

**BYLAW 20-001  
OF  
LAC LA BICHE COUNTY**

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A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 17-004, AND AMENDMENTS THERETO, BEING THE LAND USE BYLAW OF LAC LA BICHE COUNTY, AND BYLAW 19-015, BEING A BYLAW TO AMEND BYLAW 17-004.

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**WHEREAS** Council has adopted Bylaw 17-004 to be used as the Lac La Biche County Land Use Bylaw and Bylaw 19-015 to amend Bylaw 17-004; and

**WHEREAS** it is deemed expedient to amend Bylaw 17-004 and Bylaw 19-015 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, Chapter M 26, as amended;

**NOW THEREFORE** under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other powers enabling it, the Council of Lac La Biche County, duly assembled, enacts as follows:

**Bylaw 17-004 Amendments**

1. That Bylaw 17-004, being the Land Use Bylaw, is amended as follows:

- 1) Section C2.2 ACCESSORY BUILDINGS AND STRUCTURES of Land Use Bylaw 17-004 shall be amended as per Schedule A of this Bylaw;
- 2) Section C2.10 COMMUNICATION TOWERS AND RADIO ANTENNAS of Land Use Bylaw 17-004 shall be amended as per Schedule B of this Bylaw;
- 3) Section D1.10 NOTICE OF DECISION of Land Use Bylaw 17-004 shall be amended as per Schedule C of this Bylaw;
- 4) Section D2.2 PROCESS of Land Use Bylaw 17-004 shall be amended as per Schedule D of this Bylaw;
- 5) Section D3.1 APPEALING A DECISION of Land Use Bylaw 17-004 shall be amended as per Schedule E of this Bylaw;
- 6) Amend the following sections by removing the text and parking tables and replacing each listed section with "Please consult section C3 Parking and Loading Facilities for complete parking requirements.":

- a) B2.1.4 Parking Requirements
- b) B2.2.4 Parking Requirements
- c) B3.1.4 Parking Requirements
- d) B3.2.4 Parking Requirements
- e) B3.3.4 Parking Requirements
- f) B3.4.4 Parking Requirements
- g) B3.5.4 Parking Requirements
- h) B3.6.4 Parking Requirements
- i) B3.7.4 Parking Requirements
- j) B3.8.4 Parking Requirements
- k) B3.9.4 Parking Requirements
- l) B3.10.4 Parking Requirements
- m) B3.11.4 Parking Requirements
- n) B3.12.4 Parking Requirements
- o) B3.13.5 Parking Requirements
- p) B4.1.4 Parking Requirements
- q) B4.2.4 Parking Requirements
- r) B4.3.4 Parking Requirements
- s) B4.4.4 Parking Requirements
- t) B4.5.4 Parking Requirements
- u) B4.6.4 Parking Requirements
- v) B5.1.4 Parking Requirements
- w) B5.2.4 Parking Requirements
- x) B5.3.4 Parking Requirements
- y) B5.4.4 Parking Requirements
- z) B5.5.4 Parking Requirements
- aa) B6.1.4 Parking Requirements
- bb) B6.3.4 Parking Requirements
- cc) B6.4.4 Parking Requirements
- dd) B7.2.7 Parking Requirements (All Areas)

- 7) Amend section B7.3.3(4)(i) by deleting the “Industrial Uses” parking chart.
- 8) Amend Section B7.3.3 Additional Requirements with the addition of section B7.3.3 (5) as follows:  
“Please consult section C3 Parking and Loading Facilities for complete parking requirements.”
- 9) Amend section B7.4.3(2)(q) by deleting the following: “Residential Uses” parking chart, “Commercial/Office Uses” parking chart, and the “Institutional/Recreation Uses” parking chart.
- 10) Amend Section B7.4.3 Additional Requirements with the addition of section B7.4.3 (3) as follows:

“Please consult section C3 Parking and Loading Facilities for complete parking requirements.”

