

# Part 3: GENERAL & SPECIAL LAND USE REGULATIONS



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## PART 3 – GENERAL & SPECIAL LAND USE REGULATIONS

### C1 GENERAL REGULATIONS

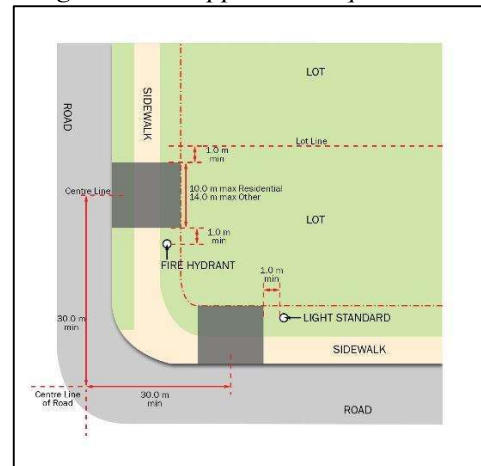
#### C1.1 APPLICABILITY

- 1) The regulations included in this section apply in all districts, unless the district regulations state otherwise.

#### C1.2 ACCESS

- 1) No approach shall directly access a public road unless approved by Lac La Biche County. All access locations and curb crossings shall be installed in accordance with County's General Municipal Servicing Standards.
- 2) No approach shall be constructed within an intersection.
- 3) A minimum distance separation of 30.0 m (98.0 ft.) shall be provided between the centre line of an intersection and the centre line of an approach as illustrated in Figure C1.1.
- 4) No approach shall be constructed within 1.0 m (3.3 ft.) of any surface infrastructure such as mailboxes, ramps, manholes, transformers, telephone poles or light standards and hydrants.
- 5) Except where shared between lots, driveways and parking pads shall require a minimum setback of 1.0 m (3.3 ft.) from a side lot line.
- 6) Approaches shall have a maximum width of 10.0 m (33.0 ft.) at the lot line for residential lots, and 14.0 m (46.0 ft.) for non-residential lots.
- 7) The applicant shall obtain a permit from the Provincial Authority for access onto a Provincial Highway.

Figure C1.1: Approach Requirements



#### C1.3 AIRPORT VICINITY PROTECTION AREA

- 1) Commercial airport related development shall be located on approved site(s) at the Lac La Biche Airport.
- 2) Private airstrips and heliports shall not be located within 1.61 km (106.01 m) of the boundary of the Lac La Biche Airport Management Area.
- 3) All subdivision and development in proximity to the Lac La Biche Airport must conform to

federal regulations pertaining to buildings within the flight path.

#### **C1.4 AMENITY AREA**

- 1) Amenity area shall be provided in accordance with the requirements of the applicable district.
- 2) Amenity area may include:
  - a) with respect to residential development, patios, balconies with a minimum depth of 2.0 m (6.5 ft.), roof terraces, communal lounges and recreational facilities; and
  - b) with respect to non-residential development, courtyards, interior landscaped open spaces, arcades, plazas, atriums, and public seating areas.
- 3) Amenity area may be located:
  - a) with respect to residential development, within any yard; and
  - b) with respect to non-residential development, within any yard.
- 4) Amenity area, when provided at ground level, may be included as part of the landscaping requirement for the applicable district.
- 5) Vehicle parking areas shall not be considered as part of an amenity area.

#### **C1.5 BARELAND CONDOMINIUMS**

- 1) A bareland condominium development must comply with all of the applicable regulations of this bylaw.
- 2) An application for a bareland condominium development shall include a comprehensive site plan, in accordance with Section D1.4(2).
- 3) For the purposes of this bylaw, a bareland condominium plan is a plan of Subdivision.
- 4) In the case where a bareland condominium subdivision is served by a private road, the following shall apply:
  - a) a private road includes a lot, bareland condominium unit, common property or portion of common property that may be created pursuant to the *Condominium Property Act*, RSA 2000, c. C-22, created for the purpose of vehicular access and circulation throughout the subdivision or development, including a bridge and any structure incidental to the road;
  - b) for the sole purpose of applying the regulations of this section, a private road shall be deemed to be the same as a public road;
  - c) the private road must allow for the safe and efficient movement of emergency vehicles and transit/industry bus services and be designed to a standard acceptable to the County;
  - d) where the physical parameters of the private road exceed the legally prescribed boundary of the private road, the boundary of the private road shall be deemed to be the edge of the carriageway or sidewalk parallel with the carriageway.

#### **C1.6 BORROW PITS**

- 1) An applicant for the excavation of a borrow pit, in addition to the information requirements of Section D1.4, shall submit plans and a written description of the proposal, including:



- a. the location and dimensions of the proposed disturbed area;
  - b. existing site conditions including topography, vegetation, water courses, soil and water table profiles, etc.;
  - c. the dimensions of the operation or, the area of the land; the depth to which the topsoil is to be removed or added; and, the effect on existing drainage patterns (i.e. site grading plan);
  - d. proposed access, haul routes and haul activities;
  - e. proposals for preventing nuisance from dust and erosion; and
  - f. a reclamation plan that includes measures for controlling erosion, weeds, etc., as well as post extraction use (i.e. return to natural state; crop production, etc.).
- 2) In addition to Sections D1.4 and D1.8, the Development Authority shall have regard for:
- a. the purpose of this Bylaw and the general purpose of the district in which the activity is located and, the future use of the site (as proposed in a reclamation/restoration plan);
  - b. the provisions of the County's Municipal Development Plan and/or any other relevant statutory plan;
  - c. relevant guidelines prepared by the Provincial Authority, and/or any comments or recommendations provided with provincial approval;
  - d. County standards and policies regarding wetlands;
  - e. the Provincial Authority's and County standards and policies regarding berms and setbacks adjacent to Municipal and Provincial road rights-of-way;
  - f. the desirability to utilize the top soil/clay resource as a regional benefit to development;
  - g. conservation of topsoil for future agricultural use on the subject property or another site within the County;
  - h. conservation of designated historical resources;
  - i. conservation of trees and maintenance of habitat, particularly during critical wildlife nesting and rearing periods;
  - j. conservation of prime agricultural land in a productive state;
  - k. conservation of environmentally significant and sensitive areas;
  - l. conservation of water courses, maintenance of positive drainage, and potential drainage effects on adjacent and/or nearby properties;
  - m. the safety and the potential nuisance effect on adjacent properties; and
  - n. potential damage to County roadways and surface structure.
- 3) As a condition of a development permit, the Development Authority may require the operator to provide a guaranteed security to ensure that reclamation is completed to a state that is satisfactory to the County.

#### **C1.7 BUILDING DESIGN, CHARACTER, AND APPEARANCE**

- 1) The design, siting, external finish, landscaping, and architectural appearance of all buildings, including any accessory building or structure, shall be to the satisfaction of the Development Authority who shall ensure, as far as reasonably practicable, that materials shall be used that ensure that the standard of the proposed buildings and structures shall be similar to, or higher than, the standard of surrounding development.
- 2) Where applicable, buildings shall comply with any architectural controls or design guidelines that are contained in a statutory plan or outline plan.

- 3) Building Orientation and Façade Treatment:
  - a) single detached and duplex dwelling units shall front onto a public road and should have their primary entrance facing the public road or public space;
  - b) any side or rear façade visible from a public road or public space shall exhibit a high level of architectural design and detailing complementary to the front façade. Blank walls are not permitted unless to satisfy fire separation limits;
  - c) dwelling units situated on corner lots shall be designed with architectural elements that are sensitive to both public road frontages to enhance visual interest and character;
  - d) the front façade of a dwelling unit shall address the public road through the articulation of elements which may include main entrances and porticoes, porches and stairs, windows and bay windows, terraces and balconies;
  - e) in the case of apartment dwellings, multi-unit dwellings, row house dwellings or stacked row house dwellings, individual dwelling units should be defined through architectural features that may include individual rooflines or roofline features, projection or recession of the façade, individual porches or entrance features and other treatments. Such measures shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and public roads;
  - f) for all development where the façade of a building is 70.0 m (230.0 ft.) or longer, the façade shall be articulated by recessions and/or architectural projections to the satisfaction of the Development Authority; and
  - g) grade-related buildings should be oriented parallel to the public road and provide continuous frontage along their primary façade.
- 4) The undercarriage of a mobile home shall be screened from view by skirting or such other means satisfactory to the Development Authority.
- 5) The development's design shall respect, complement and work with the natural features of the development site to the satisfaction of the Development Authority.

### **C1.8 BUILDING HEIGHT**

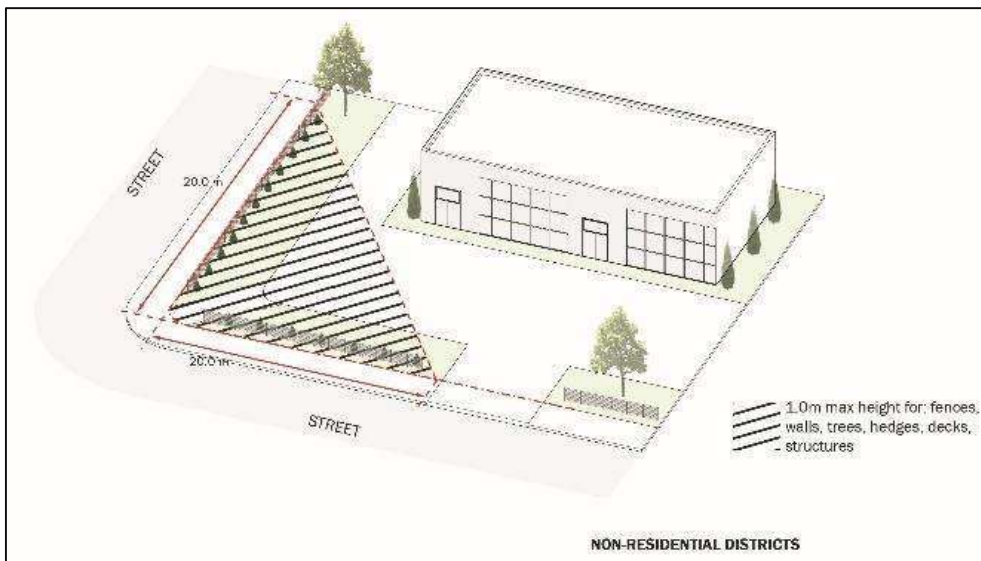
- 1) The Development Officer shall determine the average finished grade by selecting, from the methods listed below, the method that best ensures compatibility with surrounding development:
  - a) if the applicant can show by reference to reliable topographical maps that the elevation of the site varies by no more than 1.0 m (3.0 ft.) in 30.0 m (98.0 ft.), the Development Officer may determine grade by calculating the average of the highest and lowest elevation on the site;
  - b) the Development Officer may determine grade by calculating the average of the elevation at the corners of the site prior to construction as shown on a grading plan; or
  - c) the Development Officer may determine grade by calculating the average elevation of the corners of the buildings on all properties abutting the site or separated from the site by a lane.
- 2) The applicant shall submit all information the Development Officer required to determine grade by the method the Development Officer has chosen under subsection (1).
- 3) Where permitted, heights are indicated in both linear meters and storeys, the linear measurement shall prevail.
- 4) In the event of a conflict between a height requirement contained in a district or other regulation and the Airport Protection Overlay, the height requirement of the overlay shall take precedence.

