASPHALT BATCH PLANT, PERMANENT** means the processing, manufacturing, recycling, and sales of asphalt and the accessory manufacture and sales of products made from asphalt.

**AUCTION FACILITY** means the use of land or buildings for the auctioning or sale and related temporary storage of primarily livestock, but may also include household effects, personal goods and equipment, and vehicles. This use includes livestock sales yards but does not include on-site slaughtering such as an abattoir or one-time on-site estate auction sales.

**AUTOMOTIVE SALES AND SERVICE** mean a building or facility where motor vehicles and/or parts are displayed for sale. The business may include new and/or used automobile sales, and may also include auto repairs, but not body work and painting. Outdoor storage and display areas may also be included, as well as an office component.

# B

**BUILDING SUPPLY CENTRE** means a commercial retail store where building materials and related goods are stored, offered or kept for sale and may include outdoor storage and may include the assembly of products for sale to the public.

**BULK FUEL STORAGE AND SALES** mean a facility used to store bulk fuel for sale and distribution. Such a facility may include an administrative office, outdoor work area(s) and storage area(s).

# C

**CAMPGROUND, COMMERCIAL** means a development owned and operated by a private entity which has been designed with distinct sites to be used for short-term camping purposes. The use of the land is intended for seasonal or year-round occupancy by camping-related equipment. The campground may also include supplementary facilities such as an administrative office, washrooms, cooking and eating shelters, convenience retail operations, laundry facilities and a living area for the owner/operator.

**CAMPGROUND, FAMILY** means a development for seasonal private family recreation which is used or intended to be used where no fee or charge is paid and may include the use of recreational units, including any licensed recreation vehicle similar recreational non-permanent accommodation, as a part of the recreational use.

**CAMPGROUND, PUBLIC** means a development owned and operated by a level of government, fraternal organization or society which has been designed with distinct sites to be used by the general public for short-term camping purposes. The use of the land is intended for

seasonal by camping-related equipment. The campground may also include supplementary facilities such as an administrative office, washrooms, cooking and eating shelters, convenience retail operations, laundry facilities and a living area for an on-site supervisor.

**CANNABIS PRODUCTION FACILITY** means a building or use where federally approved medical or non-medical (recreational) cannabis plants are grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all federal or provincial requirements and that meets all requirements of this bylaw, as amended from time to time.

**CAR WASH** means a user pay facility, whether automated or manual, used to clean the exterior and/or interior of personal motor vehicles. This type of facility is not intended for commercial vehicles, oilfield vehicles, cattle liners, farm equipment, or other similar vehicles.

**CEMETERY** means a development for the entombment of the dead, including crematoriums, cinerariums, columbariums, mausoleums, memorial parks, burial grounds, gardens of remembrance, maintenance facilities, and other similar development. Note: Cemetery is listed both as an exclusive use in certain districts and a use within Public and Institutional.

**CHILDCARE FACILITY** means the use of a building or facility (or part) for the care and supervision of children during the day by person(s) typically unrelated to the children. Examples of such a facility include day-care centres or nurseries.

**COMMERCIAL OPERATION** means the use of land and/or building for the purpose of display, storage, and sale of goods and/or services to the general public. Any on-site manufacturing, processing or refining of goods shall be incidental to the sales operation. Outdoor storage or display maybe included as part of the development.

**COMMERCIAL PRIVATE RECREATION** means the use of land, building or facility for recreational purposes, but where the public is admitted by payment of a fee, or where admission is by membership to a club, organization or association. Facilities associated with the operation may include eating facilities, administrative offices and retail operations, provided that any such operation is accessory and clearly incidental to the principal recreational use.

**COMMERCIAL STORAGE** means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature; it excludes dangerous or hazardous material, derelict vehicles or parts thereof, or any waste material.

**CONCRETE BATCH PLANT, PERMANET** means the processing, manufacturing, recycling, and sales of concrete and the accessory manufacture and sales of products made from concrete.

**CONCRETE BATCH PLANT, TEMPORARY** means the processing, manufacturing, recycling, and sales of concrete and the accessory manufacture and sales of products made from concrete.

**CONCRETE MANUFACTURING / CONCRETE PLANT** means the manufacturing or mixing of concrete, cement, and concrete and cement products.

**CONTRACTOR, GENERAL** means development used for industrial service support and construction. Typical uses include cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use. Note: Contractor, General is listed both as an exclusive use in certain districts and a use within Rural Industrial Class B.

**CONTRACTOR, LIMITED** means a development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual household and the accessory sales of goods normally associated with the contractor services where all material are kept within an enclosed building, and there are no accessory manufacture activities or fleet storage of more than five vehicles. Note: Contractor, Limited is listed both as an exclusive use in certain districts and a use within Rural Industrial Class A.

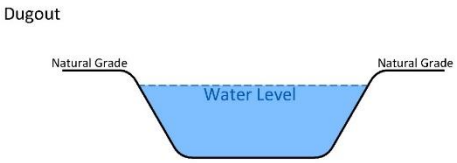
**CRUSHING OR WASHING ASSOCIATED WITH AN APPROVED EXTRACTION OPERATION** means act of crushing larger boulders by man-made machinery and techniques into medium and coarse size material which is produced by rather than occurring naturally and washing the stone to remove dirt.

# D

**DATA PROCESSING OPERATION** means the process by which new digital or virtual currencies, bitcoins or altcoins are entered into circulation and is also the way the network confirms new transactions and is a critical component of the blockchain ledger's maintenance and development. "Mining" is performed using sophisticated hardware that solves an extremely complex computational math problem and involves using multiple powerful computers and dozens of cooling fans.

**DAYHOME** means a development to provide care, education and supervision to children or elderly persons, but does not include overnight accommodation.

**DUGOUT** means an excavation specifically sited and constructed 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 permanent use. A dugout that includes storage above grade is classified as a "**AGRICULTURAL WATER RESERVIORS**" and are a separate use.




**DWELLING** means a building designed and used exclusively for human habitation which is or has been constructed in compliance with provincial building codes for year round occupancy and located upon an acceptable foundation, and is intended to be used as a residence for one or more individuals and contains cooking, sleeping and sanitary facilities, but does not include Park Model Trailers, Recreational Vehicles, Motel/Hotel, or other buildings and structures deemed not to be suitable as a dwelling by the Development Authority.

**DWELLING, PRIMARY** means the first (primary) single-detached dwelling located on a parcel or title designed and used exclusively for human habitation which is or has been constructed in compliance with provincial building codes for year-round occupancy and located upon an acceptable foundation, and is intended to be used as a residence and can include:

> **SITE BUILT** means a dwelling that is constructed from individual parts and materials into a whole and complete formation on the lot on which it is intended and does not include prefabricated parts other than floor joists and roof trusses. This does not include panelized dwellings which are classified as a Prefabricated Dwellings
>
> **PREFABRICATED** means a dwelling that is built at an off-site manufacturing facility or location other than the lot intended for occupancy. The units are built in conformance with CSA standards and/or Alberta Safety Codes. Prefabricated dwellings include Ready-to-Move, Panelized, Modular, and Manufactured dwellings but does not include Workforce Relocatable Trailers and Mobile Office Trailers.

**DWELLING GROUP** means a group of two or more dwelling units which area either single unit, two-unit, or multi-unit dwellings occupying a parcel of land in one ownership and having a yard or court in common but not including motels.

**DWELLING UNIT** means a self-contained living premise, designed to be occupied by an individual or household group. The dwelling unit must contain facilities for cooking (including a stove not hot plate), sanitation (including a toilet, sink and bathing facilities) attached and accessed within the contained premises, and a sleeping area.

> **DUPLEX OR SEMI-DETACHED** means a building containing two separate dwelling units connected by a common wall or floor. The two dwellings could be legally subdivided along the common wall, and a fee simple title can be created. Separate titles are not possible for units connected by a common floor.
>
> **MULTI-GENERATIONAL** means a dwelling containing a household in which at least two generations of a family live under the same roof which may have more than one kitchen but is not separated into dwelling units as defined by Alberta Safety Codes.
>
> **MULTI–UNIT** means a building containing three or more separate dwelling units with each unit and each having a separate front and rear entrance.
>
> **SECONDARY SUITE** a self-contained living premise, designed to be occupied by an individual or household group. The secondary dwelling unit must contain facilities for cooking (including a stove not hot plate), sanitation (including a toilet, sink and bathing facilities) attached and accessed within the contained premises, and a sleeping area located within a residence or accessory building.

**SECOND DWELLING UNIT** means the second (secondary) dwelling located on a parcel or title.

**ADDITIONAL DWELLINGS** means the third and subsequent single detached dwellings/dwelling units located on a parcel or located within a residential building.

# E

**EATING ESTABLISHMENT** means a commercial development where food and beverages are prepared and served. The development may include supplementary alcoholic beverage service and catering services. This term will include restaurants, cafes, diners, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and such other uses as the Municipal Planning Commission considers similar in character and nature to any one of these uses.

**EDUCATIONAL AND INTERPRETIVE USE** means the use of low-intensity facilities for the education and explanation to the public regarding the environment, a historic or cultural resource, or an explanation of an industry. The use may include boards, exhibit shelters, and interpretive signs.

**EMPLOYEE HOUSING** means one or more dwelling units used exclusively for the residence of employees and members of their family which can be associated with commercial / industrial uses.

**ENTERTAINMENT ESTABLISHMENT** means a development for the purpose of providing indoor and/or outdoor entertainment and amusement to patrons. Examples include but are not limited to miniature golf, go-cart tracks, bumper boats, batting cages, amusement/theme parks, video game arcade, waterparks, game rooms, arcades, bowling alleys, and other similar uses and may include minor retail sales and services customarily associated with and accessory to such facilities.

**EQUIPMENT SALES, RENTAL AND SERVICE** means 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. Note: Equipment Sales, Rental and Service is listed both as an exclusive use in certain districts and a use within Rural Industrial Class A.

**EXTENSIVE AGRICULTURE AND GRAZING** means the production of crops and/or livestock by the extensive cultivation or open grazing of existing titles or proposed parcels usually greater than 160 acres (64.8 ha) on dryland or 80 acres (32.4 ha) on irrigated land.

# F

**FABRIC BUILDING/COVERED STORAGE STRUCTURE** means a structure, truss or tube-frame building system, which is covered with fabric, generally of canvas, vinyl, plastic, or cotton material, which is typically used as an accessory building or for storage. For use purposes these may be considered as an Accessory building.

**FARMSTEAD** means a part of a parcel:

(a) that is presently used as the site for a dwelling as part of an **AGRICULTURAL OPERATION**;

(b) that typically includes agricultural buildings such as quonsets, grain bins, sheds, and ancillary structures such as corrals, dugouts, storage areas for farm machinery, equipment and products;

(c) that is relatively compact and well defined by topography, shelterbelts or other physical characteristics;

(d) that does not include any cultivated farmland, pastureland or lands unsuitable for agricultural production unless included within the shelter belt and/or physically defined area. Fencing alone shall not constitute a physically defined area if it encompasses agricultural land or other lands that are not necessary for habitation, unless it is proven to be impractical to do so.

**FARM/INDUSTRIAL MACHINERY SALES, RENTAL AND SERVICE** means the use of land or buildings for the sale, service and/or rental of agricultural implements 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 may be allowed as part of the principal use. Note: Farm/Industrial Machinery Sales, Rental and Service is listed both as an exclusive use in certain districts and a use within Isolated Rural Commercial / Industrial Class B.

**FARM SUPPLIES AND SERVICE** means a commercial operation established for the sale, storage and distribution of agricultural products, including grain and other crop products (including elevators), livestock feed and supplements, fertilizers and chemicals. Such a facility may include an administrative office, ancillary structures, outdoor work areas, parking, and outdoor storage areas.

**FEED OR GRAIN MILL, CLASS A** means a facility for the collection, grading, processing, storage, and shipping and receiving of grain crops for use by a single agricultural owner/operation only.

**FEED OR GRAIN MILL, CLASS B** means a facility for the collection, grading, processing, storage, and shipping and receiving of grain crops for shared or industrial use.

**FINANCIAL INSTITUTION** means a development primarily for providing the service of banking, financial investments or lending money, such as a bank, savings and loan institution, or credit union.

**FREIGHT TERMINAL** means a commercial facility used for the storage and distribution of freight or cargo that is intended to be shipped by air, rail or highway transportation. Such a facility may include an administrative office, outdoor work area, outdoor and indoor storage areas and parking.

# G

**GARAGE, RESIDENTIAL** means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles.

**GOLF COURSE / DRIVING RANGE** means an outdoor commercial recreational facility where the land is developed to accommodate the game of golf. Such a facility will typically include a club house, pro shop, driving range, parking, food service or restaurant, and ancillary structures associated with a golf course. The facility may be privately owned (requiring club membership) or publicly owned and available by paying a fee.

**GRAIN HANDLING FACILITY** means a development for the collection, grading, processing, storage, and shipping and receiving of crops.

# H

**HANGAR** means a building or structure designed and used for the shelter of an aircraft.

**HEAVY INDUSTRY** means a large-scale industrial manufacturing or processing activity. Without restricting the generality of the foregoing, heavy industry would include plants for the manufacturing of petroleum products, pulp and paper products, stone, clay and glass products, cement and lime products, fertilizers, animal by-products; plants engaged in the primary metal industry, including metal processing; and the processing of natural gas or its derivatives. Heavy industrial uses may have some negative effect on the safety, use, amenity and enjoyment of adjacent or nearby sites due to the appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods.

**HOME BASED BUSINESS** means the use of a dwelling and its accessory buildings or lands by the occupant for the purpose of setting up a business, trade, or craft to provide goods or services to the general public. The home occupation use must be secondary to the residential use of the parcel, and the applicant(s) must be a permanent resident(s) of the dwelling and the sole owner of the business.

**HOTEL** / **MOTEL** means 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, drinking, and office facilities shall be considered part of a hotel operation, but entertainment, convention, sports, recreation, personal service, and retail facilities associated with this use shall be considered accessory uses.

# I

**INCINERATION FACILITY** means a building in which a that involves the combustion of substances contained in waste materials occurs. The incineration of waste materials converts the waste into ash, gas and heat.

**INTENSIVE HORTICULTURAL OPERATION, CLASS A** means use of land or buildings for the commercial production and sale of specialty crops grown by high yield and high-density techniques. Examples include but are not limited to the following types of development: small scale greenhouses, nurseries, pick your own or market gardens, or tree farms. The use is normally carried out on a small scale with limited employees, traffic and water consumption. **CANNABIS PRODUCTION FACILITY** is a separate use.

**INTENSIVE HORTICULTURAL OPERATION, CLASS B** means use of land or buildings for the commercial production and sale of specialty crops grown by high yield and high-density techniques. The use is normally carried out on a large scale which require parking and loading areas due to human activity and likely generates high volumes of traffic and high-water demands. **CANNABIS PRODUCTION FACILITY** is a separate use.

**INTENSIVE LIVESTOCK OPERATION** means any land enclosed by buildings, shelters, fences, corrals or other structures which, in the opinion of the Municipal Planning Commission, is capable of confining, rearing, feeding, dairying or auctioning livestock, but excepting out wintering of a basic breeding herd of livestock in accordance with the Land Use Bylaw.

**ISOLATED RURAL COMMERCIAL / INDUSTRIAL, CLASS A** means development located on parcels of land not adjacent to land designated for commercial or industrial uses development. The use is for the purpose of small scale, single owner/family operations focused on manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices, warehousing and wholesale distribution, retail sales 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 and can be compatibly located with surrounding uses and involve:

(a) manufacturing and assembly of predominantly previously prepared materials, finished products or parts, including packaging and incidental storage of the product; or
(b) agricultural, industrial, and construction support services, or
(c) a non-labour-intensive storage or warehousing use requiring a relatively large area of land but minimal on-site improvements, or
(d) retail sale of goods to the public.