- 11) Amend Section B3.1.1 Purpose under Discretionary Uses table column from “Greenhouse (parcels 1.5 ha (5.0 ac) in size or more) to “Greenhouse/Plant Nursery (parcels 1.5 ha (5.0 ac) in size or more)”
- 12) Amend Section B3.13.1 Purpose under Discretionary Uses table column from “Greenhouse (parcels 1.5 ha (5.0 ac) in size or more) to “Greenhouse/Plant Nursery (parcels 1.5 ha (5.0 ac) in size or more)”
- 13) Amend Section B3.13.1 Purpose under Discretionary Uses table column to separate “Personal Service Shop/Health & Wellness Centre” into two separate uses as follows:
  - “Personal Service Shop”
  - “Health & Wellness Centre”
- 14) Section E1 Definitions shall be amended by the following:
  - i) The addition of “Animal Grooming” definition as follows:

“ANIMAL GROOMING means a service or facility for the grooming and care of animals, but does not include provisions for their overnight accommodation, kennels, outdoor pens, runs or enclosures.”
  - ii) The addition of “Aircraft Hangar” definition as follows:

“AIRCRAFT HANGAR means a covered and usually enclosed area for housing and repairing of aircraft.”
  - iii) The addition of “Boarding and Breeding Facility” definition as follows:

“BOARDING AND BREEDING FACILITY means development where animals are bred, boarded, or trained. Boarding and Breeding Facility includes kennels but does not include veterinary services.”
  - iv) The addition of “Confined Feeding Operation” definition as follows:

“CONFINED FEEDING OPERATION means development defined and regulated through the Agricultural Operations and Protection Act (AOPA), including fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose but does not include residences, livestock seasonal feeding and bedding sites, equestrian stable, auction markets, race tracks or exhibition grounds.”
  - v) The addition of “Control Tower” definition as follows:

“CONTROL TOWER means a tall building at an airport from which the movements of air and runway traffic are controlled.”

- vi) The addition of “Distillery/Brewery/Winery” definition as follows:  
“DISTILLERY/BREWERY/WINERY” means a facility licensed by Alberta Gaming, Liquor & Cannabis (AGLC) where beer, spirits, wine or other alcoholic beverages are manufactured and may include the storage, packaging, bottling, canning, and shipping of products manufactured within the premises. This use may include the sale of alcoholic beverages manufactured on the premises to the public for consumption within the premises, associated offices, and limited accessory retail sales of products or merchandise directly associated with the principal use. This use may be combined with eating establishment, drinking establishment or retail store when one of these uses is also a listed use in the same district as a brewery, distillery, and winery.”
- vii) The addition of “Terminal Building” definition as follows:  
“TERMINAL BUILDING means a building at a station or airport that is used by passengers leaving or arriving by train or aircraft.”
- viii) The addition of “Weather Station” definition as follows:  
“WEATHER STATION means an observation post where weather conditions and meteorological data are observed and recorded.”
- ix) The addition of “Yard, Front Flanking” definition as follows:  
“YARD, FRONT FLANKING means that portion of a parcel on a corner parcel abutting the front flanking parcel line extending from the front yard to the rear yard. The front flanking yard is situated between the front flanking parcel line and the nearest wall of the principal building.”
- x) The deletion of “YARD, EXTERIOR SIDE” definition.
- xi) The “DWELLING, DUPLEX (SIDE-SIDE)” definition shall be amended to the following:  
“DWELLING, (SEMI-DETACHED) means a residential development containing two (2) dwelling units which share a common wall, and which have a separate access to each dwelling unit. It is also known as a side by side duplex.”
- xii) The “GARAGE SUITE” definition shall be amended to the following:  
“GARAGE SUITE means a dwelling located above a detached garage (above grade), or a single-story accessory dwelling attached to the side or rear of a detached garage (at grade). A garage suite has cooking, food preparation, sleeping, and sanitary facilities which are separate from those of the existing principal dwelling unit located on the lot. A garage suite has a separate entrance from the vehicle entrance to the detached garage, either from a common indoor landing, or directly from the exterior of the structure.”