- 5) In cases where building height is at the discretion of the Development Authority, consideration shall be given to the following:
  - a) the topography of the lot upon which the building is or is to be situated as well as the topography of immediately adjacent properties and the surrounding area shall be considered to ensure that the sight lines and view angles of the subject lot and adjacent property are not unduly obstructed by the height of the building;
  - b) the height of an accessory building shall be in proportion to the principal and accessory buildings on adjacent properties and in keeping with the neighbourhood;
  - c) the height of an accessory building shall be such that the accessory building, in relation to the principal building, does not visually dominate the property; and
  - d) the fire safety provisions of the *Alberta Safety Codes Act S-1 RSA 2000* regulations, and the capacity and availability of firefighting equipment and personnel.

#### **C1.9 CORNER SITE RESTRICTIONS**

- 1) On a corner lot in all residential districts, except where the lot abuts a Provincial Highway, no fence, wall, tree, hedge, deck, or other structure exceeding 1.0 m (3.3 ft.) in height above grade shall be permitted in a corner visibility triangle created by the lot lines that form the corner, and a straight line connecting the two points 7.5 m (24.6 ft.) back along these lot lines measured from their intersection.
- 2) In all other cases, no fence, wall, tree, hedge, deck, or other structure exceeding 1.0 m (3.3 ft.) in height above grade shall be permitted in a corner visibility triangle created by the lot lines that form the corner, and a straight line connecting the two points 20.0 m (66.0 ft.) back along these lot lines measured from their intersection.

**Figure C1.2: Corner Site Restrictions**



### **C1.10 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- 1) Crime Prevention Through Environmental Design (CPTED) is a multi-disciplinary approach to deter criminal behavior through environmental design. The major premise of CPTED is that the environment can be designed to reduce the opportunities for crime and the fear of crime. The primary principles of CPTED include the proper design and effective use of buildings and sites, access control, and natural surveillance.
- 2) During the review of a development permit, the Development Authority shall consider the following CPTED principles, and make recommendations for the proposed development:
  - a) the reduction of concealment opportunities;
  - b) the provision of lighting to minimize unlit areas;
  - c) the placement of windows to maximize informal surveillance; and
  - d) easily-identified street addresses.

### **C1.11 DEVELOPMENT NEAR WATER BODIES**

- 1) Notwithstanding the land use district regulations, development shall not be allowed within the distance of the high water mark adjacent to a water body specified by the Riparian Setback Matrix Model.
- 2) In the case of land which is subject to flooding:
  - a) No permanent buildings or structures, other than wire fences, shall be allowed where the depth of flooding by a hundred-year flood exceeds 1.0 m (3.3 ft.); and
  - b) Where the depth of flooding is less than 1.0 m (3.3 ft.) below the hundred-year flood elevation, all permanent buildings and structure other than fences shall be located on land which has been raised by fill to an elevation at least 0.6 m (2.0 ft.) above the hundred-year floor elevation.
- 3) Where development is proposed on a site which is, in the opinion of the Development Officer, subject to ponding due to snowmelt or heavy rainfall events, the owner must provide additional measures, including sufficient fill around the building, to provide an additional measure of protection from the water damage, to the satisfaction of the Development Officer.
- 4) No permanent building shall be constructed or placed on land which is subject to subsidence or erosion by water, or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of the Council that proper measures will be taken to deal with the unsuitability or hazard.
- 5) Where the Development Authority deems appropriate, an applicant shall submit evidence prepared by a licensed professional engineer to support the application for development in the vicinity of any water body. Such evidence could include evaluation of erosion, bank stability, design of flood prevention works, and evaluation of effects of flood stages and velocities.



### **C1.12 DWELLING UNITS PERMITTED PER LOT**

- 1) The number of dwellings permitted on a lot shall be one (1), except where additional dwellings are:
  - a) contained in a building designed for, or divided into, two (2) or more dwelling units and is located in a land use district which permits such multiple family units; or
  - b) mobile homes forming part of a mobile home park for which a development permit has been issued; or
  - c) a secondary suite; or
  - d) a building as defined in the *Condominium Property Act*, that is the subject of a condominium plan to be registered in a Land Titles Office under the Act, and has been approved by the County; or
  - e) a second dwelling in the AG District; or
  - f) a second dwelling in the CR District and the OE2 District provided the subject lot exceeds 1.5 ha (5.0 ac);
  - g) a second dwelling on a parcel 1.5 ha (5.0 ac) or more in size.
- 2) Dwellings allowed by this section should be sited so that they do not compromise potential future subdivision.

### **C1.13 ENCROACHMENTS ON EASEMENTS AND MUNICIPAL LANDS**

- 1) No structure shall encroach on or be erected on a utility easement or public utility lot unless:
  - a) the structure does not restrict access to the utility easement or public utility lot for the purpose of installation or maintenance of the subject utility;
  - b) the owner of the encroaching structure has obtained written consent from the utility company to which the easement has been granted; or
  - c) the owner of the encroaching structure shall obtain written consent from the landowner to which the encroachment or easement has been granted.
- 2) In the case of a public utility lot, public road, municipal reserve or other County-owned land:
  - a) no structure shall encroach on or be erected unless the Owner has first entered into an encroachment agreement or has obtained a letter of consent with the County in accordance with County policy; and
  - b) the extent of any encroachment shall be in accordance with the guidelines contained in the County's policy.
- 3) Notwithstanding (2), no encroachment on environmental reserve land shall be permitted.

### **C1.14 EXPOSURE HAZARDS**

- 1) The location of any anhydrous ammonia (AA) or liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 9,000.0 L (1,980.0 IG) shall be a minimum distance of 190.0 m (623.0 ft.) from any assembly, institutional, commercial, or residential Building. For all such containers, the Development Authority shall refer to the regulations under the *Safety Codes Act*.

- 2) Notwithstanding any other provision of this Bylaw, no new residential site development shall be allowed within 0.8 kilometers (0.5 miles) of an existing anhydrous ammonia storage vessel with a water capacity exceeding 4546.0 liters (1,000.0 gallons).
- 3) Flammable liquids storage tanks proposed to be situated on bulk plant or service station sites shall be located in accordance with regulations under the *Safety Codes Act*.
- 4) The installation of all storage tanks shall be in accordance with Petroleum Tank Management Association of Alberta (PTMAA) requirements. All pressure vessel containers shall be constructed, located, and inspected in accordance with the provisions of the *Alberta Safety Codes Act* and its regulations as amended.
- 5) Pipeline Setbacks
  - a) Development setbacks from pipeline rights-of-way, oil and gas installations, and other utility corridors shall meet or exceed the requirements of the province.
  - b) Notwithstanding subsection (a), for the following uses the minimum setback from the right-of-way of a pipeline with a maximum licensed operating pressure of 3,447.5 kpa (500.0 PSI) or greater is:
    - i) 1.0 m (3.3 ft.) for an accessory building;
    - ii) 30.5 m (100.0 ft.) for a principal residential, commercial or industrial building; and
    - iii) 200.0 m (656.0 ft.) for a public or institutional use.
  - c) The minimum setback from the right-of-way of a pipeline with a maximum licensed operating pressure of less than 3,447.5 kpa (500.0 psi) is 5.0 m (17.0 ft.) for all principal buildings.
- 6) Railway Line Setback
  - a) The minimum setback from a railway right-of-way and station grounds from buildings shall be 15.0 m (49.2 ft.) for all non-residential buildings;
  - b) The minimum setback from a railway right-of-way and station grounds from buildings shall be 30.0 m (98.4 ft.) for all residential buildings; and
  - c) The Development Officer may refer any application for development permit approval and any application for subdivision approval to a railway company for review and comment.
- 7) Sour Gas Facility Setbacks

In accordance with the Alberta Energy and Utilities Board Interim Directive 81-3 the following shall apply:

  - a) In the case of a Level 1 sour gas pipeline as identified by the province, no development shall be permitted within 100.0 m (328.1 ft.).
  - b) In the case of a Level 2 sour gas pipeline as identified by the province:
    - i) no dwelling unit shall be located within 100.0 m (328.1 ft.); and
    - ii) no public or institutional use shall be located within 500.0 m (1,640.4 ft.).
  - c) In the case of a Level 3 or 4 sour gas pipeline as identified by the province:
    - i) no dwelling unit shall be located within 100.0 m (328.1 ft.);

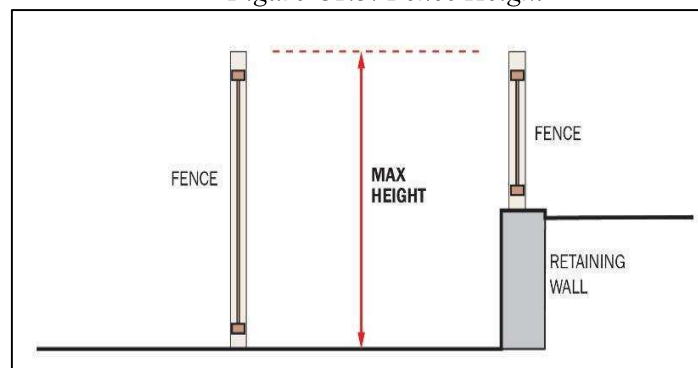
- ii) no residential development with a density in excess of eight (8) units per quarter section shall be located within 500.0 m (1,640.4 ft.); and
  - iii) no public or institutional use shall be located within 1,500.0 m (4,921.3 ft.).
- 8) A dwelling unit, school, hospital, or restaurant shall be located a minimum of:
- a) 450.0 m (1,476.4 ft.) from the working area of an operating waste management facility as defined in the regulation;
  - b) 300.0 m (984.3 ft.) from the disposal area of an operating or non-operating waste management facility as defined in the Regulation; or
  - c) 300.0 m (984.3 ft.) from the working area of an operating wastewater treatment facility as defined in the regulation.