Examples include but are not necessarily limited to: contractors, welders, mechanical repair, water hauling, equipment sale and service, household repair service, and other such uses determined by the Development Authority to be similar in nature.

**ISOLATED RURAL COMMERICAL / INDUSTRIAL, CLASS B** means development located on parcels of land not adjacent land designated for commercial or industrial uses. This use is for the purpose of large-scale manufacturing, fabricating, processing, assembly, warehousing, or production or packaging of goods or products, as well as administrative offices, warehousing and wholesale distribution uses which are accessory to the above. These uses can generate potential detrimental impacts or nuisances including but not limited to smell, noise, vibration, road use and traffic volume and can be compatibly located with surrounding uses and involve:

(a) manufacturing and assembly of predominantly previously prepared materials, finished products or parts, including packaging and incidental storage of the product; or
(b) agricultural, industrial, and construction support services, or
(c) a non-labour-intensive storage or warehousing use requiring a relatively large area of land but minimal on-site improvements and public amenities, which is hazardous, noxious, unsightly or offensive.

Examples include but are not necessarily limited to: anhydrous ammonia storage, abattoirs and animal processing plants, livestock sales yards, asphalt plants, alfalfa dehydrating plants, fertilizer plants, hay plants, seed cleaning plants, food processing and chemical processing, salvage/wrecking yards, manufacturing and processing industries, outdoor storage, data warehousing (cryptocurrency mining) and other such uses determined by the Development Authority to be similar in nature.

# J

# K

# L

# M

**MACHINERY EQUIPMENT SALES SERVICE AND RENTAL** means development for the commercial sale, rental, and/or repair of new or used machinery and/or equipment. This use may also include the sale of parts and accessories. Note: **MACHINERY EQUIPMENT SALES SERVICE AND RENTAL** is listed both as an exclusive use in certain districts and a use within Isolated Rural Commercial / Industrial Class B.

**MANUFACTURED OR MODULAR HOME COMMUNITY** means a comprehensively planned development for the placement and occupancy of new or previously occupied manufactured dwellings as residences which is managed by an operator and may include amenity areas and accessory facilities for the use and maintenance of the residents.

**MANUFACTURED HOME** means a completely self-contained dwelling unit, designed and constructed entirely within a factory setting. Typically, it is transported to a site in not more than one piece on its own chassis and wheel system or on a flatbed truck. For the purposes of this bylaw, a manufactured home does not include a "modular home" or "ready-to-move home". **SEE PREFABRICATED DWELLING**

**MANUFACTURING AND FABRICATION** means 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. Such a facility may include an administrative office, ancillary structures, outdoor work areas, parking, and outdoor storage areas. Note: **MANUFACTURING AND FABRICATION** is listed both as an exclusive use in certain districts and a use within Isolated Rural Commercial / Industrial Class A or B.

**MARINA AND ANCILLARY USES** means any facility for the mooring, berthing, storing, docking or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A marina may include boat sales, boat fuel sales, boat construction, boat repair, marine equipment sales, or promotional events, boat and jet ski rental, and other uses clearly incidental to watercraft activities.

**MIXED COMMERCIAL USE INCLUDING RESIDENTIAL** means a building used partly for residential use and partly for commercial use all of which are physically separated.

**MODULAR HOME** means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards designed in two or more modules or sections. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled and placed on a permanent foundation. **SEE PREFABRICATED DWELLING**

**MODULAR OR MANUFACTURED HOME SALES** means a commercial operation where the land and buildings are used in the sale, rental and storage of new and used manufactured homes. Such an operation may include an administrative office, outdoor work and storage areas, parking, supplementary maintenance services and the sale of parts and accessories.

**MOTOCROSS/MOTOR SPORTS PARK** means a development or facility to allow a form of motorcycle racing held on enclosed off-road circuits or open courses consisting of trails, lanes, or racetracks, and also may consist of artificially made dirt tracks consisting of steep jumps and obstacles. Accessory uses to a motocross/motor sports park may include a pit/paddock, test track, mechanics area, concession or food sales, bleachers/viewing areas and public washroom facilities.

**MOVED-IN BUILDING** means a previously used or existing non-residential building which is removed from a site and then transported and re-established on another site.

**MOVED-IN DWELLING** means a previously existing, established and occupied dwelling, which is removed from one site and then transported and re-established on another site. For the purposes of this bylaw, a moved-in dwelling does not include a "manufactured home", "modular home", "ready-to-move home", motor home, travel trailer, workforce relocatable trailers, mobile office trailers. recreation vehicle

and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

**MULTI-UNIT DWELLING** means a residential building that contains three or more dwelling units where each unit is provided with its own separate primary access to the outside.

# N

**NOXIOUS INDUSTRY** means a use or development, usually industrial or commercial in nature, where the use may be detrimental to public health, safety or welfare beyond the boundaries of the site or parcel upon which it is situated, often by reason of emissions (i.e., air, water or noise) created as a result of the use. The use may be incompatible with residential or other development because of toxic gases, noxious smells, wastes, noise, dust or smoke emissions or other detrimental substance which are not confined to the site or parcel upon which the use is situated. This use typically includes types of manufacturing, fabricating, processing, assembly, storage, production or packaging of goods, materials, or products, such as abattoirs, slaughterhouses and rendering plants, alfalfa processing plants anhydrous ammonia storage facilities, fertilizer manufacturing plants, gas processing plants, petrochemical industries or refineries, and metal industries, which are involved in the concentration, refining, smelting, or re-smelting of ores or metals.

# O

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an operation. This does not generally include manufacturing or sales aspects of the operation however; an office may also include the professional facilities service entities where the sale of services occurs.

**OUTDOOR STORAGE** means the use of land with or without attendant buildings for the open, outdoor storage of equipment, materials or vehicles, or processed or unprocessed resources or materials. For the purposes of this bylaw, this definition is limited to those uses that require minimal on-site improvements, service and public amenities or facilities and does not include those goods or materials which are hazardous.

# P

**PARKS AND PLAYGROUNDS** means land developed for public recreational activities that does not require major buildings or facilities, and may include open grassed areas, picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms. This definition may also be applied to public open space which is not in private ownership and is open to use by the public.

**PARKING AREA** means an area of land or building which is provided and maintained on the same lot as the principal use for the purpose of storing motor vehicles. This use does not include campgrounds or RV parks.

**PERSONAL SERVICE BUSINESS** means 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, fitness facility, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, and laundromats.

**PERSONAL WORKSHOP** means a building or use associated with a rural parcel, acreage or yard, which is to be used, or intended to be used, for the private non-commercial, non-industrial personal storage or shop use of the property owner. The primary purpose is to provide private shop or storage space to store personal belongings which typically may include equipment, tools, goods, antiques, furniture, artisan materials or crafts, private contractor materials, or vehicles of the property owner with the workshop space allowing for limited small-scale associated hobby work, crafting, repair, assembly, and personal auto care type uses that are non-commercial in nature.

**PREFABRICATED DWELLING** means a that is built at an off-site manufacturing facility or location other than the lot intended for occupancy. The units are built in conformance with CSA standards and/or Alberta Safety Codes. Prefabricated dwellings include Ready-to-Move, Panelized, Modular, and Manufactured dwellings but does not include Workforce Relocatable Trailers and Mobile Office Trailers.

**PRIVATE OR PUBLIC GUN RANGE** means the private operation of any building or premises where there are facilities of any sort for the firing of handguns, rifles, or other firearms.

**PROFESSIONAL SERVICE USE** means an occupation involving the dispensation of a service or advice that requires a specific skill or knowledge and/or registration with a professional administrative/regulatory body that awards a professional designation, for a profit (i.e. lawyers, accountants, engineers, financial planners, pharmacists, medical and dental offices, health clinics, counselling services, and chiropractor offices etc.), and which may include the accessory sale of goods.

**PUBLIC AND INSTITUTIONAL USE** means public or quasi-public uses, areas or facilities such as, but not necessarily limited to: churches, schools, community halls, cemeteries, weigh scales, government agricultural research stations, public utility facilities and structures, designated federal, provincial or municipal parks, recreation and camping areas.

**PUBLIC AND PRIVATE UTILITY** means any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;
(b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water);
(c) sewage systems (facilities for the collection, treatment, movement of disposal of sanitary sewage);
(d) storm sewage drainage facilities;
(e) telecommunications systems;
(f) systems for the distribution of artificial light or electric power;
(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure; and
(h) any other things prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation.

Within the context of this definition, **PUBLIC UTILITY** means a utility that is owned or operated by some level of government, and **PRIVATE UTILITY** means the utility is owned or operated by a non-government entity, private company, individual or publicly traded company or utility agency.

# Q

# R

**READY-TO-MOVE DWELLING MEANS** a previously unoccupied dwelling constructed at a place other than its permanent location (off-site) which is built to current Alberta Safety Codes Standards and is transported in whole or in parts, complete with paint, cabinets, floor covering, lighting and plumbing fixtures, to a site and placed on a permanent wood or concrete basement foundation. **SEE PREFABRICATED DWELLING**.

**RECREATIONAL VEHICLE** means a vehicle, trailer or other similar unit designed for and intended to provide temporary accommodation for travel and recreational purposes, which either has its own motor power or is mounted onto or drawn by another vehicle. Examples include but are not limited to motor homes, campers, holiday trailers, travel trailers, fifth wheel trailers, tent trailers, park model trailers, sleeping quarters or living quarters mounted on trailers, and any other vehicle, trailer, or unit determined to be a Recreational Vehicle by the Development Authority.

**RECREATION VEHICLE SALES, SERVICE AND STORAGE** mean the retail sales and repair of recreational vehicles as well as the ,the storage, outdoors or inside a permanent structure, of recreational vehicles as defined in this Bylaw, and other recreational or off-road vehicles including, but not limited to, boats, trikes, quads, personal watercraft, snowmobiles and trailers used to transport recreational vehicles.

**RELIGIOUS ASSEMBLY** means development owned by a religious organization used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

**RESIDENTIAL ACCESSORY BUILDING** means any structure that is physically separate from the principal dwelling on the lot on which both are located, and which is subordinate and incidental to that of the principal dwelling. A typical accessory building is a private garage or shed. No accessory building shall be used for human habitation.

**RESIDENTIAL ACCOMMODATION SECONDARY TO AN APPROVED USE** means the construction or placement of a dwelling unit which is incidental or accessory in nature to the principal use or activity on the subject lands.

**RESIDENTIAL ACCOMMODATION IN AN APPROVED HANGER** means the construction or placement of a dwelling unit which is incidental or accessory in nature of an approved hanger on the subject lands.

**RESIDENTIAL ADDITION** means any construction that increases the size of a dwelling in terms of site coverage, height, length, width, or gross floor area.

**RESIDENTIAL GARAGE/WORKSHOP** means an accessory building on a residential property used for the parking/storage of vehicles and/or to provide private shop or storage space to store personal belongings and/or for workshop space allowing for limited small-scale hobby work, all of which is non-commercial in nature.

**RESORT** means a building or series of buildings under common ownership which provide interrelated visitor and vacation services and are intended to serve the community and the travel needs of people traveling through the area. Typical uses include but are not limited to: overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, resort recreation facilities, and restaurant and retail uses which are customarily appurtenant to such uses.

**RETAIL** means a commercial premise where goods, merchandise, substances, articles, and other materials, are offered for sale to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, bakery, hardware, pharmaceutical, appliance, clothing, and sporting goods stores and such other uses as the Municipal Planning Commission considers similar in character and nature to any one of these uses. Minor government services, such as postal services, are permitted within general retail stores.

**RODEO OR EXHIBITION GROUNDS** means an agricultural-recreation oriented facility where livestock, animal husbandry and exhibitions of the speed, breeding and management are exhibited and showcased. Typically, the site will also include the associated facilities such as an arena, chutes and corrals, stables, concession booths, grandstands and parking to carry out such purpose. The facility may be managed by civic, private or non-profit organizations.

# S

**SCHOOL** means a place of instruction and may include a private or public school (operated with public funds through a recognized school district), trade school, post-secondary educational facility or early childhood services program in accordance with the *School Act* and *Secondary School Act*.

**SECURITY SUITE** means a dwelling unit or portion of a building used to provide accommodation for security personnel and in commercial, airport, or industrial districts shall contain no more than one (1) bedroom and be no larger than 55.7 $m^2$ (600 $ft^2$).

**SENIOR CITIZEN HOUSING** means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care.

**SERVICE STATION** means the use of land or buildings for the retail sale of motor vehicle accessories, gasoline or other fuels and the supply of minor repair services for motor vehicles. Electric vehicle charging stations can be accessory to an existing service station or be a primary use or accessory to uses determined to be suitable by the Municipal Planning Commission,

**SHIPPPING CONTAINER** means any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations and may require a permit.

**SHIPPING CONTAINER FOR AGRICULTURAL STORAGE USE** means any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used in association with an agricultural operation or extensive agriculture or grazing will be subject to the regulations found in this bylaw.

**SHOP HOUSE / SHOUSE** means a purpose-built structure that combines living quarters and a working or storage area. The living area is considered a dwelling unit under this bylaw.

**SIGN, CLASS A** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event. Sign typology consists of the following election, identification, directional, parking (circulation or restrictions) or real estate.

**SIGN, CLASS B** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event. Sign typology may consist of the following: awning /canopy, fascia, freestanding, wall, roof or projecting.

**SIGN, CLASS C** means a portable object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event mounted on a standard, column or A-frame and capable of being moved manually.

**SOLAR ENERGY SYSTEM, INDIVIDUAL ROOF OR WALL MOUNT** means 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 consumption on-site by the landowner, resident or occupant. This use includes panels either roof-mounted or wall-mounted systems which may or may not be connected to the interconnected electric system.

**SOLAR ENERGY SYSTEM, INDIVIDUAL GROUND MOUNT** means 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 use and consumption on-site by the landowner, resident or occupant. This use includes panels ground-mounted which may or may not be connected to the interconnected electric system and small micro-generation in accordance with the Micro-Generation Regulation connected to the interconnected electric system.

**SOLAR ENERGY SYSTEM, INDUSTRIAL** means a large-scale system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

**SPORTS CLUB** means a use of land and/or buildings for a private organization, association, society, or private individual for public or private use, including but not limited to, a drift track, the sport of drifting, tuning cars, BMX track, go-kart track, skate park or such other uses.

**STUDENT HOUSING** means a building intended or used principally for sleeping accommodations where such a building is related to an educational facility or school.

# T

**TOURIST HOME / BED AND BREAKFAST** means a dwelling unit operated as an accommodation unit, occupied by a guest or guests for a period of less than 28 days.

**TRAIL** means a thoroughfare or track across land used for recreational purposes such as pedestrian activities, bicycling or use of other human-powered activities.

**TRUCK STOP** means a commercial operation where a business, service or industry involved in the maintenance, servicing, temporary parking or storage, or report of commercial vehicles is conducted or rendered including the dispensing or fuel products, the sale of accessories and/or equipment for trucks and similar commercial vehicles. A truck stop may also include convenience stores, washrooms and restaurant facilities, and may include showers or overnight accommodation facilities

**TRUCK TRANSPORT DISPATCH/DEPOT** means a facility for the purpose of storing and/or dispatching trucks, buses, fleet vehicles, and transport vehicles and may include towing operations. The use may also involve the transfer of goods primarily involving the loading and unloading of freight-carrying trucks.

**TRUCK WASH** means the use of a building, structure or area providing for the washing and cleaning of trucks and associated transport trailers and may be a private or a commercial operation.