- xiii) The “GARDEN SUITE” definition shall be amended to the following:  
“GARDEN SUITE means a single-story accessory dwelling, which is located in a building on a lot that is separate from a building in which the principal use is an existing single detached dwelling. A garden suite has cooking, food preparation, sleeping, and sanitary facilities which are separate from those of the principal dwelling located on the lot.”
- xiv) The “ACCESSORY BUILDING” definition shall be amended to the following:  
“ACCESSORY BUILDING means a permanent or temporary building which is, unless exempted in this Bylaw, subordinate to, exclusively devoted to, and located on the same lot as the principal building. Where a structure is attached to a principal building on a lot by a roof, an open or enclosed structure, a floor or foundation, or any structure below grade allowing access between the building and the structure, it is considered part of the principal building. For the purpose of this Bylaw, frame and fabric structures, quonsets and gazebos are considered to be accessory buildings. This definition excludes the use of sea cans.”
- xv) The “AGRICULTURE, EXTENSIVE” definition shall be amended to the following:  
“AGRICULTURE, EXTENSIVE means those agricultural operations producing crops or livestock which require tracts of land generally greater than 80.0 acres (32.0 hectares) in size. This use does not include cannabis related operations.”
- xvi) The “AGRICULTURE, INTENSIVE” definition shall be amended to the following:  
“AGRICULTURE, INTENSIVE” means a horticultural operation which may be accessory to an extensive agriculture or extensive livestock use that, generally operates on smaller tracts of land. Without restricting the generality of the foregoing, this may include nurseries, greenhouses, market gardens, u-pick farms, fish farms, stud farms, and sod farms. This use accommodates site visits to an agricultural parcel for customers for the purchasing of farm products. This use does not include cannabis related operations.”
- xvii) The “ANIMAL SERVICE FACILITY” definition shall be amended to the following:  
“ANIMAL SERVICE FACILITY” means development for the purpose of boarding, breeding, or training of animals, and includes retail sales of associated products. This may include such uses as animal grooming services, boarding and breeding facilities, impound and quarantine facilities and animal shelters, but does not include veterinary services.”
- xviii) The “LOT, CORNER” definition shall be amended to the following:  
“LOT, CORNER means a parcel at the intersection of two or more roads other than lanes or alleys.”
- xix) The “PEACE OFFICER” definition shall be amended to the following:

“PEACE OFFICER means any sworn member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act, SA 2016, P-35 and amendments thereto and employed by the County or a Bylaw Enforcement Officer employed by the County.”

- xx) The “RECREATIONAL VEHICLE – PARK MODEL” definition shall be amended to the following:  
“PARK MODEL means a recreational vehicle built on a single chassis mounted on wheels which may be removed. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and must be connected to those utilities necessary for the operation of installed fixtures and appliances. This type of recreation vehicle has a width greater than 2.6 m (8 ft. 6 in) in the transit mode. Park model recreational units require a special tow vehicle and a special permit to move on the road. They conform to the CSA Z-241 Standard for park model recreational Units or another similar CSA standard to be approved by the Development Authority at its sole discretion. The maximum size of a park model recreational vehicle is 92.0 m<sup>2</sup> (990.0 ft.<sup>2</sup>).”
- 15) Amend section B7.2.2.2 Area B chart from “Hotel/Motel” to two uses as follows:
- “Hotel”
  - “Motel”
- 16) In section B7.2.2.3 Area C under the chart “Permitted Uses – Area C”, amend the formatting of the following point to include a bullet as follows:
- “Such other uses or development which the Development Authority, in its discretion, deems to be similar to the above uses and purposes.”
- 17) In section C5.5 REGULATION BY SIGN TYPE, amend subsection 7) (a) from “fascia signs shall only be allowed in commercial and industrial districts.” to “fascia signs shall only be allowed in Commercial, Industrial, and Public/Institutional districts.”
- 18) In section C1.23(5)(c), amend the section from “for lots between 1.0 ha (2.5ac) 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;” to “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 confined to the Lot;”
- 19) Section C2.28 SOLAR COLLECTORS shall be amended by deleting the entire section.
- 20) Section D1.3(e) shall be amended to the following:  
“the parking or storage, or both, of any uninhabited recreational vehicle in a residential district subject to Section C2.23;”

- 21) Section B3.7 RESTRICTED RESIDENTIAL LARGE LOT DISTRICT (RR) heading shall be amended to the following:  
“Section B3.7 RESTRICTED RESIDENTIAL LARGE LOT DISTRICT (RL)”
- 22) The Table of Contents, Part 2 – Land Use Districts - B3.7 RESTRICTED RESIDENTIAL LARGE LOT DISTRICT (RR) shall be amended to the following:  
“B3.7 RESTRICTED RESIDENTIAL LARGE LOT DISTRICT (RL)”
- 23) Section B1.1(1)(b)(vii) shall be amended to the following:  
“Restricted Residential Large Lot District (RL)”
- 24) Section B2.1.1 shall be amended to remove “Borrow Pits” from the Discretionary Uses table column and to add “Borrow Pits” under the Permitted Uses table column.
- 25) Section B2.2.1 shall be amended to remove “Borrow Pits” from the Discretionary Uses table column and to add “Borrow Pits” under the Permitted Uses table column.
- 26) Section B2.1.1 shall be amended to remove “Storage Facility, Outdoor” from the Discretionary Uses table column and to add “Storage Facility, Outdoor” under the Permitted Uses table column.
- 27) Section D1.7(1) shall be amended to the following:  
“The development permit shall not be valid and may be suspended, by written notice, by the Development Authority in instances where:
  - a) the permit was issued on the basis of incorrect information or misrepresentation by the applicant on the application;
  - b) the application for development permit was incomplete, in that relevant facts were omitted;
  - c) the conditions of the development permit are not fulfilled or are not in the process of being fulfilled;
  - d) the proposed development has deviated from the approved drawings;
  - e) the application fails to comply with a Stop Order as per the *Municipal Government Act*;
  - f) the time for filing a notice of appeal to the Subdivision and Development Appeal Board as specified in Section D3.1(7) has yet to elapse; or
  - g) the development permit was issued in error.”
- 28) Section D1.8(2)(d) shall be amended to delete Table D1.1 and the text shall be further amended to the following:  
“comply with Lac La Biche County’s Community Engagement Policy and Procedure PI-61-001 and amendments thereto, for the requirements of community engagement practices.”