### C1.15 FENCING AND SCREENING

- 1) All non-residential development located adjacent to a residential district shall be screened from view by means for fencing or landscaping.
- 2) No fence, wall, or hedge shall:
  - a) in a residential district, exceed 2.0 m (6.6 ft.) in height in a rear yard or side yard not abutting a public road;
  - b) in a residential district, exceed 1.0 m (3.3 ft.) in height in a front yard or side yard abutting a public road;
  - c) in a commercial or industrial district, exceed 2.4 m (8.0 ft.) in height;
  - d) in any district, exceed the corner lot requirements as specified in Section C1.7; or
  - e) in a residential district, include any barbed wire.
- 3) For the purposes of subsection (2), the height of fences, walls, or hedges shall be measured from the highest point of the abutting public road or lane.

- 4) For the purposes of subsection (2), in cases where a fence is constructed on top of a retaining wall, the combined height of the fence and retaining wall shall not exceed the maximum allowable fence height.

Figure C1.3: Fence Height



- 5) Notwithstanding subsection (2), where a residential lot is adjacent to an arterial or a major collector road, the Development Authority may, at its sole discretion, issue a development permit for a wall or fence of a greater height subject to the following:
  - a) no wall or fence shall be higher than 2.1 m (7.0 ft.) in rear yards and in side yards not abutting a public road; and
  - b) no wall or fence shall be higher than 2.0 m (6.5 ft.) in front yards and in side yards abutting a public road.
- 6) A wall, hedge, or wooden fence of not less than 1.0 m (3.3 ft.) nor more than 2.14 m (7.0 ft.) in height shall be provided along any side and rear lines of all apartment and row house developments.
- 7) With the exception of the Agricultural District (AG), uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar uses, shall be screened from view unless required as part of the sale, promotion or display of vehicles, equipment or similar finished products.
- 8) The Development Authority, in considering an application, may impose conditions requiring the retention of trees, additional planting, or other screening of such a type and extent that is considered necessary.
- 9) All fences within the commercial and industrial districts shall be secured through the installation of opaque fencing with a minimum height of 2.0 m (6.6 ft.).

#### **C1.16 FIRE PROTECTION**

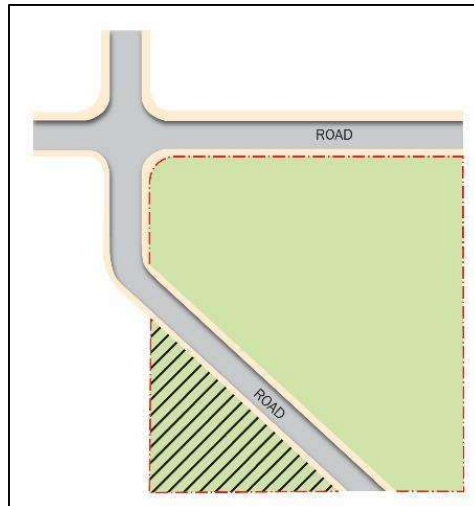
- 1) All applications for subdivision and development, including landscaping, shall be required to prepare a Fire Hazard Assessment to the satisfaction of the County and demonstrate that the wildfire mitigation guidelines in *FireSmart: Guidebook for Community Protection* issued by the Provincial Authority, or successor documents, have been incorporated into the proposed development to the satisfaction of the County.
- 2) All applications for Subdivision and Development shall be required to provide details of adequate fire protection, in accordance with any approved County fire protection policy.

#### **C1.17 FRAGMENTED PARCELS**

- 1) A fragmented parcel may be subdivided from a quarter section if the fragmented parcel has legal access or physical access, and a suitable building site to the satisfaction of the Development Authority. For the purpose of this section, "suitable building site" refers to the ability of a parcel to accommodate on-site water and sewer services, and all required development setbacks.
- 2) A fragmented parcel shall be exempt from the maximum lot size provisions of the applicable

land use district. The re-subdivision of a fragmented parcel shall be subject to the density provisions of the applicable district.

*Figure C1.4: Fragmented Parcel Illustration*



#### **C1.18 GARBAGE ENCLOSURES**

- 1) Garbage collection and outside storage shall be in accordance with the County's Waste and Resource Recovery Management Bylaw.
- 2) Garbage shall be:
  - a) stored in weatherproof and animal proof containers;
  - b) screened from view from adjacent sites and public roads in accordance with Section C1.12; and
  - c) situated on a portion of the lot or site that is easily accessible for pickup.

#### **C1.19 HAZARD LANDS**

- 1) Where a parcel of land abuts or contains a coulee, ravine or valley, with or without a water body present, the setbacks from the upper break of the coulee, ravine or valley provided in Table C1.1 shall apply.
- 2) Notwithstanding the setbacks identified in Table C1.1, the Development Authority may increase or decrease a setback requirement if a geotechnical report prepared in accordance with Section D1.4(5)(a) recommends a different setback distance.
- 3) In the event that there is a conflict between the setbacks defined in subsection (1) and a setback determined through the Riparian Setback Matrix Model (RSMM) pursuant to the Environmentally Significant Area Protection Overlay, the setback determined through the RSMM shall prevail.

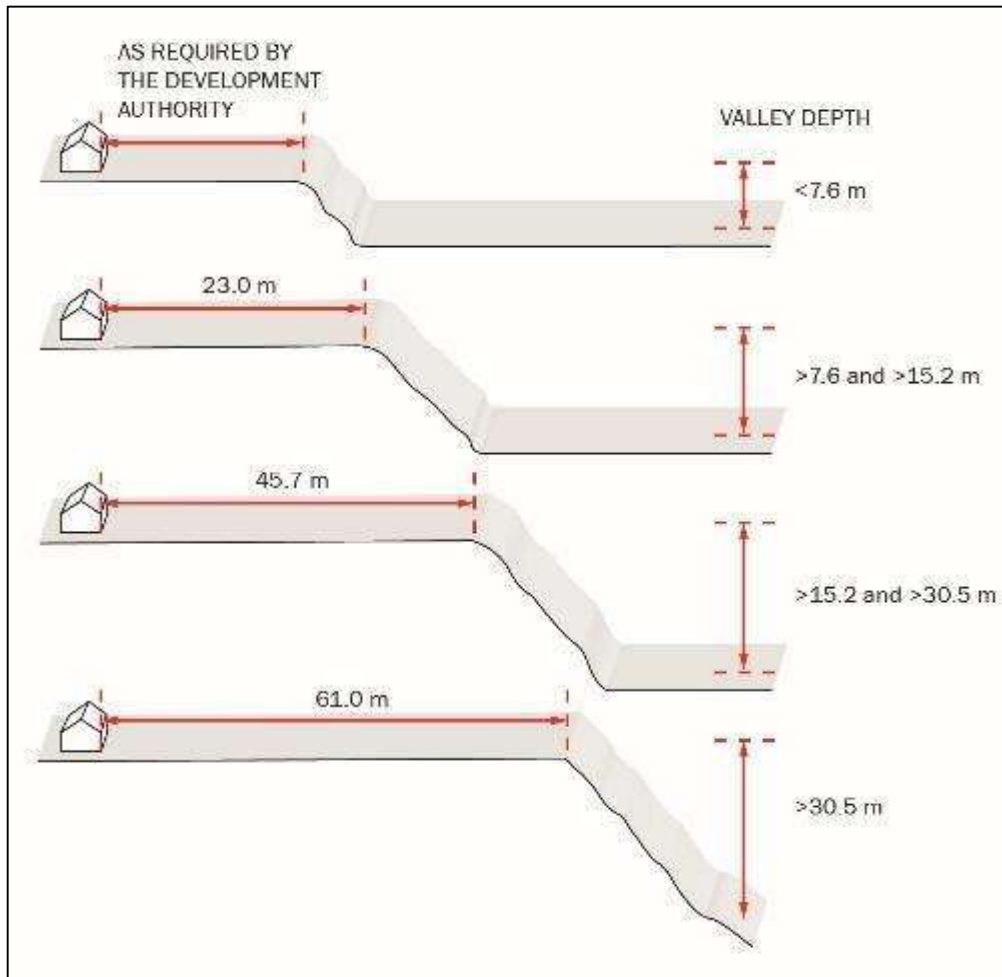


*Table C1.1: Hazard Land Setback Requirements*

<b>Valley Depth</b>	<b>Setback Requirement</b>
<7.6 m (25.0 ft.)	At the discretion of the Development Authority, but no less than setback requirements for the applicable Land Use District.
>7.6 m (25.0 ft.) and <15.2 m (50.0 ft.)	23.0 m (75.0 ft.)
>15.2 m (50.0 ft.) and <30.5 m (100.0 ft.)	45.7 m (150.0 ft.)
> 30.5 m (100.0 ft.)	61.0 m (200.0 ft.)