# W

**WAREHOUSE** means a development for the indoor storage of goods and merchandise and may include offices related to the administration of the warehouse facility and/or the retail sale of goods stored in the warehouse.

**WASTE MANAGEMENT FACILITY MAJOR** means a development primarily for the storage, processing, treatment, burial, and disposal of solid and/or liquid wastes, and/or hazardous materials. Typical uses include sanitary landfills, landfarming (bioremediation), incinerators, wastewater treatment plants, and similar uses.

**WASTE MANAGEMENT FACILITY MINOR** means a development for the storage, disposal and filling of clean clay, waste concrete and paving materials, non-noxious scrap building materials, aggregate, and similar non-hazardous wastes. This use includes dry-waste sites, Waste Transfer Stations, and Recycling Depots.

**WASTE TRANSFER STATION** means a development where nonhazardous solid waste materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility.

**WASTEWATER TREATMENT FACILITY** means a Wastewater Treatment Plant as defined in the *Matters Related to Subdivision and Development Regulation*.

**WATER TREATMENT PLANT** means any facility used in the collection, treatment, testing, storage, pumping, or distribution of water for public water system.

**WIND ENERGY CONVERSION SYSTEM (WECS) – INDIVIDUAL** means a rotating machine which converts the kinetic energy in wind into mechanical energy with the capacity to generate electricity only for the property owner's use on the site it is located.

**WIND ENERGY CONVERSION SYSTEM (WECS), INDUSTRIAL** means a rotating machine which converts the kinetic energy in wind into mechanical energy. If the mechanical energy is used directly by machinery, such as a pump or grinding stones, the machine is usually called a windmill. If the mechanical energy is then converted to electricity, the machine is called a wind generator, wind turbine, wind power unit (WPU) or wind energy conversion system (WECS).

**WORK CAMP** means a development for the temporary accommodation of construction or resource industry workers. The site may include on-site buildings, trailers or other acceptable means of accommodation used to house and feed workers and/or store project construction materials, and/or provide office space for contractors and sub-contractors.

**WORK OR LAY DOWN YARD** means an area associated with a construction site which needs an area to provide temporary industrial storage for a specific time frame.

**WORKFORCE RELOCATABLE TRAILERS AND MOBILE OFFICE TRAILERS** means a relocatable building built in conformance with CSA A277 or a prior standard, for the temporary use as a dwelling, office, lunchroom, storage room, workshop, or other such use deemed to be compatible by the Development Authority. Manufactured Home is a separate use (See Dwelling, Prefabricated, Manufactured).

**WORKSHOP ACCESSORY TO RETAIL STORE** means a building or use associated with a retail establishment which is to be used, or intended to be used, by the operator of the retail store. The primary purpose is to provide shop or storage space to store equipment, tools, goods, antiques, furniture, artisan materials or crafts for limited small-scale associated work, crafting, repair, or assembly associated with the retail store and may not be used by individuals not engaged in the retail store.




# Appendix A

## FORMS AND APPLICATIONS

Municipal District of Willow Creek No. 26
#273129 Secondary Highway 520 West
PO Box 550
Claresholm, AB T0L 0T0
403-625-3351

# FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | | |
|---|---|---|
| Application No: | Roll No: | Use:<br>☐ Permitted ☐ Discretionary ☐ Similar ☐ Prohibited |
| Application Fee: $ | Date Paid: | Land Use District:<br>☐ Rural General<br>☐ Hamlet Residential<br>☐ Hamlet Business<br>☐ Willow Creek Business Park<br>☐ Rural Commercial<br>☐ Rural Industrial<br>☐ Natural Resource Extraction<br>☐ Claresholm Airport<br>☐ Rural Recreational<br>☐ Open Space/Public Recreation<br>☐ Public Service<br>☐ Nanton Urban Fringe<br>☐ Residential Growth Area<br>☐ Commercial/Industrial Growth Area<br>☐ Use Specific Direct Control<br>☐ Industrial Renewable Energy Direct Control |
| Application Received / Complete: | | |
| Notification or Advertised Date: | Effective Date: | |
| Municipal Address Application Submitted:<br>☐ Yes ☐ Not Required | | |
| AER Abandoned well information provided:<br>☐ Yes ☐ No | | ☐ FHPO Overlay ☐ RV Overlay |
| Site Plans or drawings Submitted: ☐ Yes ☐ No | | Site Visit Conducted: ☐ No ☐ Yes<br>Date: |

## APPLICANT & LAND INFORMATION

**Applicant's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

**Registered Owner's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other: _____

Quarter _____ Section _____ Township _____ Range _____ W_____M

Lot(s) _____ Block _____ Plan _____

Municipal/Street address: _____

* Subject to Municipal Address Bylaw 1814, if there is currently not a municipal address on the parcel a municipal address application must be submitted.

Area of Parcel: _____Acres _____ Hectares Land Use District: _____

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403-625-3351

# FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

## DEVELOPMENT INFORMATION

### (1) Existing Development

Please list the existing buildings, structures and use(s) on the land. (Please indicate if any are to be removed or relocated.)

_____

_____

### (2) Proposed Development

Please describe the proposed development including uses, buildings, structures, and any planned renovations and additions that are to be constructed on the lot; including the dimensions of each.

_____

_____

_____

For **residential** development please check the applicable box below:

☐ Single-detached dwelling (site built) ☐ Prefabricated dwelling

☐ Second dwelling unit ☐ Third or more dwelling unit

☐ Moved-in dwelling (previously occupied) ☐ Accessory Building/Structure (e.g. deck/garage/shop)

☐ Other Dwelling Type: _____ ☐ Addition: _____

Does dwelling application include an attached garage? ☐ Yes ☐ No

For **non-residential** development please check the applicable box below if the proposed development is for one of the following **AND** complete the supplementary form:

☐ Isolated rural commercial industrial Class A or B (Form A1) ☐ Renewable Energy (Form A2a)

☐ Rural Commercial / Industrial or Rural Recreation (Form A2) ☐ Sign(s) (Form A3)

**Building Details:**

| **Size/Dimensions** | Principal Building or Addition | Accessory Building or Addition | **Office Use** |
|---|---|---|---|
| Building or Addition Size | ☐ $m^2$ ☐ $ft^2$ | ☐ $m^2$ ☐ $ft^2$ | |
| Height of Building (grade to peak) | ☐ m ☐ ft | ☐ m ☐ ft | |
| Attached Garage Size | ☐ $m^2$ ☐ sq. ft | N/A | |
| **Proposed Setbacks from Property Lines** | Principal Building | Accessory Building | |
| Front | ☐ m ☐ ft | ☐ m ☐ ft | |
| Rear | ☐ m ☐ ft | ☐ m ☐ ft | |
| Side | ☐ m ☐ ft | ☐ m ☐ ft | |
| Side | ☐ m ☐ ft | ☐ m ☐ ft | |

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# FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

| | |
|---|---|
| Parcel Type: ☐ Interior Lot ☐ Corner Lot | |
| **Development Details: Access & Cost** | |
| Approach or driveway required to the development? ☐ No ☐ Yes (specify) | |
| Estimated cost of development: | |

**(3) Exterior Finish, Fencing & Landscaping**

(a) ☐ Not applicable to this development

(b) ☐ Applicable – Describe generally the types, colors, and materials, as applicable, of:

Exterior finishes of the proposed building(s): _____

Proposed fencing and height: _____

Proposed landscaping: _____

Describe any proposed improvements to the exterior of the dwelling where application is for a previously occupied dwelling (moved-in or manufactured home): _____

_____

**(4) Services**

Indicate the existing or proposed sewer system and potable water supply:

*Sewer System:*

☐ Private Septic ☐ Municipal ☐ Communal

(specify): _____

*Water Supply:*

☐ Cistern ☐ Water well ☐ Dugout ☐ Municipal/Co-op

☐ Other (specify): _____

*Other Services:* Indicate as follows: **A**= available **R** = required

Natural gas ( ) Electricity ( )

**(5) Details of Vehicle Parking and Access** (for commercial/industrial proposals, see supplementary form)

Describe the **number** _____ and **size**_____ of all existing and proposed **parking spaces** _____, and **driveways** _____on site (or N/A if not applicable).

(Indicate locations of same on a scaled PLOT PLAN.)

**(6) Waivers**

Is a waiver (variance) to one or more standards in the Land Use Bylaw being requested? ☐ No ☐ Yes

If yes, please specify:

_____

_____

_____

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# FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

**(7) Other –** for parcels outside of Hamlet districts (Please indicate to the best of your knowledge.)

(a) Are any of the following within 1-mile (1.6 km) of the proposed development?

☐ Provincial Highway ☐ Confined Feeding Operation ☐ Sour gas well or pipeline

☐ Sewage treatment plant ☐ Waste transfer station or landfill

(b) Is the proposed development to be situated within 500 metres (1,640 ft.) of an established anhydrous ammonia bulk storage facility? ☐ No ☐ Yes ☐ Don't Know

(c) Is the development located in proximity of a coulee bank/break/slope? ☐ No ☐ Yes

If "yes", please provide details on the building sites' setback distance from the front edge of the valley or coulee break (escarpment rim).

Estimated **Commencement** Date: _____ Estimated **Completion** Date:_____

## DECLARATION OF APPLICANT

*I/We have read and understand the terms noted below and hereby apply for a development permit to carry out the development described within this application including any attached supplementary forms, plans, and documents.*

**I/We hereby certify that the registered owner of the land is aware of, and in agreement with this application.**

*Further I/We hereby give my/our consent to allow authorized persons the **right to enter** upon the subject land and/or building(s) for the purpose of an inspection with respect to this application only.*

Date: _____ **Applicant's Signature:**_____

**Registered Owner's Signature:**_____
(Required, if different from applicant)

1. The Development Authority may deem a development permit application incomplete if any of the application requirements are incomplete or the quality of the information is deemed inadequate to properly evaluate the application.
2. Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.
3. Although the Development Officer is in a position to advise applicants of the process and requirements of the development application, such advice must not be taken as official consent, and is without prejudice to the decision in connection with the formal application.
4. Any development started before the issuance of a development permit and expiration of the appeal period is at the applicant's own risk.
5. **If a decision is not made within 40 days** from the date the application is deemed complete, or within such longer period as the applicant may approve in writing, **the applicant may deem the application to be refused** and the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period.
6. A development permit does not constitute a building permit or approval from any provincial or federal department. Construction undertaken subsequent to approval of this development permit application may be regulated by the **Alberta Safety Codes.** The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approval and inspections as may be required by the appropriate provincial body. The applicant is responsible for determining and obtaining any other applicable provincial and federal approvals prior to commencement.

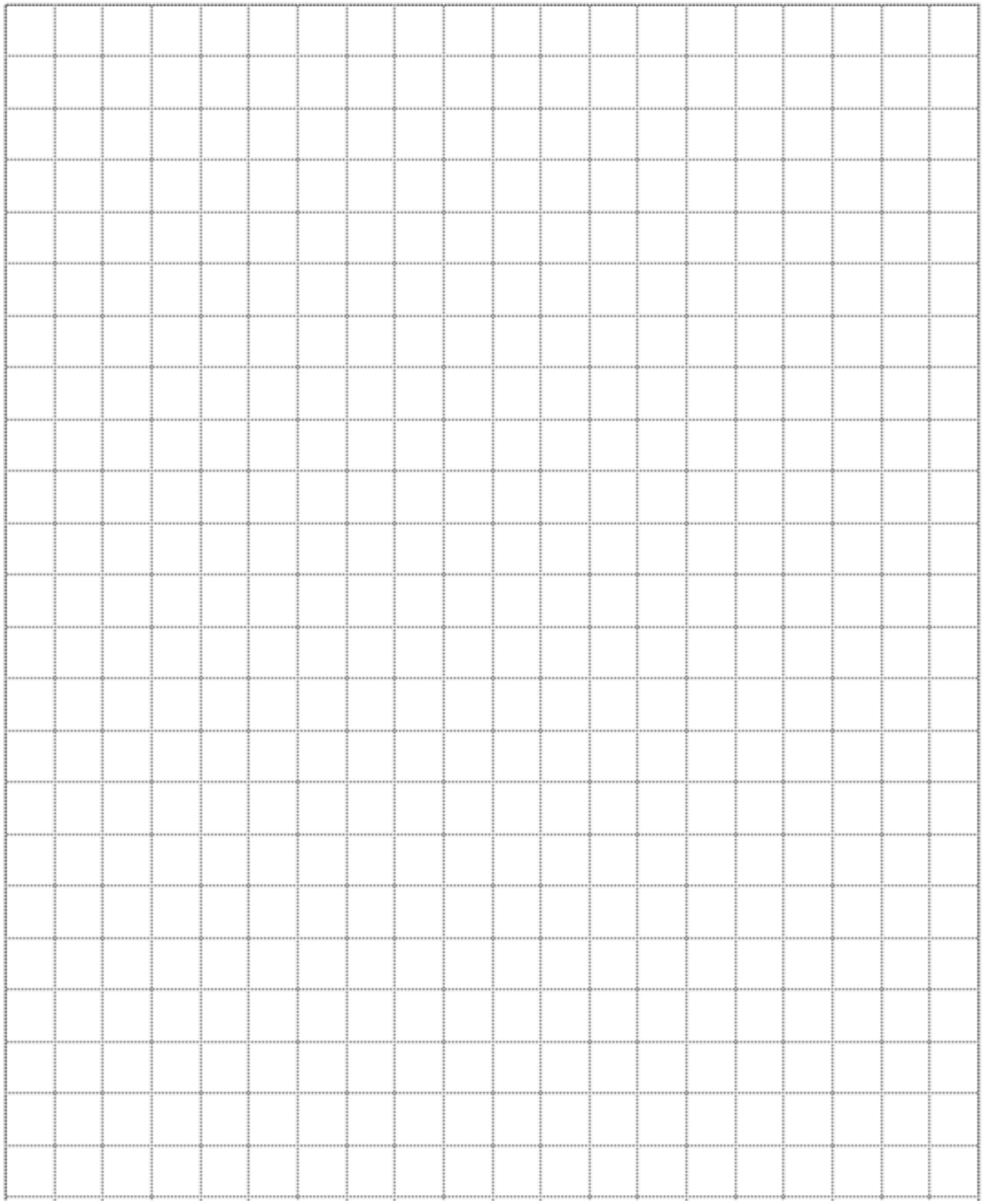
Municipal District of Willow Creek No. 26
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# FORM A: DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

## Site Plan

(or attach separate site plan)



*(Please draw to scale and indicate north arrow)*

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# FORM B: ISOLATED RURAL INDUSTRIAL COMMERCIAL APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | |
|---|---|
| Permit Application No:<br>(to match Form A) | Roll No: |
| ☐ Class A ☐ Class B | |

This supplementary Form B must be completed in addition to Form A: Development Permit Application if you are applying for a development permit for an Isolated rural industrial commercial use.