- 29) Amend section B1.1(1)(b)(xii) from “Resort Recreational District (REC)” to “Resort Recreational District (RR)”
- 30) Section B5.1.3(3) shall be amended to the following:  
“Outdoor Storage and Display:  
a) Outdoor storage of goods, products, materials, or equipment on lots located adjacent to a residential use shall be screened from view.  
b) When part of the lot, including the front yard, is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such displays shall be arranged and maintained in a neat and tidy manner, and  
c) Shall not unduly interfere with the amenities of the district, or materially interfere with or affect the use, enjoyment, or value of neighbouring properties.”
- 31) Section B5.2.3(2) shall be amended to the following:  
“Outdoor Storage and Display:  
a) Outdoor storage of goods, products, materials, or equipment on lots located adjacent to a residential use shall be screened from view.  
b) When part of the lot, including the front yard, is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such displays shall be arranged and maintained in a neat and tidy manner, and  
c) Shall not unduly interfere with the amenities of the district, or materially interfere with or affect the use, enjoyment, or value of neighbouring properties.”
- 32) Section B5.4.3(3) shall be amended to the following:  
“Outdoor Storage and Display:  
a) When part of the lot, including the front yard, is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such displays shall be arranged and maintained in a neat and tidy manner, and  
b) Shall not unduly interfere with the amenities of the district, or materially interfere with or affect the use, enjoyment, or value of neighbouring properties.  
c) No outdoor parking, trash collection or outdoor storage areas shall be developed within 3.0 m (9.8 ft.) of any lot line that abuts a residential district.”
- 33) Amend Section C1.9 Corner Site Restrictions with the addition of section C1.9(3) as follows:  
“A parcel abutting two or more roads shall have one front yard and one front flanking yard. The yard containing the primary access to the parcel shall be deemed the front yard.”



- 34) Section C1.16 shall be amended to the following:  
“C1.16 FIRE PROTECTION AND WILDLAND URBAN INTERFACE  
All applications for subdivision and development, including landscaping, may be required to prepare a plan demonstrating that the wildfire mitigation guidelines in *FireSmart: Home Owner’s Manual*, issued by the Provincial Authority, or successor documents, have been incorporated into the proposed development to the satisfaction of the County. This may include, but is not limited to, the pruning of trees, minimum spacing between trees, and minimum distance separation between the home and material in the yard.”
- 35) Amend Section C2.27 Security Suites with the addition of section C2.27(5) as follows:  
“The maximum floor area of a security suite shall not exceed 70.0 m<sup>2</sup> (753.0 ft<sup>2</sup>).”
- 36) Section C2.5(2) shall be amended to the following:  
“All facilities or exterior exercise areas used to accommodate animals shall be set back a minimum of 10.0 m (32.8 ft.) from all lot lines.”
- 37) Section C2.5(7) shall be amended to the following:  
“Animal service facilities and grooming services shall comply with the County’s Animal Control Bylaw, as amended.”
- 38) Amend the following sections by adding Animal Grooming in the Permitted Uses table column:
- a) Section B2.1 Agricultural District (AG)
  - b) Section B3.1 Country Residential District (CR)
  - c) Section B3.2 Estate Small Lot Residential District 1 (ES1)
  - d) Section B3.3 Estate Small Lot Residential District 2 (ES2)
  - e) Section B3.4 On-Site Estate Residential District 1 (OE1)
  - f) Section B3.5 On-Site Estate Residential District 2 (OE2)
  - g) Section B3.6 Low Density Residential District (LDR)
  - h) Section B3.7 Restricted Residential Large Lot District (RL)
  - i) Section B3.8 Medium Density Residential District (MDR)
  - j) Section B3.10 Mobile Home Community District (MHD)
  - k) Section B3.11 Narrow Lot Single Detached Dwelling District (NSD)
  - l) Section B3.13 Rural Residential Work/Live District (RRW)
  - m) Section B4.1 Central Commercial District (CC)
  - n) Section B4.2 Highway Commercial District (HC)
  - o) Section B4.3 Neighbourhood Commercial District (NC)