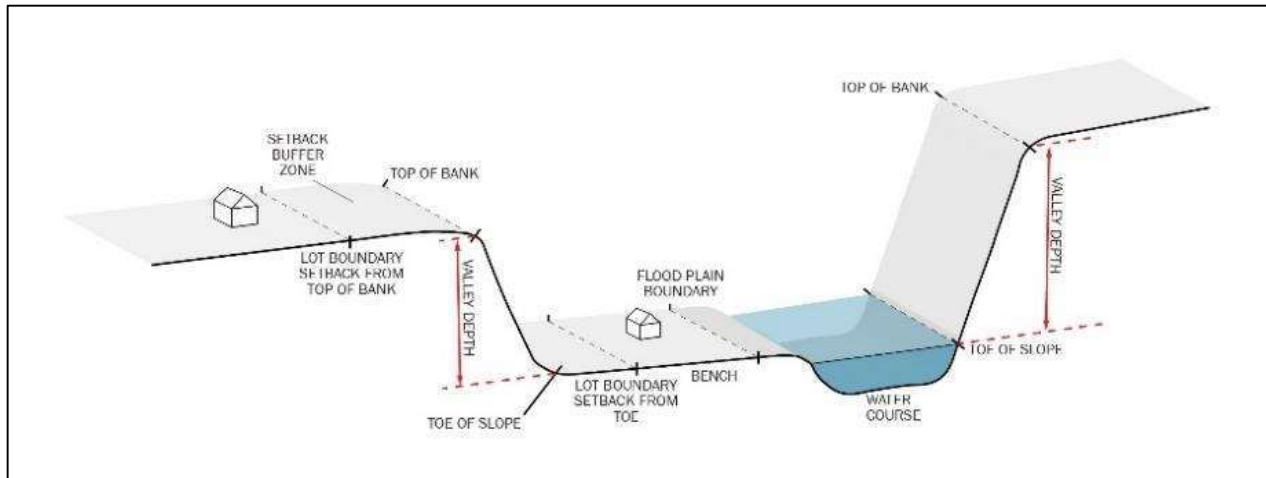
The application of the setbacks outlined in Table C1.1 is illustrated in Figure C1.5.

Figure C1.5: Setback Measurement



- 3) For the purpose of determining the setback required under subsection (1), the valley depth is the vertical distance measured between the top of bank and the toe of the slope. For valleys that are composed of one (1) or more benches, the valley depth is the vertical distance measured between the top of bank of the bench on which the development is to be located and the top of bank of the lower bench as illustrated in Figure C1.6.

Figure C1.6: Valley Cross-section



- 5) Notwithstanding any Land Use District regulation to the contrary, no development shall be allowed within 15.0 m (50.0 ft.) of the toe or crest of any slope of 15% or greater, unless a lesser amount is identified in a geotechnical report prepared by a qualified professional registered with Association of Professional Engineers and Geoscientists of Alberta (APEGA).
- 6) Notwithstanding that a proposed development conforms in all respects with this Bylaw, where an application is for development on lands that are or may be subject to flooding or subsidence, the Development Authority shall not issue a development permit unless the applicant can demonstrate that preventative engineering and construction measures will be instituted to make the site suitable for the proposed development.
- 4) The Development Authority may require that the top of bank or toe of slope be identified by survey completed by an Alberta Land Surveyor.
- 5) Developments must adhere to the following land management practices:
  - a) stripping of vegetation or grading shall be done in a manner which will minimize soil erosion by ensuring that the extent of the disturbed area and the duration of its exposure is minimized, and that all grading work should be designed to blend with the natural contours of the land;
  - b) natural vegetation shall be retained and protected wherever possible;
  - c) natural drainage patterns should not be disturbed and changes to watercourses shall be avoided except where controlled improvements are warranted subject to approval from

- Alberta Environment; and
- d) developments shall not adversely affect groundwater resources or increase stormwater runoff velocity in a way that water levels on other lands are substantially raised or the danger from flooding increased.

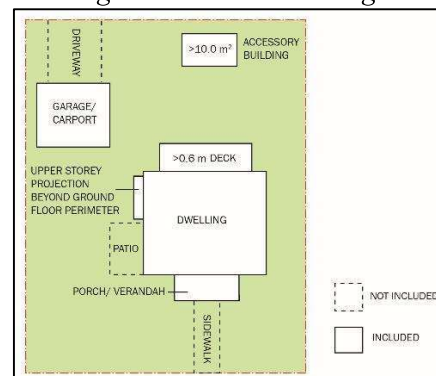
## C1.20 LIGHTING

- 1) Any outdoor lighting for any development shall be located and arranged so that
  - a) no direct rays of light are directed at any adjoining properties,
  - b) interfere with the use and enjoyment of neighbouring lands, or
  - c) interfere with the effectiveness of any traffic control devices.
- 2) No flashing, strobe, or revolving lights shall be installed on any structure or site which are either red, green, amber or blue, or such other colour that may impact the safety of motorists using adjacent public roads or provincial highways.
- 3) In the MDR, HDR, CC, HC, NC, RC, LI, GI, HI and PI Districts, lighting shall be required to clearly define and illuminate all parking lots, entrance areas, and pedestrian areas of a site.

## C1.21 LOT COVERAGE

- 1) Lot coverage shall be calculated by dividing the total amount of building footprint on a lot by the total lot area.
- 2) For the purposes of calculating lot coverage, the building footprint shall not include:
  - a) any permitted encroachments in accordance with Section C1.22;
  - b) hard landscaping;
  - c) decks that are less than 0.6 m (2.0 ft.) above grade; and
  - d) accessory buildings less than 10.0 m<sup>2</sup> (108.0 ft.<sup>2</sup>) in area as illustrated in Figure C1.7.
- 3) For the purposes of calculating lot coverage, the building footprint shall include:
  - a) the principal building;
  - b) a garage or carport;
  - c) a porch or veranda;
  - d) any floor area of an upper storey;
  - e) that projects beyond the perimeter of the ground floor;
  - f) a deck that has a height greater than 0.6 m (2.0 ft.); and
  - g) any accessory building that has an area greater than 11.2 m<sup>2</sup> (120.0 ft.<sup>2</sup>) as illustrated in Figure C1.3.

Figure C1.7: Lot Coverage



### **C1.22 MULTIPLE USES**

- 1) When any site or building is used for more than one (1) purpose, the provisions of this Bylaw relating to each use shall be satisfied. If there are conflicts between standards for individual uses, the more stringent standards shall prevail.

### **C1.23 OBJECTS PROHIBITED OR RESTRICTED IN YARDS**

- 1) No person shall keep
  - a) unless a listed use in a district with an approved development permit, any dismantled or wrecked vehicle for more than fourteen (14) successive days;
  - b) any object which is unsightly or tends to adversely affect the amenities of the land use district;
  - c) any excavation or any storage or piling up of materials required during the construction stage, unless all necessary safety measures are undertaken. The owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction; and
  - d) in a residential subdivision or within a hamlet, a commercial vehicle, loaded or unloaded, with a maximum weight in excess of 4,000.0 kg (8,818.0 lb) and shall not be parked in any front, side, or rear yard.
- 2) No business shall keep in any part of a lot any object which may adversely affect the amenities of the district or of adjacent uses.
- 3) No use shall be allowed which may be offensive to a neighbouring owner or tenant.
- 4) No person shall bury any garbage or similar debris on a construction site.
- 5) Keeping of animals and livestock
  - a) no livestock shall be permitted within a designated hamlet;
  - b) for lots under 1.0 ha (2.5 ac) in size, no livestock of any type shall be allowed;
  - c) for lots between 1.0 ha (2.5 ac) and 2.0 ha (5.0 ac) in size, a maximum of four (4) non-cloven hoofed animals (e.g. horses) may be allowed provided all animals are be confined to the Lot;
  - d) for Lots between 2.0 ha (5.0 ac) and 4.0 ha (10.0 ac) in size, a maximum of four (4) larger animals (horses, cattle, sheep, goats, etc.) may be allowed at any one time. In addition, smaller animals (chickens, geese, ducks, etc.) may be kept on a non-commercial basis only. All animals must be confined to the lot;
  - e) notwithstanding (a)–(d), the keeping of animals and livestock within the Country Residential District (CR) shall be in accordance with Section B3.1.
  - f) any development that involves the confinement or rearing of wild boar shall meet all provincial containment standards.

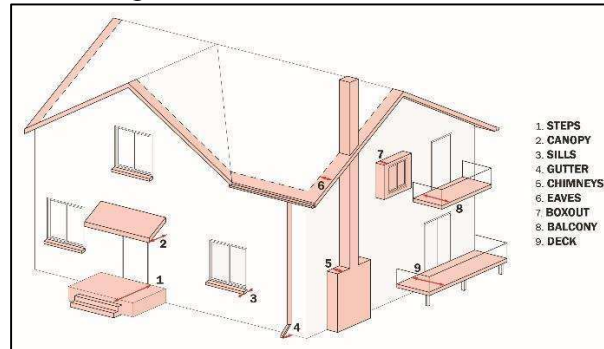
### **C1.24 PERMITTED ENCROACHMENTS**

- 1) In residential districts, except as provided in this section, no portion of a building shall be located or project into a required yard.
- 2) In a residential district, the following features may project into a required front yard as illustrated in Figure C1.8:
  - a) steps, eaves, gutters, sills, and



- chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
- b) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.);
  - c) notwithstanding Section C2.11, unenclosed decks less than 0.6 m (2.0 ft.) in height may project a maximum of 2.0 m (6.5 ft.) into a front yard;

Figure C1.8: Permitted Encroachments



- d) balconies on apartments provided that:
    - i) they are cantilevered and not enclosed, and designed as an integral part of the building; and
    - ii) they do not project more than 2.0 m (6.5 ft.) into the front yard; and
  - e) any other features which are similar to the foregoing.
- 3) In a residential district, the following features may project into a required side yard, except in cases where a side yard of 3.0 m (10.0 ft.) is required for vehicular passage:
- a) steps, chimneys, box outs and balconies, provided such projection does not exceed 50% of the width of the required side yard;
  - b) eaves, gutters, and sills or other similar projections, to a maximum of 0.6 m (2.0 ft.) provided such encroachment does not result in roof drainage being directed to the abutting lot;
  - c) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.) in depth;
  - d) notwithstanding section C 2.11, unenclosed decks less than 0.6 m (2.0 ft.) in height may extend to a side or rear lot line;
  - e) exterior balconies on apartments provided that:
    - i) they are cantilevered and not enclosed, and designed as an integral part of the building; and
    - ii) they do not project more than 1.0 m (3.3 ft.) into a required side yard and in no case are closer than 2.0 m (6.6 ft.) to a side line; and
  - f) any other features which are similar to the foregoing.
- 4) In commercial or industrial districts, no portion of any building shall project onto or into a required yard.