## APPLICANT INFORMATION

**Applicant's Name:** _____ Phone:_____

Mailing Address: _____

Email: _____

**(1)** This business will be an: ☐ On-site Business ☐ Off-site/Mobile Business

Please attach a site plan or floor plan for the proposed business: ☐ Attached Site Plan/Floor plan

Please describe the proposed business including any goods and/or services provided:

_____

_____

_____

_____

**(2)** Where will the business operate from? ☐ In-home ☐ Accessory building

**(3)** Is there another business already operating out of the residence or on the premises? ☐ Yes ☐ No

If yes, what business?: _____

**(4)** Days and hours of operation: _____

Number of non-resident employees: _____ Number of estimated clients/customers per day: _____

How many parking spaces for clients, employees, and deliveries will be available? _____

**(5)** Will the business involve commercial vehicles/trailers on site in conjunction with the business? ☐ No ☐ Yes

If yes, describe the use, number, type and size, of all commercial vehicles visiting the site:

_____

_____

_____

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# FORM B: ISOLATED RURAL INDUSTRIAL COMMERCIAL APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

**(6)** Are any outdoor storage areas proposed? ☐ No ☐ Yes

Please describe type and amount of items to be stored and indicate location on an attached site plan:

_____

_____

_____

**(7)** Will there be any flammable or hazardous material on the premises as a result of the business?

☐ No ☐ Yes (please list materials and quantity) _____

**(8)** Are any signs proposed for the home business? ☐ No ☐ Yes

If yes, please specify number, type, size and location and indicate on an attached site plan: (for a window sign in residence only, indicate as such in space below)

_____

_____

_____

## DECLARATION OF APPLICANT/OWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.*

Date: _____ **Applicant's Signature:** _____

**Registered Owner's Signature:** _____
(if different from applicant)

NOTE: This Form B is supplementary and is in conjunction with a completed Form A: Development Permit Application. Refer to Bylaw No. 2025, Schedule 6, Section 22 for specific criteria and Standards of Development.

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# FORM C: HOME OCCUPATION APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | |
|---|---|
| Permit Application No:<br>(to match Form A) | Roll No: |
| ☐ Class A ☐ Class B | |

This supplementary Form C must be completed in addition to Form A: Development Permit Application if you are applying for a development permit for a Home occupation use.

## APPLICANT INFORMATION

**Applicant's Name:** _____ Phone:_____

Mailing Address: _____

Email: _____

**(1)** This business will be an: ☐ On-site Business ☐ Off-site/Mobile Business

Please attach a site plan or floor plan for the proposed business: ☐ Attached Site Plan/Floor plan

Please describe the proposed business including any goods and/or services provided:

_____

_____

_____

_____

**(2)** Where will the business operate from? ☐ In-home ☐ Accessory building

**(3)** Is there another business already operating out of the residence or on the premises? ☐ Yes ☐ No

If yes, what business?: _____

**(4)** Days and hours of operation: _____

Number of non-resident employees: _____ Number of estimated clients/customers per day: _____

How many parking spaces for clients, employees, and deliveries will be available? _____

**(5)** Will the business involve commercial vehicles/trailers on site in conjunction with the business? ☐ No ☐ Yes

If yes, describe the use, number, type and size, of all commercial vehicles visiting the site:

_____

_____

_____

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# FORM C: HOME OCCUPATION APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

**(6)** Are any outdoor storage areas proposed? ☐ No ☐ Yes

Please describe type and amount of items to be stored and indicate location on an attached site plan:

_____

_____

_____

**(7)** Will there be any flammable or hazardous material on the premises as a result of the business?

☐ No ☐ Yes (please list materials and quantity) _____

**(8)** Are any signs proposed for the home business? ☐ No ☐ Yes

If yes, please specify number, type, size and location and indicate on an attached site plan: (for a window sign in residence only, indicate as such in space below)

_____

_____

_____

## DECLARATION OF APPLICANT/OWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.*

Date: _____ **Applicant's Signature:** _____

**Registered Owner's Signature:** _____
(if different from applicant)

NOTE: This Form C is supplementary and is in conjunction with a completed Form A: Development Permit Application. Refer to Bylaw No. 2025, Schedule 6, Section 22 for specific criteria and Standards of Development.

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# FORM D: COMMERCIAL/INDUSTRIAL/NATURAL RESOURCE RURAL RECREATION APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | |
|---|---|
| Permit Application No:<br>(to match Form A) | Roll No: |
| Traffic Impact Assessment: ☐ No ☐ Yes ☐ Not Required | Storm water management plan submitted: ☐ No ☐ Yes ☐ Not Required |
| ASP Submitted: ☐ No ☐ Yes ☐ Not Required | Lot Grading plan submitted: ☐ No ☐ Yes ☐ Not Required |

This supplementary Form D must be completed in addition to Form A, and Form F if you are applying for a development permit for a sign.

## APPLICANT INFORMATION

**(1) Applicant's Name:** _____ Phone: _____

Mailing Address: _____

Email: _____

**(2) Proposed Use**

**This application is to:** (Check all that apply)

- ❑ Construct a new building or structure *(if greater than 500 sq. ft. see abandoned well information section)*

  The building or structure is for:

  - ❑ Commercial Use (e.g. retail, sales, service office, food establishment, etc.)
  - ❑ Industrial Use (e.g. manufacturing, processing, warehousing, storage, etc.)
- ❑ Natural resource extraction use and associated development
- ❑ Addition to an existing building *(if greater than 500 sq. ft. see abandoned well information section)*
- ❑ Construct an accessory building/shipping container *(if greater than 500 sq. ft. see abandoned well information section)*
- ❑ Mixed-use (comprehensive) development in a building or on a parcel of land
- ❑ Outdoor storage
- ❑ Change in or intensification of use
- ❑ Other _____

**(3)** Describe the proposed use, any changes from existing use, and any work to be done:

_____

_____

**(4) Outdoor Storage –** Is outdoor storage or a display area required or proposed? ☐ No ☐ Yes
(If yes, indicate locations of same on a scaled PLOT PLAN.)

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# FORM D: COMMERCIAL/INDUSTRIAL/NATURAL RESOURCE RURAL RECREATION APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

**(5) Parking and Loading Information**

**(a) Details of Vehicle Parking and Access –** Describe the **number** _____ and **size** (dimensions) _____ of all existing and proposed off-street parking spaces, and **driveways/approaches** _____ on site (or N/A if not applicable).

(Indicate locations of same on a scaled PLOT PLAN.)

**(b) Loading Areas –** Is a dedicated loading space/area proposed? ☐ No ☐ Yes

If yes, please specify: _____

(Indicate locations of same and building loading doors on a scaled PLOT PLAN.)

**(c) Drive-through Uses –** For a commercial use, does the proposed development include a drive-through component which requires a dedicated vehicle-stacking lane? ☐ No ☐ Yes

If yes, please specify: _____

(Indicate locations of same on a scaled PLOT PLAN.)

**(6) Servicing Details**

Please indicate if the proposed development will require water and sewer for the following (check all that may apply):

☐ Washroom/kitchen type facilities for staff
☐ Washroom/food service facilities for the public
☐ Car/truck wash
☐ Processing/manufacturing process
☐ Food processing
☐ Other: _____
☐ No water or sewer services proposed for development (i.e. use entails dry storage, warehousing, etc.)

## DECLARATION OF APPLICANT/OWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a commercial/industrial development. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.*

Date: _____ **Applicant's Signature:** _____

**Registered Owner's Signature:** _____
(if different from applicant)

NOTE: This Form D is supplementary and is in conjunction with a completed Form A: Development Permit Application. Refer to Bylaw No. 2025 for specific regulations and standards of development.

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# FORM E: INDUSTRIAL RENEWABLE ENERGY APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | |
|---|---|
| Permit Application No:<br>(to match Form A) | Roll No: |
| AUC Project Approval: Proceeding No. _____<br>☐ No ☐ Yes ☐ Not Required | Storm water management plan submitted:<br>☐ No ☐ Yes ☐ Not Required |
| Traffic Impact Assessment:<br>☐ No ☐ Yes ☐ Not Required | Lot Grading plan submitted:<br>☐ No ☐ Yes ☐ Not Required |

This supplementary Form E must be completed in addition to Form A, and Form F if you are applying for a development permit for a sign.

## APPLICANT INFORMATION

**(1) Applicant's Name:** _____ Phone: _____

Mailing Address: _____

Email: _____

**(2) Proposed Use**

**This application is to:** (Check all that apply)

❑ Construct a new energy project *(if greater than 500 sq. ft. see abandoned well information section)*

The project is for:

❑ Wind Project

❑ Solar Project

❑ Other renewable energy _____

**(3) Attach the following** to the application form:

❑ description of the project

❑ the studies and plans as outlined in the IREDC District

**(4) Outdoor Storage –** Is outdoor storage or a display area required or proposed? ☐ No ☐ Yes

**(5) Parking and Loading Information**

**(a) Details of Vehicle Parking and Access –** Describe the **number** _____ and **size** (dimensions) _____ of all existing and proposed off-street parking spaces, and **driveways/approaches** _____ on site (or N/A if not applicable).

(Indicate locations of same on a scaled PLOT PLAN.)

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# FORM E: COMMERCIAL/INDUSTRIAL APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

**(b) Loading / Laydown Areas –** Is a dedicated loading space/area proposed? ☐ No ☐ Yes

If yes, please specify: _____

## DECLARATION OF APPLICANT/OWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a commercial/industrial development. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.*

Date: _____ **Applicant's Signature:** _____

**Registered Owner's Signature:** _____
(if different from applicant)

NOTE: This Form E is supplementary and is in conjunction with a completed Form A: Development Permit Application. Refer to Bylaw No. 2025 for specific regulations and standards of development.

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# FORM F: SIGN APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | |
|---|---|
| Permit Application No:<br>(to match Form A) | Roll No: |

This supplementary Form F must be completed in addition to Form A: Development Permit Application if you are applying for a development permit for a sign.

## APPLICANT INFORMATION

**(1) Applicant's Name:** _____ Phone: _____

Mailing Address: _____

Email: _____

**(2)** Type of sign proposed: ☐ Permanent ☐ Temporary ☐ Changes to an existing sign

If temporary:

Date sign will be displayed: _____ Date sign will be removed: _____

**(3)** Sign type: ☐ Freestanding ☐ Awning/Canopy ☐ Wall mounted ☐ Fascia ☐ Portable
☐ Roof mounted ☐ Shingle/Projecting ☐ Other (specify): _____

Sign dimensions: _____ Length _____ Width Square footage of proposed sign: _____

Bottom of Sign Height from Ground: _____

Top of Sign Height from Ground: _____

Sign materials: _____

Please attach a site plan identifying the location(s) of the proposed sign(s): ☐ Attached Site Plan

**(4)** Will the sign be illuminated or animated or contain changeable copy? ☐ No ☐ Yes

If yes, describe the type of illumination or animation: _____

**(5)** Are there any existing signs on the lot? ☐ No ☐ Yes

If yes, describe the type, size and height of each existing sign and identify their location(s) on a site plan:

_____

_____

_____

_____

**(6)** Will the sign be used to advertise off-premises business, products or services? ☐ No ☐ Yes

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# FORM F: SIGN APPLICATION

Supplement to Development Permit Application
Pursuant to Land Use Bylaw No. 2025

**(7) As part of a completed sign permit application, the applicant shall provide:**

(a) **a legible drawing, graphic or illustration (to scale with dimensions) of the proposed sign** which also includes the copy and/or display (text and graphics) that will be on the signage; and

(b) **a site plan (drawn to scale) indicating the location of the sign** (and all other signs on the premises), on the subject parcel of land.

## DECLARATION OF APPLICANT/OWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a sign. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.*

Date: _____ **Applicant's Signature:** _____

**Registered Owner's Signature:** _____
(if different from applicant)

NOTE: This Form F is supplementary and is in conjunction with a completed Form A: Development Permit Application. Refer to Bylaw No. 2025 Schedule 6, section 36 for specific Sign Regulations and standards of development.

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# FORM G: DEMOLITION PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | | |
|---|---|---|
| Application No: | Date of Application | Date Deemed Complete: |
| Land Use District: | | |

*May be used as a supplement form in conjunction with Form A if demolition is to occur with other proposed development on the land.*

## APPLICANT INFORMATION

**Applicant's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

**Registered Owner's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other: _____

## PROPERTY INFORMATION

Quarter _____ Section _____ Township _____ Range _____ W_____M

Lot(s) _____ Block _____ Plan _____

Municipal/Street address: _____

What is the existing use?: _____

## DEMOLITION/REMOVAL INFORMATION

A development permit is required to demolish or remove a building or structure from a site except where exempted by Bylaw No. 2025 or at the discretion of the Development Authority. The demolition/removal permit process ensures that buildings are dismantled and removed in a safe manner and that the land will be left in a suitable state after removal. The following is not an exhaustive list and the Development Officer may request additional information that is required to assess the application.

### STRUCTURES TO BE REMOVED

Description of Building/Structure(s) _____

_____

Type of Work ❑ Removal to another site (no demolition) ❑ Demolition of building/structure

Municipal District of Willow Creek No. 26
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# FORM G: DEMOLITION PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

Building Size _____ ❑ $m^2$ ❑ sq. ft.

Height of Building _____ ❑ m ❑ ft # of storeys _____

## DEMOLITION PLAN

Timeframe — Expected start date: _____ Expected completion date: _____

Method of Demolition — ❑ Manual (no heavy equipment) ❑ Using heavy equipment ❑ Other - please explain _____

Dump Site Location: _____

**Note: Construction debris should be dumped in an approved certified site whenever possible. If that is not possible, approval must be obtained from Alberta Environment.**

Name of Contractor responsible for removal/demolition: _____

## DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.*

Date: _____ **Applicant's Signature:** _____

**Registered Owner's Signature:** _____
(Required, if different from applicant)

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# FORM G: DEMOLITION PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

## APPLICANT IS RESPONSIBLE FOR:

❑ **Disconnection of all services** including (if applicable):

Signature from agency or municipality verifying services disconnected (or attach letter):

- ❑ Electrical power _____
- ❑ Natural gas _____
- ❑ Telephone cables _____
- ❑ Communications cables (includes cable TV) _____
- ❑ Water lines _____
- ❑ Storm & sanitary sewer _____
- ❑ Private Septic _____

❑ **On-site consultation with Director of Infrastructure or their designate**. The applicant shall schedule a consultation with the Public Works (municipal services) department a minimum of 72 hours prior to demolition or removal commencing to determine the state of affected public property.

❑ **Final plan for property after building removed or demolished and reclamation complete.** As applicable:

- ❑ **Copy of grading plans** if property will be vacant after removal or demolition.
- ❑ **Complete development application for new development** where building is being replaced.

❑ **A completed Development Application**. This form shall accompany a complete development application with the consent of the registered owner and any other required documentation.

❑ **Application Fee and any applicable deposit or security required payable to the Municipal District of Willow Creek No. 26.**

**NOTE: A building permit is also required before proceeding with demolition.

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# FORM H: APPLICATION FOR A LAND USE BYLAW AMENDMENT

Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | | |
|---|---|---|
| Date of Application | Date Deemed Complete | Assigned Bylaw Number: |
| Application & Processing Fee: | ❑ Redesignation<br>❑ Text Amendment | Certificate of Title Submitted:<br>❑ Yes ❑ No |

*IMPORTANT NOTE*: Although the Administrative Staff is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent.

A refusal is **not** appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 6 months after the date of refusal. [Refer to Administrative, Sections 64 and 65 of bylaw.]

## APPLICANT INFORMATION

**Applicant's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

**Registered Owner's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other: _____

## PROPERTY INFORMATION

Quarter _____ Section _____ Township _____ Range _____ W_____M

Lot(s) _____ Block _____ Plan _____

Municipal/Street address: _____

* Subject to Municipal Address Bylaw 1814, if there is currently not a municipal address on the parcel a municipal address application must be submitted.

## AMENDMENT INFORMATION

**What is the proposed amendment?** ❑ Land Use Redesignation ❑ Text Amendment

IF LAND USE REDESIGNATION:

**Current Land Use Designation (zoning):** _____

**Proposed Land Use Designation (zoning) (if applicable):** _____

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# FORM H: APPLICATION FOR A LAND USE BYLAW AMENDMENT

Pursuant to Land Use Bylaw No. 2025

IF TEXT AMENDMENT:

For text amendments, attach a description including:

- The section to be amended;
- The change(s) to the text; and
- Reasons for the change(s).