### C1.25 PRINCIPAL BUILDINGS

- 1) No person shall erect more than one (1) principal building on a lot except as follows:
  - a) in an industrial or commercial district, more than one (1) principal building may be erected on a lot provided it is done in such a manner that, if there is future subdivision of the land, each building will be on a separate lot having its own access (or shared access agreement) all in compliance with this bylaw; and,
  - b) in a residential or agriculture district if it complies with Section C1.12.

### **C1.26 PRIVATE WASTEWATER TREATMENT AND STORAGE**

- 1) Wastewater from a dwelling shall be collected in a holding tank until it is pumped out and hauled away for disposal in a manner acceptable to the provincial authorities under current provincial laws, regulations, codes of practice and guidelines.
- 2) Any private wastewater septic system in existence on the date when this Bylaw comes into force shall be maintained by the landowner on a regular basis. If the Development Authority requests proof of maintenance, the landowner shall provide such proof.
- 3) No new outhouses shall be constructed within the County's Water and Sewer Service Area.
- 4) At the request of the Development Authority, the landowner shall be required to provide information about the private wastewater system serving a dwelling within the Lakeshore Development Area. If the Development Authority has no information about the private wastewater system serving a dwelling, and no request has been made pursuant to this clause to obtain information, that lack of information shall be recorded on any Letter of Compliance issued by the Development Authority.

### **C1.27 PROVINCIAL HIGHWAYS**

- 1) A minimum setback of 40.0 m (132.0 ft.) is required from the right-of-way of a Provincial Highway outside of a hamlet or subdivision unless otherwise stated by the Provincial Authority. Setback requirements for development within a hamlet shall be confirmed by the Provincial Authority at the time of application.
- 2) All Provincial Highway approaches shall be developed in accordance with the Provincial Authority standards. The cost of all Provincial Highway improvements required to serve private developments shall be borne by the developer.
- 3) No development permit shall be issued for a development located within 800.0 m (0.8 km) of the centre point of the intersection of a Provincial Highway and a public road or 300.0 m (0.3 km) from a provincial right-of-way unless a roadside development permit has been issued by the Provincial Authority.

### **C1.28 RELOCATION OF/OR MOVED-IN BUILDINGS**

- 1) Subject to Section D1.3, a development permit is required to:
  - a) place on a lot a building which has previously been erected or placed on a different lot; or
  - b) alter the location on a lot of a building which has already been constructed on that lot unless the relocation is the result of an order from the County.
- 2) An approval shall not be granted under subsection (1) unless the Development Authority is satisfied that:

- a) the placement or location of the building would meet the requirements of this Bylaw; and
  - b) based on information required from the applicant relating to the age and condition of the building, that the building and the lot meet the requirements of this Bylaw and the land use district in which it is proposed to be located.
- 3) The Development Authority shall require any applicant for a relocated or moved-in building to:
- a) submit recent photographs of the building which demonstrate the condition and appearance of the proposed building to the satisfaction of the Development Authority;
  - b) state the present location and use of the building;
  - c) state the age, size and structural condition of the building;  
state the proposed improvements to the building, including a description of the colour, texture and/or finish applied to exterior surfaces;
  - c) submit a building inspection report from an accredited inspector as to the building's compliance with the most recent Building Code and Regulations;
  - d) be responsible for paying mileage for any on-site inspection required by County representatives based on the County's current mileage charge at the time of application;
  - e) submit stamped engineer drawings of any improvements required for the moved-in building if required to do so by the County's inspection agency.
- 4) All external renovations required to any moved structure shall be completed within three (3) months of the relocation of the structure onto the property unless approved through a condition of development permit approval.
- 5) The Development Authority may require security to ensure the completion of proposed structural improvements. The amount of security shall be the minimum of the cost of removal of the structure from the site.
- 6) The Development Authority may require the applicant to enter into a Development Agreement with the County specifying the means and amount of security as well as responsibilities of the applicant in completing the development permit conditions.
- 7) Where a development permit has been issued pursuant to Subsection C1.28.1, the Development Authority may as a condition of the development permit require the developer to provide a security deposit for haul agreements, any maintenance, repairs or improvements associated with the building relocation, or for repair of roads, sidewalks, or boulevards that may be caused by the relocation.

### **C1.29 STORMWATER MANAGEMENT REQUIREMENTS**

- 1) Development shall not be allowed to detrimentally affect water resources within the County including natural features such as wetlands, streams, rivers and bodies of water. In order to mitigate potential impacts:

- a) development within or in proximity to wetland areas shall only be undertaken if:
    - (i) Alterations in the natural flow of water which nourishes the wetlands are minimized;
    - (ii) Wetlands are protected from adverse dredging or in-filling practices, siltation or the addition of pesticides, salts or toxic materials; and
    - (iii) All necessary approvals are obtained from the Provincial Authority;
  - b) all developments shall be designed to ensure that stormwater runoff to adjacent lands or watercourses do not exceed pre-development flows;
  - c) developments shall not adversely affect groundwater resources, or disturb natural drainage patterns or watercourses, unless such measures are necessary to serve a proposed development and receive approval from the Provincial Authority.
- 2) In support of an application for a development permit, the Development Authority may request the applicant to submit a storm drainage plan. Supporting plans may include proposed suitable building locations and elevations, standards to be incorporated in the final design, with hydrology and hydraulic calculations that justify the system design in accordance with the Provincial Authority and County requirements. The proposed system must accommodate any drainage from adjacent areas, which had naturally drained through the site. This Section outlines the requirements of a storm drainage plan:
- a) a storm drainage plan shall include a description of the proposed stormwater management and drainage system both on-site and off-site;
  - b) any drainage from the proposed development which is directed onto existing developed private properties shall be controlled such that post development runoff rates are equal or less than pre-development runoff rates; and
  - c) the drainage system design and construction should address the following objectives:
    - i. Eliminate or at the least minimize property damage and flooding;
    - ii. Maintain release rate of runoff from new development to pre-development rates or as required to protect the receiving drainage course;
    - iii. Control soil erosion, sedimentation, erosion of creek channels, drainage courses and ditches; and
    - iv. Protect significant wetlands in accordance with the Provincial Wetlands Policy.
- 3) The requirements of the following and any other Provincial regulations, guidelines and standards for storm drainage systems should be observed:
- a) *Environmental Protection and Enhancement Act*;
  - b) wastewater and Storm Drainage Regulations;
  - c) standards and Guidelines for Municipal Waterworks, Wastewater and Storm; Drainage Systems;
  - d) stormwater Management Guidelines for the Province of Alberta;
  - e) *Water Act*;
  - f) *Provincial Wetlands Policy*;

- g) *Municipal Government Act;*
- h) *Subdivision and Development Regulation;*
- i) *Subdivision and Development Amendment Regulations;*
- j) *Public Lands Act;*
- k) environmental Guidelines for the Review of Subdivisions in Alberta.

### **C1.30 SERVICING REQUIREMENTS**

- 1) No development permit shall be issued for development that is to be served by a communal system or municipal system until the communal system has been approved by the appropriate municipal or provincial authorities having jurisdiction. Within the County, communal systems will be considered under the GMSS.
- 2) Any development that occurs within a hamlet or the Water and Sewer Connection Policy Area must be connected to a municipal water distribution system and sewage collection system, if available, in accordance with the GMSS and the Water and Sewer Connection Policy, as amended from time to time.
- 3) All developments proposed to be served by on-site water supply and sewage disposal systems shall comply with the Alberta Private Sewage System Standard of Practice 2009 (or successor document), the Water Act, and are required to obtain all necessary permits thereunder.

### **C1.31 STRIPPING, GRADING AND SITE DRAINAGE**

- 1) The Development Authority shall consider every application to strip, excavate or grade land as a permitted use within the designated Land Use District of this Bylaw provided said stripping, grading or excavation is required for the development of the Site, and for which a development permit has been issued. No person shall commence or continue the stripping, excavation, or grading of a site for any other purpose without first obtaining a development permit.
- 2) Tree Clearing
  - a) the burning of vegetation shall not be allowed unless the necessary permits are obtained from the County Fire Chief or any other designates.
  - b) where development necessitates the removal of trees from a site, such removals shall be carried out so as not to impact critical nesting and rearing periods in accordance with the Migratory Birds Act.
  - c) notwithstanding (a), no tree clearing shall be allowed where prohibited under Section C1.19 or the *Environmentally Significant Area Protection Overlay*.
- 3) For the purpose of this section, stripping, excavation, and grading refers to these activities for construction or building purposes, removal of topsoil, and the construction of artificial bodies of water. The provisions of this section do not apply to aggregate extraction activities.
- 4) A development permit is required before commencing to remove topsoil. A development permit



shall only be granted where it is shown to the satisfaction of the Development Authority that the land will not be adversely affected by soil removal. The Development Authority shall refer any application for removal of topsoil to all applicable Provincial Agencies for review and comment before rendering a decision.

- 5) Notwithstanding subsection (3), the removal of topsoil from agricultural lands shall only be permitted if required in order to prepare the subject land for an approved development. If top soil is proposed to be removed for any other purpose, such activity shall require a development permit.
- 6) Conditions of a development permit approving topsoil removal shall require that a minimum topsoil coverage of 15.0 cm (6.0 in.) be retained in place and that the area where the top soil is removed be landscaped, including the implementation of appropriate conservation measures.
- 7) The removal of top soil from a site pursuant to subsections (1) and (4) shall be limited to the surplus that is not required for landscaping purposes after the development of the site is completed. Such topsoil shall be removed prior to permanent construction, paving, or gravelling operations in such areas as loading zones, display, or parking lots and driveways.
- 8) All fill materials shall be clean and free from contaminants and debris.
- 9) Lot Grading Plans
  - a) the Development Authority shall require, as a condition of a development permit, that a developer submit a Lot Grading Plan to the County for approval.
  - b) the grading of a lot associated with an approved development shall conform to the applicable lot grading plan and/or drainage master plan and/or stormwater management plan approved by the County.
  - c) the lot grading plan submitted under subsection (a) shall be accompanied by a security deposit in conformance with Section C4.5 of this Bylaw. Furthermore, the amount and form of security shall be in accordance with the County's requirements. The security deposit shall be returned to the applicant upon confirmation from the applicant that the development complies with the Lot Grading Plan.
- 10) No drainage measures undertaken as part of a development shall negatively impact adjacent lots by way of flooding or inundation through the redirection of surface water. In the event that a development is found to affect neighbouring lands, all required mitigation measures required to remedy the problem including drainage structures, drainage easements, and retaining walls, shall be at the offending developer's sole expense.
- 11) Any retaining wall exceeding 1.0 m (3.3 ft.) in height must be designed and inspected by a professional engineer and inspected after construction by a professional engineer. The owner shall provide to the County the design and inspection report, both bearing the seal and signature of a professional engineer.

### **C1.32 TEMPORARY DEVELOPMENT**

- 1) Work camps are excluded from Section C1.33. All work camp approvals shall be in accordance with C2.30.
- 2) The Development Authority may issue a development permit for a temporary development for a period not exceeding one (1) year.
- 3) Where a development permit application is made for a temporary development, the Development Authority shall require the applicant to enter into an agreement with the County guaranteeing the removal or cessation of the temporary development when the authorized use is changed, discontinued, or a pre-determined time limit for that use is reached.
- 4) A temporary development shall:
  - a) conform to the applicable district regulations;
  - b) be sited on the same site as the principal building, where applicable; and
  - c) in the case of a temporary development required for the purposes of constructing a permanent development, be removed upon completion of the permanent development.
- 5) Upon expiry of a permit for a temporary development, a new application shall be submitted if continuation of the temporary development is required.

### **C1.33 USE AND DEVELOPMENT OF MUNICIPAL LANDS**

- 1) No person shall deface or in any way disrupt the natural growth of any tree or plant life within municipally-owned land, except by:
  - i. Hand-pulling weeds (as identified in the *Weed Control Act, SA 2008, c. W-5.1*, and amendments thereto); or
  - ii. Mowing a single meandering trail, a maximum of two (2) metres wide (6.6 ft.), from a landowner's private lot directly across municipally-owned land to the lake-ward side of said lands.
- 2) No person shall allow livestock in their possession to graze vegetation on any municipally-owned land without the expressed written consent of the County.
- 3) No signage shall be placed on, altered, or removed from municipally-owned land, except as authorized by the Development Authority.
- 4) No person shall transport any goods or property over, or place and leave property upon, any municipally-owned land lot without authorization from the Development Authority; and further, any goods and property used for personal recreational purposes shall be removed from said land prior to 11:00 pm daily and shall not be left within it overnight.
- 5) No fires of any type are permitted, including fire pits, in or on any municipally-owned land.
- 6) No person shall operate, drive or abandon a vehicle, an off-highway vehicle, or a service vehicle

within or upon any municipally-owned land unless it is:

- i. A service vehicle responding to an emergency;
  - ii. A service vehicle for which there is no other reasonable access to the subdivision lot that requires the respective service and that necessary access is conducted in the most direct and least damaging manner; or,
  - iii. Any type of vehicle that is crossing directly across municipally-owned land and its crossing is conducted in the most direct and least damaging manner.
- 7) No person shall conduct any digging, excavation, or building operations within or upon any municipally-owned land unless authorized by the Development Authority.
- 8) No person shall create a nuisance or deposit litter on or over municipally-owned land.
- 9) Winter storage of docks/boat lifts on municipally-owned land may be permitted between October 1 and May 31 of each calendar year, under the following conditions:
- i. No storage on crown-owned bed and shore;
  - ii. No vegetation removal allowed to accommodate dock boat lift storage;
  - iii. Docks and boat lifts need to be clearly flagged and stored in a safe manner;
  - iv. Access to and from shore not to be obstructed; and,
  - v. Any dock or boat lift stored between June 1 and September 30 shall be removed at owner's expense.
- 10) Boat and trailer permanent storage is prohibited at all times in or on municipally-owned land.
- 11) The provisions of this section do not apply to the actions and operations of the County or persons acting upon the instructions of the County in respect to any activities within municipally-owned land.
- 12) The following uses are permitted on municipally-owned land designated as municipal or school reserve lands in accordance with the *Act*:
- Public recreation areas;
  - School authority purposes;
  - To separate areas of land that are used for different purposes; and
  - Natural areas.
- 13) The following uses are permitted on municipally-owned land designated as environmental reserve lands in accordance with the *Act*:
- Public park; or
  - Natural areas.
- 14) When municipal and school reserve lands are to be used as public parks, public recreation areas, and school authority purposes, the County shall ensure that as much as possible of the natural environment features indigenous vegetation, including indigenous grasses and timber, and are maintained during development.

**C1.34 COMPLIANCE AND ENFORCEMENT OF MUNICIPALLY-OWNED LAND PROVISIONS**

- 1) Where the Development Authority discovers that a development or use of municipally-owned lands is not in accordance with this section, the Development Authority may commence the actions outlined in Section D5 of this Bylaw.

## C2 SPECIAL LAND USE REGULATIONS

### C2.1 APPLICABILITY

- 1) The regulations included in this section apply in all districts, unless the district regulations state otherwise. In the event that a conflict occurs between the regulations contained in this section and regulations in other sections in this Bylaw, these regulations shall apply unless the other section of this Bylaw states otherwise.

### C2.2 ACCESSORY BUILDINGS AND STRUCTURES

- 1) Accessory uses and buildings are:
  - a) permitted in all districts where the principal use is a permitted use in that same district and for which a development permit has been issued; and
  - b) are discretionary in all districts where the principal use is a discretionary use in that same district and for which a development permit has been issued.
- 2) An accessory building shall not be used as a dwelling unit unless approved as a secondary suite under Section C2.26 or a security suite under Section C2.27.
- 3) Where an accessory building is attached to a principal building by a roof, an open or enclosed structure above grade, or a floor or foundation which is above grade, except carports where vehicular access to the rear yard is not obstructed, it is to be considered part of the principal building and shall adhere to the setback requirements for principal buildings in the applicable land use district.
- 4) An accessory building or use shall not be located on a lot without a principal building or use being previously developed on the lot in a designated hamlet.
- 5) The maximum height of accessory buildings shall be in accordance with Table C2.1:

*Table C2.1: Accessory Building Height*

	<b>Height</b>
<b>On lots smaller than 0.4 ha (1.0 ac) in a hamlet:</b>	4.6 m (15.0 ft.)
<b>On lots larger than 0.4 ha (1.0 ac) in a Hamlet and on all Lots in the CR, ES1, ES2, OE1, and OE2 Districts:</b>	6.5 m (21.0 ft.)
<b>DC1 District (Elinor Lake Resort)</b>	4.9 m (16.1 ft.)
<b>DC3 District (Pine Lane)</b>	6.0 m (19.7 ft.)
<b>AG District</b>	No maximum height restriction
<b>All Other Districts:</b>	Not to exceed the height of the principal building

- 7) Accessory Building Size:
  - a) the total area of all accessory buildings on a lot in a hamlet residential district shall not exceed twelve percent (12%) of the area of the lot unless otherwise stated in the land use district.
  - b) notwithstanding subsection (a), in a hamlet residential district the combined area of all accessory buildings shall not exceed the main floor area of the principal building.
  - c) in all other residential districts, the maximum lot coverage for all accessory buildings shall be:
    - i) 12% of the lot area or 139.0 m<sup>2</sup> (1,500.0 ft.<sup>2</sup>), whichever is less, for parcels under 2.0 ha (5.0 ac); and
    - ii) for parcels 2.0 ha (5.0 ac) and larger, the maximum combined lot coverage of accessory buildings shall be 350.0 m<sup>2</sup> (3,767.0 ft.<sup>2</sup>).
  - d) in all non-residential districts the maximum lot coverage for all accessory buildings shall be 12%.
- 8) In all residential districts, accessory buildings shall:
  - a) be located a minimum of 2.0 m (6.5 ft.) from the principal building;
  - b) not be located within a front yard in a designated hamlet.
  - c) In all districts located outside of a designate hamlet, accessory buildings shall not encroach within the front yard setback listed in that district;
  - d) be located a minimum of 1.0 m (3.3 ft.) from a rear lot line, provided the building does not encroach on an easement;
  - e) be located, in the case of a garage or carport where the vehicle approach faces an abutting lane or public road a minimum of 2.0 m (6.6 ft.) from the lane or public road;
  - f) be located a minimum of 1.0 m (3.3 ft.) from a side lot line, provided the building does not encroach on an easement; and
  - g) not be located in an exterior side yard's visibility triangle as identified in C1.9.
- 9) Accessory buildings within the Agricultural District (AG) are permitted within the front yard.
- 10) Notwithstanding any other provision in this section, no accessory building shall be permitted at a location that will restrict access to a rear yard where a lot has vehicular access from the front, and where one (1) side yard setback of 3.0 m (10.0 ft.) has been provided to accommodate access to the rear of the lot.
- 11) Accessory buildings and structures shall be developed in a manner that achieves architectural compatibility with the principal building on the lot.
- 12) Private Swimming Pools;
  - a) private swimming pools shall be sited as per the siting requirements for accessory buildings.
  - b) every private swimming pool shall be secured against entry by the public other than owners, tenants, or their guests.
  - c) no private swimming pool shall be constructed unless a fence is provided, except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence.
  - d) every fence enclosing a swimming pool shall be at least 1.7 m (5.5 ft.) in height above the level of the grade outside the enclosure and shall be of approved design such that it will deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device located on the inside of the gate.



### **C2.3 ADULT ENTERTAINMENT**

- 1) A building containing an adult entertainment facility shall be located a minimum of 150.0 m (492.0 ft.) from:
  - a) the boundary of a residential district;
  - b) an apartment building within a commercial district;
  - c) a building containing child care facilities, arenas, elementary schools, junior high schools, high schools, public parks, municipal buildings, senior citizens housing, or religious assemblies; and
  - d) any other adult entertainment facility.
- 2) Notwithstanding subsection (1), land may be designated as a residential land use district within 150.0 m (492.0 ft.) of an existing adult entertainment facility.