**SITE DESCRIPTION:**

**Lot/Parcel Dimensions:** _____

**Lot area/parcel acreage:**_____
Indicate the information on a scaled PLOT or SITE PLAN

❑ **Site or Plot Plan Attached** ❑ **Conceptual Design Scheme or Area Structure Plan Attached**

**OTHER INFORMATION:**

Section 62 of the *Land Use Bylaw* regulates the information required to accompany an application for redesignation. Please **attach a descriptive narrative** detailing:

- The existing and proposed future land use(s) (i.e. details of the proposed development);
- If and how the proposed redesignation is consistent with applicable statutory plans;
- The compatibility of the proposal with surrounding uses and zoning;
- The development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);
- Availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development; and
- Access and egress from the parcel and any potential impacts on public roads.

In addition to the descriptive narrative, an Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application where:

- redesignating land to another district;
- multiple parcels of land are involved;
- four or more lots could be created;
- several pieces of fragmented land are adjacent to the proposal;
- new internal public roads would be required;
- municipal services would need to be extended; or
- required by Council, or the Subdivision or Development Authority if applicable.

The applicant may also be required to provide other professional reports, such as a:

- geotechnical report; and/or
- soils analysis; and/or
- evaluation of surface drainage or a detailed storm water management plan;
- and any other information described in section 52(2) or as deemed necessary to make an informed evaluation of the suitability of the site in relation to the proposed use;

if deemed necessary.

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# FORM H: APPLICATION FOR A LAND USE BYLAW AMENDMENT

Pursuant to Land Use Bylaw No. 2025

## SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared. Council may request additional information.

## DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application. *I/We have read and understand the terms noted below and hereby* ***certify that the registered owner of the land is aware of, and in agreement with this application.***

Date: _____ **Applicant's Signature:**_____

**Registered Owner's Signature:**_____
(Required, if different from applicant)

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.*

## TERMS

1. Subject to the provisions of the Land Use Bylaw No. 2025 of Municipal District of Willow Creek No. 26, the term "development" includes any change in the use, or intensity of use, of buildings or land.
2. Pursuant to the Municipal Development Plan and the Land Use Bylaw, an area structure plan or conceptual design scheme may be required by Council before a decision is made.
3. A refusal is not appealable and a subsequent application for redesignation (reclassification) involving the same or similar lot and/or for the same or similar use may not be made for at least 6 months after the date of a refusal.
4. An approved redesignation (reclassification) shall be finalized by amending the land use bylaw map in accordance with section 692 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26.

Note: Information provided or generated in this application may be considered at a public meeting.

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# FORM I: FARM BUILDING EXEMPTION

Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | |
|---|---|
| Application Date: | Development Permit # (if applicable): |

## APPLICANT INFORMATION

**Applicant's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

**Registered Property Owner's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other: _____

## PROJECT LOCATION AND BUILDING INFORMATION

Rural Address: _____

* Subject to Municipal Address Bylaw 1814, if there is currently not a municipal address on the parcel a municipal address application must be submitted.

Legal Address: Quarter: _____ Section: _____ Township: _____ Range: _____ W4M

Lot(s): _____ Block: _____ Plan: _____

**Building Details:**

| **Size/Dimensions** | Building or Addition | Other structures | **Office Use** |
|---|---|---|---|
| Building or Addition Size | ☐ $m^2$ ☐ $ft^2$ | ☐ $m^2$ ☐ $ft^2$ | |
| Height of Building (grade to peak) | ☐ m ☐ ft | ☐ m ☐ ft | |
| **Proposed Setbacks from Property Lines** | Principal Building | Accessory Building | |
| Front (min. 22.9 m or 75 ft.) | ☐ m ☐ ft | ☐ m ☐ ft | |
| Rear (min. 6.1 m or 20 ft.) | ☐ m ☐ ft | ☐ m ☐ ft | |
| Side (min. 6.1 m or 20 ft.) | ☐ m ☐ ft | ☐ m ☐ ft | |
| Side (min. 6.1 m or 20 ft.) | ☐ m ☐ ft | ☐ m ☐ ft | |

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# FORM I: FARM BUILDING EXEMPTION

Pursuant to Land Use Bylaw No. 2025

| **Development Details: Access & Cost** | |
|---|---|
| Approach or driveway required to the development? ☐ No ☐ Yes (specify)<br><br>Estimated cost of development: | |

If the farm building has installation of sub-trade works, then complete permit application(s) must be submitted with the Farm Building Exemption application. Please check all that apply:

☐ Electrical ☐ Plumbing ☐ Private Sewage Treatment System ☐ Not Applicable

Are there any easements or utility lines on the property in close proximity to the location of the new building or structure ?

☐ Power ☐ Gas ☐ Telephone ☐ Oil and Gas ☐ Water ☐ Other _____

## DECLARATION BY OWNER

**I hereby certify** that the building described herein will be of low human occupancy. Used for the housing of livestock, and/or the storage, sorting, grading of agricultural products that have not undergone secondary processing and/or the storage or maintaining of machinery, equipment or vehicles that are used in connection with the growing of farm crops or the care of farm animals on the above-described land.

**I hereby certify** that the building shall only be used for an agricultural operation further defined by the Agricultural Operation Practices Act, and have verified the agricultural operation by signing a declaration of use for the building, which shall be a condition of this permit exemption.

**I further certify** that I will not use the building for any other use without first obtaining a Building Permit and/or Development Permit if necessary from the Municipal District of Willow Creek No. 26, and that on the sale of described land, I will endeavor to inform the purchaser that the building shall only be used as a farm building.

Owners and/or agents are responsible for ensuring that construction will not damage or interfere with any utility, or any utility right of way or easement. It is the responsibility of the landowner to contact Utility Safety Partners at https://utilitysafety.ca/wheres-the-line/submit-a-locate-request/ or 1-800-242-3447.

Owners and/or agents are responsible for ensuring the work being carried out complies with all applicable Land Use Bylaws, Subdivision requirements and/or Developers or Homeowners Associations Requirements.

Consent is granted to authorize persons of the Municipal District of Willow Creek No. 26 to enter the above parcel of land for purposes of investigation and enforcement related to this permit application.

Date: _____ **Applicant's Signature:**_____

**Registered Owner's Signature:**_____
(Required, if different from applicant)

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# FORM I: FARM BUILDING EXEMPTION

Pursuant to Land Use Bylaw No. 2025

## DECLARATION OF USE – FARM BUILDING EXEMPTION

Farm buildings shall meet and adhere to all the definitions and exemptions within the National Building Code (AE), *Safety Codes Act, Agricultural Operation Practices Act*, and the Land Use Bylaw.

**Details of the farm building occupancy (choose yes if applicable):**

| | | |
|---|---|---|
| What is the total occupant load? (# of people): _____ | | |
| Low Human Occupancy – Less than one person per 40 $m^2$ (430.6 sf) | ☐ Yes | ☐ No |
| Housing livestock, the storage of feed for livestock | ☐ Yes | ☐ No |
| Storing, sorting, grading, or growing agricultural products associated with the agricultural operation | ☐ Yes | ☐ No |
| Secondary processing of agricultural products (e.g., producing a new product) | ☐ Yes | ☐ No |
| Storing or maintaining machinery and/or equipment associated with the agricultural operation | ☐ Yes | ☐ No |
| Horse riding arena, exercise or training facility not used by the public (Private riding arena) | ☐ Yes | ☐ No |
| Will the building be open the public or provide retail sales the public? | ☐ Yes | ☐ No |
| Provide a brief description of the use of the building: | | |

**Details of the farm building occupancy to support an agricultural operation (choose yes if applicable):**

| | | |
|---|---|---|
| Cultivating land | ☐ Yes | ☐ No |
| Raising livestock, including diversified livestock animals within the meaning of the Livestock Industry Diversification Act and poultry | ☐ Yes | ☐ No |
| Raising fur-bearing animals, pheasants, or fish | ☐ Yes | ☐ No |
| Producing agricultural field crops | ☐ Yes | ☐ No |
| Producing fruit, vegetables, sod, trees, shrubs, and other specialty horticultural crops | ☐ Yes | ☐ No |
| Producing eggs and milk | ☐ Yes | ☐ No |
| Producing honey | ☐ Yes | ☐ No |
| Operating agricultural machinery and equipment, including irrigation pumps | ☐ Yes | ☐ No |
| Applying fertilizers, insecticides, pesticides, fungicides, and herbicides, including application by ground and arial spraying, for agricultural purposes | ☐ Yes | ☐ No |
| Collecting, transporting, storing, applying, using, transferring, and/or disposing manure, composting materials, and/or compost | ☐ Yes | ☐ No |
| Abandoning and reclaiming confined feeding operations and manure storage facilities | ☐ Yes | ☐ No |

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# FORM I: FARM BUILDING EXEMPTION

Pursuant to Land Use Bylaw No. 2025

| | | |
|---|---|---|
| Cannabis cultivation including growing, harvesting and packaging of base product (no processing) | ☐ Yes | ☐ No |
| Cannabis processing including growing, harvesting, and/or processing and packaging | ☐ Yes | ☐ No |

I understand and confirm that the building shall not be used for any other occupancy without first obtaining a Building Permit and/or Development permit from the Municipal District of Willow Creek No. 26, and that this declaration is a condition of the Farm Building Exemption.

Date: _____ **Applicant's Signature:**_____

**Registered Owner's Signature:**_____
(Required, if different from applicant)

*The personal information provided as a part of this application is collected under the Safety Codes Act and the Municipal Government Act in accordance with the Access to Information Act and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. The name of the permit holder and the nature of the permit is available to the public upon request. If you have any questions about the collection or use of the personal information provided, please contact the municipality.*

**DEFINITIONS:**

### National Building Code – Alberta Edition

1.1.1.1 Application of those Code 5) does not apply a) a building of low human occupancy associated with the operation of the farm or acreage on which it is located, where the building is used for the i) housing of livestock, ii) storage or maienance of equipment, or iii) storage of materials or produce.

**A-1.1.1.1.(5)(a) Farm and Acreage Buildings**. Farm and acreage buildings include, but are not limited to, produce storage facilities, livestock and poultry housing, milking centers, manure storage facilities, grain bins, silos, feed preparation centres, farm workshops, and horse riding, excersing and training facilities not used by the public.

### Safety Codes Act – Permit Regulation

**Farm building** means a building located on agricultural lands as defined in the *Agricultural Operation Practices Act* that is occupied for an agricultural operation as defined in the *Agricultural Operation Practices Act*, including, but not limited to, (i) housing livestock, (ii) storing, sorting, grading or bulk packaging of agricultural products that have not undergone secondary processing, and (iii) housing, storing or maintaining machinery that is undertaken in the building.

### Agricultural Operation Practices Act

**Agricultural land** means (i) land the use of which is for agriculture is either a permitted or discretionary use under the land use bylaw of the municipality or Metis settlement in which the land is situated or is permitted pursuant to section 643 f the *Municipal Government Act*, (ii) land that is subject to an approval, registration or authorization, or (iii) land described in an ALSA regional plan, or in a conservation easement , conservation directive or TDC scheme as those terms are defined in the *Alberta Land Stewardship Act*, that is protected, conserved or enahanced as agricultural land or land for agricultural purposes.

**Agricultural operation** means an agricultural activity conducted on agricultural land for gain or reward or in the hope for expectation of gain or reward, and includes (i) the cultivation of land, (ii) the raising of livestock, including diversified livestock animals within the meaning of the Livestock Industry Diversification Act and poltury, (iii) the raising of fur-bearing animals, pheasants or fish, (iv) the production of agricultural field crops, (v) the production of fruit, vegetables, sod, trees, shrubs or other specialty horticultural crops, (vi) the production of eggs and milk, (vii) the production of honey, (viii) the operation of agricultural machinery and equipment, including irrigation pumps, (ix) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes, (x) the collection, transporation, storage, application, use, transfer and disposal of manure, composting materials and compost, and (xi) the abandonment and reclamation of confined feeding operations and manure storage facilities.

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# FORM J: CHANGE IN USE OR INTENSITY PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | | |
|---|---|---|
| Application No: | Fee Submitted: | Receipt No: |
| Tax Roll No: | Date Received: | Date Application Deemed Complete: |

**THIS IS NOT A BUILDING PERMIT.** Construction practices and standards of construction of any building or any structure authorized in conjunction with this Change in Use or Intensity Permit must be in accordance with the Alberta Building Code and Safety Codes Act and Regulations. ***An application must be made for all required Building and/or Safety Codes Permits.*** **Construction required to accommodate this Change in Use or Intensity Permit may not commence, nor can the building be occupied, prior to the issuance of all required Development, Building, and Safety Code approvals.**

## LANDOWNER & APPLICANT INFORMATION

**Landowner's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address:_____

Email: _____

**Applicant's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address:_____

Email: _____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other:_____

## PARCEL INFORMATION

Municipal/Street address: _____

* Subject to Municipal Address Bylaw 1814, if there is currently not a municipal address on the parcel a municipal address application must be submitted.

Legal Address: Quarter: _____ Section: _____ Township: _____Range: _____ W4M

Lot(s): _____ Block: _____ Plan: _____

Area of Parcel: Acres: _____ Hectares: _____

Bay/Address (if multiple unit building): _____

Existing Development Permit No: _____ Date Development Permit Issued Complete: _____

Uses contemplated under the existing Development Permit: _____

_____

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# FORM J: CHANGE IN USE OR INTENSITY PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

## PROPOSED USE/OCCUPANCY

Proposed Use: _____

Will the Business be:

☐ Taking over an existing business ☐ Making changes to the current business

☐ Taking over an existing business and making changes ☐ New to this location

Description of use: (type of use, onsite storage, hours of operation, on site employees, waste disposal, signage, servicing, parking, etc.): _____

_____

_____

Total Area Required for operation on site: _____

Any additional construction or alterations to the building required to accommodate use: ☐ Yes ☐ No

If yes, please include details: _____

_____

Area Required or utilized for stage on site: _____

Number of Parking Spaces Available: _____

## BUILDING AND SAFETY CODES

| | | |
|---|---|---|
| Are you proposing any construction or alterations to the space? | ☐ Yes | ☐ No |
| Are you first tenant to occupy the space? | ☐ Yes | ☐ No |
| Are you moving, replacing, or constructing new ways, mezzanines, or floor assemblies? | ☐ Yes | ☐ No |
| Are you sharing this space with another tenant? | ☐ Yes | ☐ No |

## ADDITIONAL INFORMATION

| | | |
|---|---|---|
| Does the proposal involve a school, childcare facility, overnight medical facility, residence, or food, drink and/or cannabis business, as either the primary or ancillary use? | ☐ Yes | ☐ No |
| Is a waste management, recycling, or wastewater treatment facility being proposed as part of the use?<br>*Note: The Subdivision and Development Regulation prohibits alcohol, hospital, food establishment, and residential uses from being approved within waste management facility setbacks.* | ☐ Yes | ☐ No |
| Specify other supporting material attached that forms part of this application (i.e. site plan, covenants, servicing plans, and supporting information: | | |

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# FORM J: CHANGE IN USE OR INTENSITY PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

Estimated Date of Move in: _____

Estimated Date of any Completion of Any Work Required: _____

_____ _____
Landowner/Applicant Signature Date

_____ _____
Landowner/Applicant Signature Date

| OFFICE USE | |
|---|---|
| Date Application Accepted as Complete: | |
| Multiple Potential Use Development Permit Conditions Met | ☐ Complete |
| Permits Required: | ☐ Building<br>☐ Plumbing<br>☐ Electrical |
| Inspections Completed: | ☐ Building<br>☐ Plumbing<br>☐ Electrical<br>☐ Fire |
| Building Permits Completed and Signed Off | Date: |
| Safety Codes Permits Completed and Signed Off | Date: |
| Inspections Completed: | Date: |

File Manager: _____

Date Change of Use or Intensity Permit Issued: _____

Signature: _____

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# FORM J: CHANGE IN USE OR INTENSITY PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

## DECLARATION OF UNDERSTANDING

*Please sign Declaration of Understanding, before returning to the Municipal District of Willow Creek No. 26.*

### LANDOWNER / APPLICANT DECLARATION

This is to certify that the Landowner(s)/Applicant(s) namely:

| | |
|---|---|
| _____ | _____ |
| Landowner | Applicant |
| _____ | _____ |
| Landowner | Applicant |

In relation to the submission of this application, I certify that all information submitted with this application, including information shown on plans and documents, to be true and correct. Incomplete or inactive applications may be cancelled or denied at the discretion of the Development Authority.

I understand:

a. It is the Landowner's/Applicant's responsibility to ensure that the existing Development Permit for the overall uses of the site is complete and operating in good standing;

b. It is the Landowner's/Applicant's responsibility to ensure the proposed use of the site complies with all conditions of the existing development permit;

c. It is the Landowner's/Applicant's responsibility to identify any new construction or alterations required to the building to accommodate the new use beyond what is noted in the development permit or subsequent building and safety permit approvals and to ensure that all approvals and inspections required for such are completed before tenancy approval and occupancy of the site;

d. No further variances to the Land Use Bylaw or to existing permits are required or being applied for to accommodate this development;

e. It is the Landowner's/Applicant's responsibility to comply with all necessary Building Permit, Safety Code and Fire Code requirements;

f. It is the Landowner's/Applicant's responsibility to ensure that all applicable building and safety codes permits have been obtained and are complied with;

g. It is the Landowner's/Applicant's responsibility to ensure that a Municipal District of Willow Creek No. 26 business license is obtained and maintained in good standing during the duration fo the tenancy.

| | | |
|---|---|---|
| _____ | _____ | _____ |
| Landowner/Applicant (Print Name) | Landowner/Applicant Signature | Date |
| _____ | _____ | _____ |
| Landowner/Applicant (Print Name) | Landowner/Applicant Signature | Date |

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# FORM K: FILING AN APPEAL – SUBDIVISION, DEVELOPMENT OR STOP ORDER

Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | | | |
|---|---|---|---|
| Application No: | Roll No: | Date of Decision: | 21-day Appeal Period Date: |
| Appeal Received: | Application Fee: | Date Paid: | |

## PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.
- ☐ **In-person Pickup**: I wish to pickup all official written documentation for my application from the Municipal District Office myself (applicant will be notified by phone when documents are available for pick-up).

## APPELLANT INFORMATION

**Name**: _____

Phone:_____ Email:_____

Mailing Address:_____

Email: _____

## APPLICATION BEING APPEALED

- ☐ **Development Application no. _____**
- ☐ **Subdivision Application no. _____**
- ☐ **Stop Order no. _____**

I/We do hereby appeal the following decision/order:_____

_____

The grounds for the appeal are as follows (attach additional documentation if required): _____

_____

_____

_____

_____

*IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.*

Date: _____ **Appellant's Signature:**_____

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# FORM L: INTENSIVE LIVESTOCK OPERATION DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

| OFFICE USE | | |
|---|---|---|
| Application No: | Fee Submitted: | AAFRD File No: |
| Site Inspection Completed On: | Fee Calculation:<br>**Basic ILO Application Fee:** **$300.00**<br>a. Number of Animals Applied For: _____<br>b. Animal Unit Equivalent : _____<br>c. a ÷ b = c _____<br>d. Additional Animal Unit Fees (c x $0.20) _____<br>**Total Application Fee** _____ | |

## DEVELOPERS DESCRIPTION

**Landowner's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address:_____

Email: _____

**Facility Operator's Name (if not owner)**: _____

Phone: _____ Cell Phone: _____

Mailing Address:_____

Email: _____

I/we hereby make application for a development permit to construct: _____

_____

_____

_____

under the provisions of the Municipal Land Use Bylaw and in accordance with the plans and supporting information submitted herewith and which form part of this application.

The information contained in the application will be used to evaluate this proposal to develop an Intensive Livestock Operation as required by Municipal Land Use Bylaw for the Municipal District of Willow Creek No. 26.

The file contents become available to the public and are subject to the provisions of the *Access to Information Act* and *Protection of Privacy Act* . If you have any questions about the collection of this information, please contact the Municipal District of Willow Creek No. 26.

## LEGAL LAND DESCRIPTION

Quarter _____ Section _____ Township _____ Range _____ W_____Meridian

Lot(s) _____ Block _____ Registered Plan _____

Certificate of Title No.: _____

Municipal District of Willow Creek No. 26
#273129 Secondary Highway 520 West
PO Box 550
Claresholm, AB T0L 0T0
403-625-3351

# FORM L: INTENSIVE LIVESTOCK OPERATION DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

## DEVELOPMENT DESCRIPTION

**Development Type:** ☐ New ☐ Renovation ☐ Expansion ☐ Replacement

**Description:**

| Animal Type* | Housing Capacity Existing | # of Livestock Additional / New | Totals |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| **TOTALS:** | | | |

** Poultry developments require authorization of quota by the Marketing Board under the authority of the Agricultural Products Act.*

| OFFICE USE | |
|---|---|
| Percent Increase of Expansion: | Notes: |

## WATER SUPPLY REQUIREMENTS

*Refer to Agri-Fax Agdex 716C01 for Farm Water Supply Requirements*

| Livestock Type & Total Number | | Gal/Animal/Day | | Water Demand/Day | |
|---|---|---|---|---|---|
| | X | | = | | **Gallons/Day** |
| | X | | = | | **Gallons/Day** |
| | X | | = | | **Gallons/Day** |
| | X | | = | | **Gallons/Day** |
| | X | | = | | **Gallons/Day** |
| | | | **TOTALS:** | | **Gallons/Day** |

Municipal District of Willow Creek No. 26
#273129 Secondary Highway 520 West
PO Box 550
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403-625-3351

# FORM L: INTENSIVE LIVESTOCK OPERATION DEVELOPMENT PERMIT APPLICATION

Pursuant to Land Use Bylaw No. 2025

## WATER SOURCE DETAILS

*Refer to Agri-Fax Agdex 716A12 for Water Licensing Information*

**Type:** ☐ Well(s) ☐ Dugout(s) ☐ Other (describe): _____

**Licensing:** Have approvals for the use of water from these sources been obtained from Alberta Environmental Protection? (If yes, please provide supporting documentation, i.e. copy of license/registration.

_____☐ Yes ☐ No ☐ Applied For

## REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:

*I/we have submitted particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is used and with any other bylaws that are applicable.* ***I/we am aware that I/we may be required to pay for all local improvement costs, which may include drainage, road construction, water and sewer extensions, utility connection fees and installation costs at the present established rate.***

*I/we agree to the collection and sharing of this information contained in this application and any other information that may be required to verify and evaluate this application.*

*I/we have read and understand the terms noted in this form and hereby apply for permission to carry out the development described herein and/or on attached plans and specifications. I/we further certify that the registered owners(s) of the land described above is aware of this application.*

Date: _____ **Applicant's Signature:**_____

**Applicant's Name Printed:**_____

## RIGHT OF ENTRY

*I/we hereby authorize representatives of the Municipal District of Willow Creek No. 26 to enter my/our land for the purpose of conducting a site inspection in connection with this application.*

*This right is granted pursuant to Section 542 of the Municipal Government Act*

Date: _____ **Landowner's Signature:**_____

**Landowner's Name Printed:**_____

Municipal District of Willow Creek No. 26
#273129 Secondary Highway 520 West
PO Box 550
Claresholm, AB T0L 0T0
403-625-3351

# FORM M: TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

| OFFICE USE | | |
|---|---|---|
| Date Application Received: | Date Application Deemed Complete: | Land Use District: |
| Development Permit Application Required (for proposals in addition to antenna system):<br>☐ Yes ☐ No | Development Permit Application No. (if applicable): | |

## PART 1 – APPLICANT INFORMATION

**Applicant's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

**Registered Owner's Name**: _____

Phone: _____ Cell Phone: _____

Mailing Address: _____

Email: _____

Applicant's interest in the proposed development if not the registered owner:

☐ Agent ☐ Contractor ☐ Tenant ☐ Other: _____

## PART 2 – PROPERTY INFORMATION

Quarter _____ Section _____ Township _____ Range _____ W_____M

Lot(s) _____ Block _____ Plan _____

Municipal/Street address: _____

* Subject to Municipal Address Bylaw 1814, if there is currently not a municipal address on the parcel a municipal address application must be submitted.

Area of Parcel: _____ Acres _____Hectares Land Use District: _____

What is the existing use on the parcel: _____

## PART 3 – DETAILS OF THE PROPOSED DEVELOPMENT

What currently exists on the parcel? (i.e. buildings, structures, improvements)_____

_____

What will the antenna / tower be used for? _____

_____

Are there any roads or approaches on the parcel? (THIS DOES NOT INCLUDE OIL/GAS FACILITY ACCESSES) _____

_____

Municipal District of Willow Creek No. 26
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403-625-3351

# FORM M: TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

Are there any other antenna towers located within 1 mile (1.61 km) of the subject proposal? (If yes, describe what the tower is used for and who the operator is along with providing a map identifying the location.) _____

_____

Is Co-utilization with existing antenna systems proposed? _____

_____

Describe the proposed finish/color and if lighting or any markings are proposed for the antenna. _____

_____

## TOWER SIZE

Overall tower height _____ ❑ m ❑ ft Commencement Date: _____

## DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

_____ _____

APPLICANT REGISTERED OWNER (if not the same as applicant)

Please note that all information that you provide will be treated as public information in the course of the municipality's consideration of the development application pursuant to the MGA RSA 2000 Chapter M-26 and the Land Use Bylaw. By providing this information, you are deemed to consent to its public release. Information you provide will only be used for purposes related to the evaluation and consideration of the development application. This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.

I, hereby consent to the public release and disclosure of all information contained within the application and supporting documentation as part of the approval process.

Applicant's Signature: _____ Date Signed: _____

## TELECOMMUNICATION SITING PROTOCOL CHECKLIST

**A COMPLETED APPLICATION REQUIRES:**

1. A completed Telecommunication Siting Protocol application filled out, with the site plan attached.
2. A completed checklist.
3. Non-refundable application fee.
4. Signature of ALL landowners.
5. Any additional information requested by the Development Authority.

Municipal District of Willow Creek No. 26
#273129 Secondary Highway 520 West
PO Box 550
Claresholm, AB T0L 0T0
403-625-3351

# FORM M: TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

6. For any proposal which includes uses, buildings or structures in addition to the antenna system, a development permit approval is required for such uses, buildings and structures in accordance with the provisions of the land use bylaw. A separate development permit application must be filled out and submitted.

**CHECKLIST INFORMATION:**

- Failure to complete the Application or supply the required information, plans or fees may cause delays in application processing.
- The Development Authority may refuse to accept your application if the required information has not been supplied or if the quality of the information is inadequate to properly evaluate the application.
- Once the information has been reviewed and any required public open house held, the Municipal District of Willow Creek No. 26 will either:
    - Issue a municipal concurrence letter to the applicant, or
    - Issue a letter of non-concurrence which outlines the municipality's concerns and/or conditions to the applicant and Industry Canada
- Safety code permits may be required for construction of buildings/tower foundations, plumbing, private sewage systems, and gas or electrical installations (as may be applicable to individual installations).

| **FEES** | |
|---|---|
| A. Application fee for Letter of Concurrence | $300.00/application |
| B. Copying and distribution of required notification letters | $5.00/letter |
| C. Distribution only of required notification letters | $2.50/letter |
| D. Newspaper advertisement for public open house | $800.00 |
| *If the applicant can prove to the satisfaction of the Municipal District that notification to all required adjacent landowners has been done, then the B or C fee is not required.* | |
| For fees not listed here, please see the Municipal District of Willow Creek No. 26 current **Fee Bylaw**. | |

Municipal District of Willow Creek No. 26
#273129 Secondary Highway 520 West
PO Box 550
Claresholm, AB T0L 0T0
403-625-3351

# FORM M: TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

## Telecommunication Siting Protocol Checklist

**Please attach a description of the project summarizing the information required in the following table.**

| REQUIREMENT | YES OR NO | SUBMITTED? YES, NO OR N/A |
|---|---|---|
| **CO-UTILIZATION (CO-LOCATION)**<br>Are there any other such structures within a radius of 1 mile (1.61 Km) of the proposed location? | | |
| **If YES**, please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure. | | |
| **STEALTH STRUCTURE OPTIONS/SCREENING**<br>Will this structure be visible from residential areas? | | |
| **If YES**, stealth structure options may be required and a description of the stealth structure options must be submitted to the satisfaction of the Municipal District when requested. | | |
| **LIGHTING & SIGNAGE**<br>Is there lighting planned in addition to what is required by federal agencies? Please provide a description of all lighting, required and not required. | | |
| Will signage be used? If yes, please describe. (Note: No advertising signage shall be permitted.) | | |
| Will the antenna contain any markings? If yes, please describe. | | |
| **NOTIFICATION & PUBLIC CONSULTATION PROCESS**<br>All landowners within 1 mile (1.61 Km) from the proposed structure for rural scenarios, and 200 m (656 ft.) from the proposed structure for urban scenarios, must be notified. Please provide a letter that the Municipal District can circulate on your behalf or confirmation that the required notification has been undertaken. | | |
| Was a public open house completed (by the applicant) prior to any application submitted? Are the minutes/submissions from the open house provided? | | |




# Appendix B

## TELECOMMUNICATION SITING PROTOCOL

# APPENDIX B

# TELECOMMUNICATION SITING PROTOCOL

## INCLUDING RADIOCOMMUNICATION AND BROADCAST ANTENNA SYSTEMS

### SECTION 1 PURPOSE

1.1 This Appendix serves as the protocol for the installation and modification of telecommunication, radiocommunication and broadcasting antenna systems (antenna systems) in the Municipal District of Willow Creek. The protocol establishes the procedural standard for public participation and consultation that applies to proponents of antennas systems and identifies Municipal District's preferred development and design standards.

### SECTION 2 APPLICABILITY

2.1 The federal Minister of Innovation, Science and Economic Development Canada (ISED) is the approval authority for the development and operation of antenna systems, pursuant to the Radiocommunication Act. 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 Industry Canada.

2.2 The local protocol established in this Appendix applies to any proposal to install or modify a telecommunication, radiocommunication or broadcast antenna system within Municipal District of Willow Creek which is not excluded from the consultation requirements established by Industry Canada in Client Procedures Circular CPC-2-03 [or subsequent/amended publications]. Proponents of excluded antenna systems are nevertheless encouraged to contact the Municipal District of Willow Creek to discuss the proposal and identify any potential issues or concerns and give consideration to the development and design standards in Section 5 of this Appendix.

(a) 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. Industry 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 Land Use Bylaw, Appendix B, Telecommunication, Siting Protocol, which currently 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 municipality or ISED Canada for guidance.

## SECTION 3 MUNICIPAL REVIEW AND ISSUANCE OF CONCURRENCE OR NON-CONCURRENCE

3.1 The Municipal District of Willow Creek Development Authority shall be responsible for reviewing and issuing municipal concurrence or non-concurrence for all antenna system proposals within Municipal District of Willow Creek which are not excluded under Section 2 of this Appendix.