### **C2.4 AGGREGATE EXTRACTION**

- 1) When an application is received by the County for a development permit that is consistent with a license, permit, approval or other authorization granted by the Natural Resources Conservation Board (NRCB), Energy Resources Conservation Board (ERCB), Alberta Energy Regulator (ER), Alberta Energy and Utilities Board (AEUB), the County must approve the application to the extent that it complies with the license, permit, approval or other authorization granted under Section 619.1 of the Act.
- 2) In addition to the requirements of Section D1.4, the County may require the following information from an applicant:
  - a. the location and area of the site on which the resource extraction is to take place;
  - b. the expected life of the deposit, if applicable;
  - c. the existing land use and proposed end land use (post-reclamation);
  - d. a storm water drainage plan;
  - e. a site analysis of the geology, groundwater, surface water, natural vegetation and features of the site;
  - f. the proposed extraction, operation, and staging of the natural resource extraction (including years, dates, hours of operation, guidelines for meeting recommended noise levels, aesthetics, etc);
  - g. the proposed access and hauling activities (including number of trucks, tonnage, hours of hauling, methods of preventing/controlling/reducing erosion or dust, etc.);
  - h. for pits over 5 ha in size, a copy of the provincially approved development and reclamation plans shall be submitted to the Development Authority as part of the County's information requirements.
  - i. the results of public pre-application consultation, subject to the satisfaction of the development authority.
- 3) No development permit for aggregate extraction is to be issued prior to the applicant first receiving provincial approval under the *Water Act*. In the event that an approval under the *Water Act* is not required, the applicant shall provide written confirmation to the Development Authority.

- 4) A development permit for aggregate extraction shall not be valid until all required provincial and federal approvals have been obtained.
- 5) Aggregate extraction operations may be permitted within 800.0 m (0.5 mile), or such greater distance as may be established by the Development Authority, of a multi-lot residential subdivision or a hamlet if their crushing period is less than two (2) weeks. Operations that have crushing periods longer than two (2) weeks are required to be more than 800.0 m (0.5 mile).
- 6) Borrow pits are exempt from these regulations and are to follow Section C1.6
- 7) All disturbed areas shall be reclaimed to a land capability equivalent to the pre-disturbance land capability (e.g. agricultural land) or a post-disturbance condition and land use (e.g. conversion to a wetland). All conservation and reclamation activities shall be in accordance with the requirements of the Provincial Authority.
- 8) The Development Authority shall impose conditions on a development permit requiring:
  - a. that the applicant post a sign on the site or the general area in which the extraction is occurring or is expected to occur within the next ten (10) years identifying:
    - i) the purpose for which the lands are to be used,
    - ii) the approximate time over which extraction of the lands will take place, and
    - iii) the location where additional information may be obtained;
  - b. that dust and noise control measures be employed to prevent operations from becoming an annoyance to neighbouring landowners;
  - c. that a road use agreement be entered into with the County;
  - d. the applicant to enter into a surface restoration agreement with the County, and post a security based on the cost of reclamation for operations that are less than 5.0 ha (12.4 ac) in size and not zoned as Crown Land District (CL); and
  - e. the placement of restrictions on hours of operation.
- 9) Development permits for aggregate extraction will have an expiry date of up to five (5) years from the date of issue of the permit.
- 10) For pits that are greater than or equal to, five (5.0) hectares (12.0 acres) on private lands require Municipal and Provincial approval through Environment & Sustainable Resource Development (ESRD). These pits shall satisfy the requirements of the Land Use Bylaw, the *Environmental Protection and Enhancement Act*, the Code of Practice for Pits, the *Water Act*, the *Conservation and Reclamation Regulations* and all other statutory or regulatory requirements which may be applicable.
- 11) For pits less than five (5.0) hectares (12.0 acres), developed on private lands require municipal approval. These pits shall satisfy the requirements of the Land Use Bylaw and are subject to the requirements under the *Environmental Protection and Enhancement Act*, the Code of Practice for Pits, the *Water Act*, the *Conservation and Reclamation Regulations* and all other statutory or regulatory requirements which may be applicable.

## **C2.5 ANIMAL SERVICE FACILITIES**

- 1) An animal service facility shall not be permitted within or adjacent to a multi-lot residential subdivision or closer than 400.0 m (1,312.0 ft.) from the boundary of a multi-lot residential subdivision.
- 2) All facilities or exterior exercise areas used to accommodate animals shall be set back a minimum of 25.0 m (82.0 ft.) from all lot lines.
- 3) All outdoor exercise areas shall be enclosed with a fence acceptable to the Development Authority with a minimum height of 1.8 m (6.0 ft.).
- 4) All accessory facilities, including buildings and exterior exercise areas, shall be sited to the rear of the principal building on the site.
- 5) All facilities must be screened from dwellings on abutting lots to the satisfaction of the Development Authority.
- 6) The Development Authority may regulate the hours during which the animals are allowed outdoors.
- 7) Animal service facilities shall comply with the County's Animal Control Bylaw, as amended.
- 8) The Development Authority may place a restriction on the number of dogs over six (6) months of age, based on location, proximity to neighbouring properties, size of parcel, and other factors deemed appropriate by the Development Authority. These restrictions may be applied to animal service facilities that existed prior to the passage of this Bylaw.
- 9) The Development Authority may apply conditions regarding the hours the dogs will be allowed to be outside. These restrictions may be applied to animal service facilities that existed prior to the passage of this Bylaw.

## **C2.6 BED AND BREAKFAST AND GUEST RANCH ESTABLISHMENTS**

- 1) A bed and breakfast or guest ranch shall be operated by the live-in owner of the dwelling unit in which the operation is an accessory use to the subject dwelling unit.
- 2) The maximum length of stay shall be fourteen (14) consecutive days.
- 3) A maximum of two (2) guest rooms shall be permitted per bed and breakfast, except:
  - a) in residential districts, where an additional two (2) guest rooms may be allowed at the discretion of the Development Authority; and
  - b) in the Agricultural District (AG), where an additional four (4) guest rooms may be allowed.
- 4) Meals are only to be provided to registered guests, not to the general public.

- 5) No guest rooms shall include kitchen facilities.
- 6) Any alteration to a building containing a bed and breakfast shall be limited to ensure that the dwelling remains within the character of the area within which it is located and retains its own residential character.

## **C2.7 BOARDING HOUSES**

- 1) A boarding house contained within a single detached dwelling shall be limited to three (3) or fewer guest rooms. A boarding house containing in excess of four (4) guest rooms shall only be allowed in a commercial district, or a residential district that has provision for multi-unit dwellings.
- 2) Any alteration to a building accommodating a boarding house shall be limited to ensure that the dwelling remains within the character of the area within which it is located and retains its own residential character.
- 3) Rooms available for rent shall be located entirely within the principal building, and no guest room/sleeping unit shall contain kitchen or cooking facilities.

## **C2.8 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**

For the purposes of this section, campgrounds may be considered as falling into three category types: (1) Major, (2) Tourist and (3) Minor. The first two (2) types are intended for larger sized campgrounds located near amenity areas and accompanied by a range of ancillary and recreational facilities and consist of ten (10) or more campsites. The third type is primarily designed for short-term occupancy for those travelers en-route to another destination and consist of nine (9) or less campsites.

A Recreational Vehicle Park is categorized the same as Campground Major no matter the number of stalls or sites within the boundary of the park. All regulations pertaining to Campground Major apply to a Recreational Vehicle Park.

### **C2.8.1 CAMPGROUND MAJOR AND TOURIST REQUIREMENTS**

- 1) In determining the appropriateness and suitability of a site for a proposed campground development, the Development Authority shall consider such factors as accessibility, compatibility with adjacent land uses, environmental sensitivity, physical suitability, and serviceability of the site itself.
- 2) Roads leading to a proposed campground may be required, as a condition of development approval, to be brought into a condition necessary to sustain the volume and type of traffic to be generated by the proposed campground.
- 3) Animal proof garbage cans shall be provided throughout the campground.

- 4) Campground design and maintenance shall comply with Wildland/Urban Interface recommendations provided in the Province of Alberta FireSmart Manual.
- 5) There shall be a minimum distance separation of 1,000.0 m (3,280.0 ft.) between any major or tourist campground facilities and the boundary of a multi-lot subdivision (six (6) lots or more) or a confined feeding operation.
- 6) The following criteria and standards may be used by the Development Authority to determine the appropriate density for a proposed campground development:
  - a) presence of natural amenities (e.g. water features, landscape);
  - b) quantity and type of vegetation;
  - c) sensitivity of terrain;
  - d) proposed maximum length of stay; and
  - e) Fire Protection Bylaw as amended.
- 7) The following criteria and standards may be used by the Development Authority in determining an appropriate site design for a proposed campground development:
  - a) the site plan for a proposed campground shall detail internal circulation requirements, street widths, pedestrian circulation, Site access and egress, emergency access, parking areas, storage areas, toilet and laundry areas, recreational areas, and campsite areas;
  - b) the number of access points to the campground shall be limited to control the entry and departure of vehicles and to minimize interference with neighbouring uses and traffic flow;
  - c) the location of access points shall not route traffic through residential areas;
  - d) access points shall be designed to accommodate two-way traffic and shall provide a clear unobstructed view for traffic and turning vehicles. The provision of acceleration and deceleration lanes may be required;
  - e) all campgrounds and sites shall have clear access and identification for fire-fighting, ambulance, and police;
  - f) for campgrounds proposed to be open year-round, provision shall be made in the design of internal roads for snow removal and snow storage;
  - g) for destination campgrounds, particularly long lease arrangements, parking space is required for visitors. The location of visitor parking shall not interfere with pedestrian safety;
  - h) each campsite shall have a minimum area of at least 186.0 m<sup>2</sup> (2,002.0 ft.<sup>2</sup>) with an open and graded parking space sufficient to permit a clearance of 4.5 m (14.8 ft.) between sides and 3.0 m (9.8 ft.) between ends of adjacent recreation vehicles;
  - i) campsites shall be accessible by means of a driveway at least 3.0 m (9.8 ft.) wide where the driveway is for one-way traffic, or at least 6.0 m (19.7 ft.) wide where the driveway is for two-way traffic, and so constructed that automobiles and trailers will not become mired;
  - j) one table and one garbage can (or an equivalent central garbage disposal area) shall be provided for each campsite;
  - k) recreational facilities shall not be located where they would intrude on the privacy of adjacent campers;