3.2 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 5 of this Appendix, applicable policies of the Municipal District of Willow Creek Municipal Development Plan, and consideration of comments received during the public consultation process (section 7 of this Appendix) and any other matter deemed relevant by the Development Authority:

(a) when a proposal is given a concurrence decision, the proponent will receive a letter of concurrence from the Development Authority documenting its decision and any conditions;

(b) 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.

3.3 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.

## SECTION 4 MUNICIPAL REVIEW PROCESSING PERIOD

4.1 The Municipal Planning Commission will issue a decision of either concurrence or non-concurrence within 90 days of receiving a complete concurrence application package, including all comments from the public consultation.

4.2 The 90-day processing time period may be extended by the proponent or Municipal District of Willow Creek, through mutual consent.

## SECTION 5 DEVELOPMENT AND DESIGN STANDARDS

5.1 Municipal District of Willow Creek requests that the following antenna systems development and design standards be adhered to:

(a) Co-utilization of existing antenna systems is the preferred option within Municipal District of Willow Creek and is encouraged whenever feasible. Municipal District of Willow Creek recognizes that while this is the preferred option, co-utilization of existing antenna systems is not always possible.

(b) Public Roadway Setbacks

(i) Rural: 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 22.9 m (75 ft.) from the right-of-way of any developed or undeveloped roadway, or a distance equal to the total height of the tower, whichever is greater. A lesser setback may be considered at the discretion of the Development Authority on a site-specific basis.

(ii) Hamlet: 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.

5.2 Locational Criteria

(a) Antenna systems should maintain an adequate setback from coulees and steep slopes, consistent with the setback requirements in Schedule 4.

(b) Proponents should consult the Municipal District of Willow 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.

5.3 Aerial crop spraying is a regular occurrence in Municipal District of Willow Creek and vital to the Municipal Development Plan goal of supporting agricultural pursuits. While aerial crop sprayers are encouraged to undertake comprehensive site reconnaissance, it is the preference of Municipal District of Willow Creek that all antenna systems be lighted and marked as follows to help minimize aeronautical hazard:

(a) the antenna should be marked with alternating bands of aviation orange and white paint or other approved Transport Canada colour combinations;

(b) the top of the antenna should be lit with a flashing strobe light or other Transport Canada approved lighting;

(c) the antenna guy wires (or other similar support cables, lines, wires) should be marked with aviation balls or other Transport Canada approved markers.

(i) 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.

(ii) The placement of signage on antenna systems is not permitted, except where required by applicable federal agencies.

## SECTION 6 APPLICATION SUBMITTAL REQUIREMENTS

6.1 Proponents are encouraged to contact Municipal District of Willow Creek in advance of making their submission to obtain information about the Antenna Systems Siting Protocol and identify any preliminary issues or concerns.

6.2 The following application package shall be submitted to Municipal District of Willow Creek for consideration of a proposed antenna system:

(a) a completed Telecommunication Antenna Siting Protocol application, including site plan and applicable fee;

(b) 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);

(c) the proposed lighting and aeronautical identification markings for the antenna and any supporting structures;

(d) documentation regarding potential co-utilization of existing towers within 1.61 km (1 mile) of the subject proposal; and

(e) any other additional information or material the Development Authority determines to be necessary and appropriate to properly evaluate the proposed submission.

6.3 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.

## SECTION 7 NOTIFICATION AND PUBLIC CONSULTATION PROCESS

7.1 At the expense of the applicant, the municipality will notify landowners in proximity of the proposed structure structure by postal mail as follows:

(a) for rural scenarios, a distance of 1.61 km (1 mile) of the proposed structure to rural properties;

(b) for urban scenarios, including towers within or adjacent to a hamlet, a distance of 200 m (656 ft.) of the proposed structure to urban properties, and 1.61 km (1 mile) to rural properties (if applicable).

7.2 With each notification, the proponent will be responsible to submit a letter providing notification of the location of the tower, physical details of the tower, the time and location of the public meeting / open house, and a contact name and phone number of someone employed by the proponent who can answer questions regarding the proposal. The notifications should be sent 25 days prior to the public meeting / open house.

7.3 Despite Sections 7.1 and 7.2, and at its sole discretion, the municipality may accept an alternative form of advertising, in the form of newspaper advertisement, notice posting or a combination of these methods, where it is of the opinion that an alternative form of advertising will be effective in notifying landowners. Alternative advertising shall be required to address all the requirements in Section 7.2.

7.4 The proponent shall be prepared to hold a public meeting / open house regarding their development proposal and should proactively explain all aspects of the siting, technology and appearance of the proposed structure.

7.5 From the public meeting / open house, the proponent will be responsible to provide the Municipal Planning Commission with a copy of the agenda and the minutes indicating the topics discussed, additional concerns raised with resolutions, and any outstanding issues that the proponent and/or landowners could not resolve.

7.6 Where the public process has raised unresolved concerns about public health and related effects of wireless communication technology, the Municipal District of Willow Creek may request a ruling by Science, Innovation and Economic Development Canada prior to the issuance of a letter of concurrence.

MD of Willow Creek

# Appendix C

## SUBDIVISION AND DEVELOPMENT AUTHORITY BYLAW

**Bylaw No. 1773**

1. Being a bylaw of The Municipal District of Willow Creek No. 26 in the Province of Alberta, to establish a municipal Subdivision and Development Authority;

AND WHEREAS, the Municipal Government Act Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Subdivision and Development Authority;

AND WHEREAS, the Subdivision and Development Authority is authorized to make decisions on development applications in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw;

AND WHEREAS, this bylaw may be cited as The Municipal District of Willow Creek No. 26 Subdivision and Development Authority Bylaw;

NOW THEREFORE, the Council of The Municipal District of Willow Creek No. 26 in the Province of Alberta duly assembled, enacts as follows:

2. DEFINITIONS:

(a) "Act" means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* as amended from time to time.

(b) "Council" means the Municipal Council of the Municipal District of Willow Creek No. 26.

(c) "Designated officer" means a person or persons authorized to act as the designated officer for the municipality.

(d) "Member" means a member of the Subdivision and Development Authority.

(e) "Municipal Planning Commission" means the Subdivision and Development Authority of The Municipal District of Willow Creek No. 26 established by this bylaw.

(f) "Municipality" means The Municipal District of Willow Creek No. 26 in the Province of Alberta.

(g) "Subdivision and Development Authority" means the person or persons appointed to exercise powers and perform duties specified in:

(i) the *Municipal Government Act*; and

(ii) The Municipal District of Willow Creek No. 26 Municipal Development Plan and Land Use Bylaw.

3. For the purpose of this bylaw, the Subdivision and Development Authority shall be the Municipal Planning Commission, except where the designated officer may be the Subdivision and Development Authority in accordance with the land use bylaw.

4. The Subdivision and Development Authority shall be composed of seven members who are elected officials of the Municipality.

5. Appointments to the Subdivision and Development Authority shall be made by resolution of Council.

6. Appointments to the Subdivision and Development Authority shall be made for a term of one year.

7. The members of the Subdivision and Development Authority shall elect a chairman, and a vice-chairman to hold office for a term of one year.

8. Members of the Subdivision and Development Authority shall be entitled to remuneration, travelling and expenses as may be fixed by Council, from time to time.

9. The Subdivision and Development Authority shall hold regular meetings on dates to be determined by Council with the exception of special meetings which are called by the Chairman or Vice Chairman of the Municipal Planning Commission.

10. Four of the members of the Subdivision and Development Authority shall constitute a quorum.

11. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the entire Subdivision and Development Authority.

12. The Subdivision and Development Authority shall approve or deny development applications with or without conditions.

13. The Subdivision and Development Authority shall conduct its hearings in accordance with the municipality's procedural bylaw and Section 197 of the *Municipal Government Act*.

14. Members of the Subdivision and Development Authority shall not be members of the Subdivision and Development Appeal Board.

15. The CAO and/or his/her designate shall attend all meetings of the Subdivision and Development Authority and shall keep the following records:

(a) the minutes of meetings;

(b) all applications;

(c) records of notices of decision and persons the notice was sent to;

(d) copies of written representations to the Subdivision and Development Authority;

(e) the names and address of those making representation at the meeting;

(f) the decision of the Subdivision and Development Authority;

(g) the reasons for the decision of the Subdivision and Development Authority;

(h) the results of a vote by the Subdivision and Development Authority on the decision, as to whether it has been carried or defeated;

(i) notices, decisions and orders appealed to the Subdivision and Development Appeal Board; and

(j) other matters directed by the Subdivision and Development Authority.

BYLAW No. **1773** (cont:)

17. Upon the passing of this bylaw, Bylaw No. 1485 is hereby repealed.

Received a first reading this 9th day of August, 2017.

Received a second reading this 9th day of August, 2017.

Received a third and final reading and finally passed this 9th day of August, 2017.

Reeve

Chief Administrative Officer

MD of Willow Creek

# Appendix D

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW

**MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**
**IN THE PROVINCE OF ALBERTA**

**BYLAW NO. 1858**

A BYLAW OF THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26 IN THE PROVINCE OF ALBERTA TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD;

AND WHEREAS the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* as amended from time to time requires the municipality to adopt a bylaw to establish a Municipal Subdivision and Development Appeal Board or an Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Council of the Municipal District of Willow Creek No. 26 wishes to join other area municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Chinook Intermunicipal Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of a Subdivision Authority or a Development Authority in accordance with the South Saskatchewan Regional Plan (SSRP), the *Municipal Government Act (MGA)*, the Subdivision and Development Regulation, the local Land Use Bylaw and statutory plans;

NOW THEREFORE, the Council of the Municipal District of Willow Creek No. 26 in the Province of Alberta duly assembled, enacts as follows:

## 1. TITLE

This Bylaw may be cited as the Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw.

## 2. AUTHORIZATION

Pursuant to section 627(1)(b) of the *MGA*, this bylaw hereby authorizes the municipality to enter an agreement with the other participating municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

## 3. DEFINITIONS

**Appellant** means the person who may file an appeal to the Board from decisions of a Subdivision Authority or a Development Authority in accordance with the *MGA*.

**Board** means the Chinook Intermunicipal Subdivision and Development Appeal Board established pursuant to this bylaw.

**Board Member** means an appointed member of the Chinook Intermunicipal Subdivision and Development Appeal Board appointed in accordance with this bylaw and who has obtained provincial training and certification.

**Board Panel** means the group of appointed Board Members actively sitting to hear and decide on an appeal at an appeal hearing.

**Chair** means the person elected from the Board panel members sitting to hear an appeal to act as the person who presides over the hearing and the procedures.

**Chief Administrative Officer (CAO)** means the individual appointed to the position for the municipality in accordance with the *MGA*.

**Clerk** means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Intermunicipal Subdivision and Development Appeal Board by the member municipality within which the appeal is held.

**Conflict of Interest** means both Common Law Bias and Pecuniary Interest.

**Council** means the Council of the (Municipality).

**Development Authority** has the same meaning as in the *MGA*.

**Hearing** means a public meeting convened before the Board acting as a quasi-judicial body to hear evidence and determine the facts relating to an appeal of decisions of a Subdivision Authority or a Development Authority, prior to the Board making a decision on the matter subject to the appeal.

**Municipality** means the municipal corporation of the Municipal District of Willow Creek No. 26 together with its jurisdictional boundaries, as the context requires.

**Panel Member** means an individual Board member participating in the group panel to hear an appeal.

**Participating municipality** means a municipality in the Province of Alberta who has entered into an

agreement with other municipalities, as referred to in Section 2 of this bylaw, to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

**Procedural guidelines** means the policies, processes and administrative matters applicable to the filing of an appeal and conducting a hearing, and the roles, duties and conduct of Board members and Clerks.

**Subdivision Authority** has the same meaning as in the *MGA*.

**Subdivision and Development Appeal Board** has the same meaning as in the *MGA*.

**Quorum** means the minimum number of Board panel members required to hear an appeal.

***Municipal Government Act (MGA)*** means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended from time to time.

**Chinook Intermunicipal Subdivision and Development Appeal Board** means the Board established by agreement to act as the Subdivision and Development Appeal Board.

**All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.**

## 4. APPOINTMENT OF THE BOARD

(1) The Board is comprised of the member representative(s) as appointed by the participating municipalities.

(2) A municipality may participate in the Chinook Intermunicipal Subdivision and Development Appeal Board without appointing individual representative(s) by utilizing the appointed Board Members of the other participating member municipalities to act on the municipality's behalf as its appeal body.

(3) For each member municipality appointing individual Board Member representative(s) to the Chinook Intermunicipal Subdivision and Development Appeal Board, the appointment shall be made by resolution of Council. Appointed Board Members from a municipality shall consist of no more than three (3) members, with no more than one (1) being an elected official and the other two (2) being non-elected officials who are persons at large. If two (2) or less persons are appointed as members, they must be non-elected persons at large.

(4) For those member municipalities appointing individual representative(s) to the Board, the remaining composition of the Board Panel Members shall be the appointed members from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board.

(5) Appointments to the Chinook Intermunicipal Subdivision and Development Appeal Board shall be made for a term of not more than three years. Reappointments must coincide with the successful completion of the mandatory provincial refresher training course to be taken every three (3) years.

(6) Board Members may be appointed for a two (2) or three (3) year term, at the discretion of the municipality, for the purpose of establishing a staggered expiration of terms amongst the Board Members.

(7) A Board Member may resign from the Chinook Intermunicipal Subdivision and Development Appeal Board at any time by providing written notice to the municipality to that effect.

(8) Where Council has appointed a Board Member representative(s) for the municipality, Council may remove its individual appointed Board Member representative(s) at any time if:

a) in the opinion of Council, a Board Member is not performing his/her duties in accordance with the MGA, this Bylaw or the rules of natural justice,

b) a Board Member is absent for more than three (3) consecutive hearings to which he/she has been assigned to sit on the Board Panel without reasonable cause, or

c) a Board Member has participated in a matter in which that Board Member has a Conflict of Interest, contrary to the provisions of this Bylaw.

## 5. COMPOSITION

(1) The Board Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall meet in Panels, and two (2) or more Panels may meet simultaneously. The Panels have all the powers, duties and responsibilities of the Subdivision and Development Appeal Board.

(2) For the purpose of this Bylaw, the Board Panel formed from the appointed members of the Chinook Intermunicipal Subdivision and Development Appeal Board to hear an appeal, shall normally be composed of not less than three (3) persons, with no more than one (1) being an elected official.

(3) Three (3) Board Members constitute a quorum of the Board Panel.

(4) If a vacancy of an appointed Board member representative from a municipality shall occur at any time, the municipality may appoint another person to fill the vacancy by resolution of Council.

(5) In the absence of the municipal appointed member representative(s) of the municipality in which the appeal originates being available to sit on a Panel, then the appointed Panel Member representative(s) from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board shall form the composition of the Board Panel to hear and decide on a matter of appeal on behalf of the municipality.

(6) Board Panel Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall not be members of a Municipal Subdivision Authority or Development Authority or municipal employees of the municipality in which the appeal is located.

(7) A person appointed as a Board Member in accordance with this Bylaw must successfully complete and maintain the mandatory provincial training and certification prior to sitting on a Panel to hear an appeal.

## 6. COSTS AND REMUNERATION

(1) Board Members may be entitled to reasonable remuneration for time and expenses relating to participating on a Board Panel.

(2) Costs related to appeal hearings and the remuneration to Board Members shall be provided as specified in the intermunicipal agreement of the participating members of the Chinook Intermunicipal Subdivision and Development Appeal Board.

## 7. DUTIES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

(1) The Chinook Intermunicipal Subdivision and Development Appeal Board shall hold hearings as required pursuant to the *Municipal Government Act* on a date to be determined by the Board.

(2) The Board, and those Members who sit as a Board Panel hearing an appeal, shall govern its actions and hearings in respect of the processes and procedures as outlined in the Procedural Guidelines.

(3) A Board Member may only participate in an appeal hearing if they have successfully completed the mandatory provincial training prior to the appeal hearing date.

(4) The Board Panel may, at its discretion, agree to adjournments in respect of the processes and procedures as outlined in the Procedural Guidelines.

(5) A Board Panel hearing an appeal shall appoint a Chair to preside over the proceedings prior to the commencement of the hearing.

(6) An order, decision or approval made, given or issued by the Board Panel and under the signature of the Chair, or a Board Member acting as a designate, is the decision of the Board.

(7) The Board Members shall conduct themselves in a professional, impartial and ethical manner and apply the principles of administrative justice and judicial fairness.

(8) The Board Members shall consider and act in respect of the Chinook Intermunicipal Subdivision and Development Appeal Board Procedural Guidelines.

(9) The Board does not have the jurisdiction or authority to award pecuniary or monetary awards or costs to any persons, entity or organization involved in an appeal.

(10)

## 8. APPEAL FILING

(1) An appeal shall be filed in writing by an appellant, in accordance and in the manner prescribed in the *MGA*, to the municipality and include the payment of the applicable municipal appeal fee.

(2) If there is a question about the validity of an appeal being filed, the Board Panel must convene the appeal hearing in accordance with the *MGA* to establish jurisdiction and then it may decide on the matter of validity. It shall be the responsibility of the Board Panel to make the determination of whether the appeal is valid.

(3) In the event an appeal is abandoned or withdrawn in writing by the appellant, the Board Panel shall not be obliged to hold the appeal hearing referred to in the *MGA* unless another notice of appeal has been served upon the Board in accordance with the *MGA*.

## 9. CLERK RESPONSIBILITIES AND DUTIES

(1) Council shall by resolution appoint a Clerk as a designated officer, or sub-delegate to its CAO the authority to appoint a Clerk or Clerks, for the specific purposes of providing administrative assistance to the Board in fulfilling its legislative duties.

(2) The appointed Clerk shall attend all meetings and hearings of the Chinook Intermunicipal Subdivision and Development Appeal Board held in that member municipality, but shall not vote on any matter before the Board.

(3) A person appointed as a Clerk to assist the Chinook Intermunicipal Subdivision and Development Appeal Board in accordance with this bylaw must have successfully completed the mandatory provincial training prior to assisting the Board in its legislative duties.

(4) The Clerk, acting for the Board, shall accept on behalf of the Board appeals which have been filed with the municipality in relation to a decision of the Subdivision Authority or the Development Authority.

(5) The Clerk of the Board shall keep records of appeals and proceedings for the municipality in which the appeal has been filed, as outlined in the Procedural Guidelines.

**10. ADMINISTRATIVE**

(1) **Singular and Masculine** – Words importing the singular number shall include the plural number and vice versa and words importing one gender only in this Bylaw shall include all genders and words importing parties or persons in this Bylaw shall include individuals, partnerships, corporations, and other entities, legal or otherwise.

(2) **Severability** – Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

**11. ENACTMENT**

(1) This bylaw shall come into effect upon third and final reading thereof.

(2) This Bylaw rescinds Bylaw No.1741 being the former municipal Subdivision and Development Appeal Board Bylaw, and any amendments thereto.

READ a **first** time this 26 day of February, 2020.

Maryanne V. Sandberg
*Reeve*

*Chief Administrative Officer*

READ a **second** time this 26 day of February, 2020.

Maryanne V. Sandberg
*Reeve*

*Chief Administrative Officer*

READ a **third** time and finally PASSED this 26 day of February, 2020.

Maryanne V. Sandberg
*Reeve*

*Chief Administrative Officer –*




# Appendix E

## TECHNICAL STUDIES GUIDELINE

# APPENDIX E

# TECHNICAL STUDIES

***NOTE TO READER:*** *Where an application is subject to information requirements as part of an application or as a condition of approval, the following shall be required by the Municipal District of Willow Creek in order to determine compliance with the information request or condition.*

**Area Structure Plan.** An Area Structure Plan (ASP) refers to a plan that may be adopted by resolution or bylaw that relates to a proposed development and its relationship to existing and/or future development of adjacent lands. For the purposes of this bylaw, concept plans shall be prepared at two scales – small and large development, as documented throughout this bylaw. All ASPs shall include the following information:

1. Existing Situation – a baseline description of the following matters and an evaluation of the potential impacts on the proposed development:
    a) existing land use, ownership and development;
    b) topography, geotechnical, hydrological, hazard and/or environmental conditions that characterize the area;
    c) existing servicing arrangements, utilities, and transportation routes;
    d) any other matters the Municipality requires to be investigated.
2. Local Development Matters – a description and evaluation of the following matters describing the proposed development within the plan area:
    a) the proposed uses of lands within the concept plan area;
    b) proposed parcel size and density for the concept plan area;
    c) the proposed internal road hierarchy and its impacts on the Provincial and Municipal Road networks;
    d) reserve dedication strategy and environmental protection measures;
    e) proposed servicing arrangements;
    f) any other matters the Municipality requires to be investigated.

Based on the scope and intensity of development proposed, concept plans may require the provision of supportive reports and/or studies completed by a qualified professional including but not limited to: servicing study, geotechnical assessment, traffic impact assessment, stormwater management plan, biophysical assessment and preliminary engineering plans and specifications.

**Concept Plans.** The *Municipal Government Act* also allows for the development of concept plans to obtain greater detail of the proposed development and its future impact on adjacent lands, as well as to demonstrate how this individual application complies with any applicable ASP and the MDP. Municipal District of Willow Creek No. 26 has determined that concept plan preparation shall be tied to the scope and intensity of proposed development and shall include a public consultation process. Concept plans may be adopted by resolution in conjunction with redesignation and subdivision applications and where appropriate shall be registered on affected titles via a development agreement or other legal instrument to guide, inform and structure the evaluation of future subdivision and development applications.

**Public Consultation – Area Structure Plan or Concept Plan.** In order to ascertain the opinions and concerns of surrounding landowners with regards to the proposed development concept, consultation with the public will need to be undertaken. In support of a concept plan, the consultation should follow an Open House format, shall be fully documented in writing and shall include the following information: (i) the names and contact information of all attendees; (ii) a synopsis of matters discussed; (iii) a summary of concerns raised; (iv) a formal response to all concerns raised. The time and place of the public meeting must be advertised in circulating newspapers for two consecutive weeks prior to the meeting and that written notification shall be given to Municipal District of Willow Creek No. 26. Further, a mail out must be prepared in support of the open house and can be distributed by Municipal District of Willow Creek No. 26 on your behalf in support of the public consultation. The applicant shall bear all costs.

**Geotechnical Report.** This report shall be prepared by a qualified professional engineer accredited by APEGGA, identifying and assessing the subsurface soil and groundwater conditions liable to affect suitability of the lands to support the proposed development. The report shall provide conclusions and recommendations to guide the design and construction of the proposed development and associated improvements including both Municipal infrastructure and/or private improvements proposed on the subject property inclusive of buildings, structures and/or private services. Where required, the findings of this report shall be incorporated within the servicing study and/or engineering plans and specifications requested in support of the proposed development.

**Traffic Impact Assessment.** In order to evaluate the traffic impact of proposed developments, a traffic impact assessment is required. The traffic impact assessment must be prepared by a qualified professional engineer accredited by APEGGA, which assesses the potential effects of traffic generation caused by the proposed development on regional and local roadway systems. The traffic impact assessment shall identify and define the study area, the planning horizon and analysis period, the existing traffic conditions, and the estimated traffic demand. Furthermore, a safety analysis, site access analysis, traffic collision analysis, and sight distance evaluation should be conducted. The assessment shall also identify mitigation measures and provide overall recommendations for addressing local and regional traffic impacts. Where required, the findings of this report shall be incorporated within the servicing study and/or engineering plans and specifications requested in support of the proposed development.

**Stormwater Management Plan.** This plan shall address current and future drainage requirements in support of the proposed development while satisfying constraints imposed by topography, existing and proposed land uses, land ownership, and other local considerations. The plan shall be completed by a qualified professional engineer accredited by APEGGA, and shall identify and locate major drainage facilities, including major drainage channel improvements, the location of storm sewer improvements, open channel routes, retention/detention facilities, and land requirements for drainage purposes. Where required, the findings of this report should be incorporated within the servicing study and/or engineering plans and specifications requested in support of the proposed development.

**Groundwater Supply Evaluation (GSE).** This evaluation, completed by a qualified profession accredited by APEGGA, shall assess the potential for one or more aquifers to supply a sustainable volume of water to the proposed development, in addition to determining any possible interference with groundwater supply from existing wells in the area. The evaluation shall involve the completion of a single well within the proposed development area pumping over a municipally legislated time period, followed by a period of recovery over the same time period. Please note that the groundwater supply evaluation must satisfy those requirements as noted under Section 23(3)(a) of the Province of Alberta *Water Act*.

***Note:** *Should the results of the groundwater supply evaluation indicate that insufficient groundwater supply exists to support the proposed development or impact on existing wells within the area would be profound, the study shall outline alternative means of water supply to the proposed development. This shall include the source of an alternative potable water supply to support the proposed development, and infrastructure to support the water distribution such as cisterns. Where cisterns are suggested, sizing, design and construction considerations should be detailed. All alternative means of water supply shall comply with all Federal, Provincial, and Municipal regulations.*

Where required, the findings of this report should be incorporated within the servicing study and/or engineering plans and specifications requested in support of the proposed development.

**Flood Risk Assessment (FRA).** This study, completed by a qualified professional accredited by APEGGA, shall ascertain whether the development area is suitable for the proposed uses by (a) determining the risk of flooding at the site now and in the future (a minimum 100-year flood event) and (b) considering the consequences of the site being flooded and provide recommended mitigation measures and design standards to guide the construction of improvement within the subject lands. Setback requirements shall also form part of the recommendations and shall be outlined both in writing and graphically through supportive mapping drawn to scale and related to local elevations. Where required, the findings of this report should be incorporated within the servicing study and/or engineering plans and specifications requested in support of the proposed development.

**Private Sewage System Suitability Analysis.** This report represents a specific geotechnical investigation of the proposed development area documenting prevailing soil conditions, a soil texture analysis and oil suitability assessment to support on-site private sewage disposal system. This report must be completed by a qualified professional and in accordance with the Alberta Private Sewage Systems Standard of Practice 2022. Where required, the findings of this report should be incorporated within the servicing study and/or engineering plans and specifications requested in support of the proposed development.

**Servicing Study.** This report shall be prepared by a qualified professional engineer accredited by APEGGA, which establishes the technical engineering requirements to service the proposed development. The report should compile and summarize relevant information with respect to site grading, proposed water supply and distribution, sanitary sewage collection and treatment, storm drainage system, shallow utilities and public roadways. The report should include discussion pertaining to existing site conditions, proposed site grading, summary of supportive modelling completed and identification of any unique site constraints and/or issues that may affect the servicing of the proposed development. The details of individual supportive studies that may be required in addition to the servicing study (i.e. geotechnical, biophysical assessment, traffic, water modelling, sanitary sewer system modelling, stormwater management, erosion and sediment control) may be contained in separate reports but should be referenced and summarized in the servicing study. For additional details, please refer to the Municipal District of Willow Creek No. 26 Design Guidelines and Construction specifications.

**Engineering Plans and Specifications/Construction Drawings.** These are required in support of your application to establish the parameters for the construction of improvements associated with the proposed development. Engineering plans and specifications must be completed by a qualified professional engineer accredited by APEGGA and include the following:

- Cover Sheet(s);
- Clearing and Grading Drawings;
- Roads, Lanes and Walkways Drawings;
- Traffic Control and Signage Drawing;
- Water Distribution Drawing (if applicable);
- Water Distribution Disinfection and Flushing Drawing (if applicable);
- Sanitary Sewer Drawing (if applicable);
- Storm Sewer Drawing – Major/Minor System;
- Storm Sewer Drawing – Minor System;
- Shallow Utilities Drawing;
- Building Grade Drawing;
- Landscape Drawing;
- Erosion Control and Sedimentation Drawing.

Upon completion, two sets of complete construction drawings are required to be submitted to Municipal District of Willow Creek No. 26 for preliminary review and approval. Additional circulation of the shallow utilities plan is required to be circulated by the developer to appropriate utility companies for review and approval. Each utility company is required to submit an approval letter for inclusion within the development agreement via the developer. Upon acceptance, a final set of construction drawings may be required for inclusion within the development and servicing agreement in support of the proposed development. For additional details on drawing specifications, and requirement and development agreement procedures please refer to Section 3 of the Municipal District of Willow Creek No. 26 Design Guidelines and Construction Specifications.

**Fire and Emergency Response Plan.** A fire protection plan is required to ensure adequate improvements to support fire suppression in the case of an emergency within the proposed development area. The fire protection plan must be prepared and submitted to the local fire authority for review and approval with confirmation provided to Municipal District of Willow Creek No. 26. Once approved, the owner is responsible for implementing those improvements as outlined within the approved fire protection plan as these will be included within the terms of the development agreement where appropriate. During a fire emergency, a copy of the approved fire safety plan must be available for the responding fire department's use. In general terms, the fire protection plan should include:

- Key contact information including site location and access arrangements;
- Utility services (including shut-off valves for water, gas and electric);

- Access issues to the property;
- Layout, drawing, and location of water supply within the subject property;
- Layout and location of fire suppression infrastructure;
- Incorporation of Fire Smart Principles.

Where required, the findings of this report should be incorporated within the servicing study and/or engineering plans and specifications requested in support of the proposed development.

**Biophysical Assessment.** Prepared by a qualified professional biologist accredited by the Alberta Society of Professional Biologists (ASPB), identifying rare plant and wildlife species/communities, as listed on the current Alberta Natural Heritage Information Center (ANHIC) and Committee on the Status of Endangered Wildlife in Canada (COSEWIC). The findings of this report shall assist in the preparation of the environmental management plan and/or concept plan.

**Environmental Assessment / Management Plan.** Prepared by a qualified professional biologist accredited by the Alberta Society of Professional Biologists (ASPB), indicating the impact of the proposed development on the wildlife, wildlife corridors, vegetation, water and environmental features. The environmental management plan shall outline protection measures in accordance with environmental guidelines and also address mitigation measures, including necessary setbacks distances from significant natural features to mitigate potential impacts borne by the proposed development on the surrounding natural environment. The environmental management plan shall also identify breeding and spawning times for wildlife, and the timing of construction and reclamation activities shall be adjusted accordingly. The findings of this report shall assist in the preparation of the concept plan where required.

**Reclamation Report.** This report shall outline the measures to be taken to return the development site to an equivalent land capability, as based on pre-disturbance site assessments of soil, landscape, and vegetation. The plan shall also establish criteria and specifications to guide the design, installation and maintenance of vegetation planted as part of a re-vegetation strategy. Plant species should be chosen in consultation with landowners and reflect species present on adjacent lands.

**Post Construction Decommissioning and Reclamation Plan**

**Hazards Assessment & Management Plan.** This plan shall identify any and all potential hazards in relation to the proposed development and how they shall be managed. Suggested hazards include but are not limited to fire, petrol chemicals and processing chemicals. The plan shall also include an emergency response plan in the event of an emergency situation.

**Vegetation and Weed Management Plan**

**Soil Erosion Management Plan**

**Landowner and Neighbour Emergency Response Management Plan.** Prepared by a qualified professional, this plan establishes the processes and procedures that a company will follow during an emergency, and how landowners and neighbours will be informed during an emergency. In addition, the plan shall include a contact list, process for reporting emerging issues, safety information, and education on what to do in an emergency.