- l) noise control measures may also be required and may include the use of berms, natural barriers, and screens and locating noise-insensitive aspects of the campground closest to the noise source;
  - m) within the campground development, a circular one-way system with gently curving roads, sensitive to topography and site characteristics is preferred, and shall be “signed” to avoid confusion; and
  - n) all facilities shall meet public health regulations.
- 6) A map with clearly identified streets, site numbers, and parking areas may be required to be provided by the applicant for camper convenience and in cases of emergency.
- 7) Campground/Recreational Vehicle Park Layout
- i. Shall promote the conservation and management of habitat, wetlands, and steep slopes.
  - ii. Shall take advantage of existing clearings and open areas.
  - iii. Shall maintain and promote natural systems connectivity.
  - iv. Shall provide one (1) table and one (1) garbage can (or an equivalent central garbage disposal area) for each campsite.
- 8) Accessory Developments
- i. The location, design standards and site requirements of any developments, uses and services such as decks, recreational buildings, equipment storage facilities, fire pits, cook shacks, fire wood storage and any other similar uses or services that may be associated with or required within a campground/recreational vehicle park may be approved at the discretion of the Development Authority.
- 9) Utility Service Requirements
- i. Sewage disposal systems, potable water holding tanks, and electrical servicing shall meet all relevant provincial and federal regulations.
  - ii. Washroom facilities shall be provided in centralized locations.
- 10) Transportation
- i. Internal roads within a campground/recreational vehicle park shall be developed to the GMSS. Campsites shall be accessible by means of a driveway at least 3.0 m (10.0 ft.) wide where the driveway is for one-way traffic, or at least 6.1 m (20.0 ft.) wide where the driveway is for two-way traffic.
  - ii. Internal roadways proposed for year-round use shall be constructed to an all-weather standard to the satisfaction of the County.
  - iii. Municipal roads leading to a campground/recreational vehicle park must be brought by the applicant to a condition capable of sustaining the volume and type of traffic to be generated by the proposed campground.



12) Campsite Design and/or Recreational Vehicle Site/Stall Design

- i. Campsites or recreational vehicle sites/stalls shall adhere to the following minimum size regulations:

	<b>Tent</b>	<b>Recreational Vehicle</b>	<b>Park Model</b>
Minimum Width	10.0 m (32.8 ft.)	8.3 m (27.1 ft.)	15.0 m (49.2 ft.)
Minimum Depth	15.0 m (49.2 ft.)	22.5 m (73.8 ft.)	22.5 m (73.8 ft.)
Minimum Area	150 m <sup>2</sup> (1,614 ft. <sup>2</sup> )	186 m <sup>2</sup> (2,002 ft. <sup>2</sup> )	337.5 m <sup>2</sup> (3,633 ft. <sup>2</sup> )
Maximum Density	Two (2) tents	One (1) recreational vehicle	One (1) Recreational Vehicle
Minimum Parking	Two (2) parking spaces per site	Two (2) parking spaces per site/stall	Two (2) parking spaces per site/stall

**C2.8.2 CAMPGROUND MINOR REQUIREMENTS**

- 1) In determining the appropriateness and suitability of a site for a proposed minor campground development, the Development Authority shall consider such factors as accessibility, compatibility with adjacent land uses, environmental sensitivity and physical suitability/serviceability of the site itself.
- 2) There shall be a minimum distance separation of 304.8 m (1,000.0 ft.) between a minor campground development and the boundary of a multi-parcel residential subdivision (six (6) lots or more).
- 3) Campground design and maintenance shall comply with Wildland/Urban Interface recommendations provided in the Province of Alberta FireSmart Manual.
- 4) Animal proof garbage cans shall be provided throughout the campground.
- 5) Campground Layout
  - i. Shall promote the conservation and management of habitat, wetlands, and steep slopes.
  - ii. Shall take advantage of existing clearings and open areas.
  - iii. Shall maintain and promote natural systems connectivity.
  - iv. Shall provide one (1) table and one (1) garbage can (or an equivalent central garbage disposal area) for each campsite.
- 6) Accessory Developments
  - i. The location, design standards and site requirements of any developments, uses and services such as decks, recreational buildings, equipment storage facilities, fire pits, cook shacks, fire wood storage and any other similar uses or services that may be associated with or required within a campground may be approved at the discretion of the Development Authority.

7) Utility Service Requirements

- i. Sewage disposal systems, potable water holding tanks, and electrical servicing shall meet all relevant provincial and federal regulations.
- ii. Washroom facilities shall be provided in centralized locations.

8) Transportation

- i. All roads provided within the campground shall be developed to GMSS. Campsites shall be accessible by means of a driveway at least 3.0 m (10.0 ft.) wide where the driveway is for one-way traffic, or at least 6.1 m (20.0 ft.) wide where the driveway is for two-way traffic.
- ii. Roadways proposed for year-round use shall be constructed to an all-weather standard to the satisfaction of the County.
- iii. Municipal roads leading to a campground must be brought by the applicant to a condition capable of sustaining the volume and type of traffic to be generated by the proposed campground.

## **C2.9 CHILD CARE FACILITIES**

1) Child Care Facilities:

- a) shall require provincial approval under the Child Care Licensing Regulation;
- b) shall have privacy screening that prevents visual intrusion into any outdoor play areas;
- c) that are located in a residential district shall not change the principal character or external appearance of the dwelling in which it is located, and any associated signage must not detract from the residential character of the neighbourhood;
- d) child care facilities are exempt from the height requirement of front yard fences.

## **C2.10 COMMUNICATION TOWERS AND RADIO ANTENNAS**

Note: Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location and height of radio communication facilities, including radio, television and microwave transmission facilities. In making its decision regarding transmission, communication and related facilities, Industry Canada considers the following:

- the input provided by the land-use authority;
- compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
- Health Canada's safety guidelines respecting limits of exposure to radio frequency fields; and
- an environmental assessment may be required in order to comply with the Canadian Environmental Assessment Act.

The participation of the County in the consultation process does not transfer any federal decision-making authority, nor does it confer a right of veto in the location of the radio communication facility.

- 1) A development permit is not required for a communication tower that requires federal approval. In these cases, the applicant shall submit documentation to the County that all requirements respecting public consultation have been met.
- 2) The location of satellite dishes, radio antennas and television antennas for private communication which do not require federal approval shall be allowed in front, side and rear yards provided that the maximum height of the satellite dish or the tower supporting the antenna does not exceed 23.0 m (76.0 ft.). Where located on a building, the maximum height of the satellite dish or tower above the surface of the roof shall not exceed 3.3 m (10.8 ft.).
- 3) The County shall encourage the co-location (sharing) of communication towers and/or tower sites.
- 4) An application for a development permit shall include a site plan drawn to scale and identifying the site boundary; tower; guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses and structures on the site and abutting properties.
- 5) The development permit application shall demonstrate how the structures are designed, screened, and situated on the site in such a way as to minimize any potential detrimental effects of the neighbourhoods or area within which they are proposed.
- 6) The following should be considered in design and siting of both tower and antenna structures as well as auxiliary buildings:
  - a) screening of facilities by using existing vegetation, landscaping, fencing, or other means in order to blend with the built and natural environments.
  - b) design and colour sensitive to the style of architecture in the neighbourhood to encourage unobtrusive, inconspicuous appearance.
  - c) massing – situate as near as possible to similarly-scaled structures.
  - d) lighting of the facilities is prohibited unless required by Navigation Canada.
  - e) stealth and/or monopole structures with flush mounted antennas should be used to better integrate form with the existing built environment. Where co-location on a single structure is desired, opportunities to design equipment within a single structure should be investigated.
  - f) access to facilities should be possible without unduly interfering with traffic flow or without unduly creating safety hazards.
- 7) The tower base shall be setback from abutting parcels and roads by a distance of 20% of the tower height or the distance between the tower base and guy wire anchors, whichever is greater.
- 8) Sites for commercial communication towers shall be fenced with suitable protective anti-climb fencing as required by the Development Authority.
- 9) Non federally regulated communication towers shall require applicants to send out notice letters to property owners at a radius seven times the height of the proposed communication tower.

- 10) In the case of a communication tower requiring federal approval, the Development Authority shall submit a letter of concurrence to Industry Canada detailing:
  - a) its opinion as to whether the location of a new telecommunications facility is appropriate from the County's land use perspective;
  - b) whether or not, in the County's opinion, adequate public consultation has been conducted by the carrier; and
  - c) the degree to which the carrier has met the regulations in this section as they relate to location, design and visual impact.
- 11) The letter of concurrence shall be reviewed by the Municipal Planning Commission prior to issuance to the applicant.

#### **C2.11 CONSTRUCTION CAMPS**

- 1) Every construction camp shall be located a safe distance from a construction site so that personnel safety is maintained.
- 2) Positive drainage shall be maintained to minimize the likelihood of standing pools of water around or within the construction camp.
- 3) Only personnel related to the construction project shall be accommodated at the construction camp.
- 4) Only recreational vehicles are permitted in Construction Camps. There shall be no fixed structures permitted.
- 5) All Construction Camps must be reclaimed by the construction company after the construction project is completed to the satisfaction of the County.

#### **C2.12 DECKS**

- 1) An unenclosed deck shall:
  - a) require a development permit if higher than 0.6 m (2.0 ft.) above grade;
  - b) be located a minimum of 1.0 m (3.3 ft.) from a side lot line;
  - c) notwithstanding subsection (b), be located a minimum of 3.0 m (10.0 ft.) from a side lot line abutting a public road; and
  - d) be located a minimum of 3.0 m (10.0 ft.) from a rear lot line.
- 2) Height notwithstanding, all covered or enclosed decks shall:
  - a) be considered an addition to the principal building, and requires a development permit;
  - b) be included in the calculation of site coverage according to the applicable land use district; and
  - c) meet the setback requirements for a principal building in the applicable land use district.

#### **C2.13 DRIVE-THROUGH BUSINESSES**

- 1) Drive-through businesses shall have a minimum lot area of 560.0 m<sup>2</sup> (6,028.0 ft.<sup>2</sup>).