- p) Section B4.4 Rural Commercial District (RC)
  - q) Section B4.5 Mixed Use Residential – Business District (MRB)
  - r) Section B4.6 Hamlet Commercial Business District (HCB)
  - s) Section B5.1 Light Industrial District (LI)
  - t) Section B5.2 General Industrial District (GI)
  - u) Section B5.4 Hamlet Light Industrial District (HLI)
- 39) Amend the following sections by adding Boarding and Breeding Facility in the Permitted Uses table column:
- a) Section B2.1 Agricultural District (AG)
  - b) Section B4.2 Highway Commercial District (HC)
  - c) Section B4.4 Rural Commercial District (RC)
  - d) Section B4.6 Hamlet Commercial Business District (HCB)
  - e) Section B5.1 Light Industrial District (LI)
  - f) Section B5.2 General Industrial District (GI)
  - g) Section B5.4 Hamlet Light Industrial District (HLI)
- 40) Amend the following Sections by adding Boarding and Breeding Facility in the Discretionary Uses table column:
- a) Section B3.1 Country Residential District (CR)
  - b) Section B3.5 On-Site Estate Residential District 2 (OE2)
  - c) Section B3.13 Rural Residential Work/Live District (RRW)
  - d) Section B4.3 Neighbourhood Commercial District (NC)
  - e) Section B4.5 Mixed Use Residential – Business District (MRB)
- 41) Amend the following Sections by adding Distillery/Brewery/Winery in the Permitted Uses table column:
- a) Section B4.1 Central Commercial District (CC)
  - b) Section B4.2 Highway Commercial District (HC)
  - c) Section B4.3 Neighbourhood Commercial District (NC)
  - d) Section B4.4 Rural Commercial District (RC)
  - e) Section B5.1 Light Industrial District (LI)
  - f) Section B5.2 General Industrial District (GI)
  - g) Section B5.3 Heavy Industrial District (HI)
  - h) Section B5.4 Hamlet Light Industrial District (HLI)
- 42) Amend the following Sections by adding Distillery/Brewery/Winery in the Discretionary Uses table column:
- a) Section B3.13 Rural Residential Work/Live District (RRW)
  - b) Section B4.5 Mixed Use Residential – Business District (MRB)
  - c) Section B4.6 Hamlet Commercial Business District (HCB)

- 43) Section B2.1 Agricultural District (AG) shall be amended to remove "Agriculture, Extensive" from the Permitted Uses table column.
- 44) Section B2.2 Crown Land District (CL) shall be amended to remove "Agriculture, Extensive" from the Permitted Uses table column.
- 45) Section D1.3(1)(a)(i) shall be amended to the following:  
"construction or installation of an accessory building that is no larger than 10.22 m<sup>2</sup> (110.0 ft<sup>2</sup>) nor 2.438 m (8.0 ft.) tall, or gazebos, pergolas, or awnings less than 13.0 m<sup>2</sup> (140.0 ft.<sup>2</sup>)."
- 46) Section D1.3(1)(a)(iv) shall be amended to the following:  
"an accessory building for an active farming operation in the Agricultural District (AG) that is to be used exclusively for agricultural purposes including, but not limited to, hay sheds, open face livestock shelters, wood storage, grain bins, silos, structures required for the confinement of livestock and other operations requisite for the continued use of that land for agricultural purposes. This use does not include a detached garage or shop if the building is partially used for personal/residential use."
- 47) Amend Section D1.3 When A Development Permit Is Not Required with the addition of section D1.3(aa) as follows:  
"Agriculture, Extensive."
- 48) Amend Section D1.3 When A Development Permit Is Not Required with the addition of section D1.3(bb) as follows:  
"Confined Feeding Operation"
- 49) Amend Section D1.3 When A Development Permit Is Not Required with the addition of section D1.3(cc) as follows:  
"Solar Collectors"
- 50) Amend Section D1.3 When A Development Permit Is Not Required with the addition of section D1.3(dd) as follows:  
"When the land use or the use of a building remains the same in spite of change in ownership or tenancy of the land or building unless otherwise stated in this Bylaw or as a condition of a development permit."

### **Bylaw 19-015 Amendments**

2. That Bylaw 19-015, being a bylaw to amend Bylaw 17-004 is amended as follows:
  - 1) Section 2 shall be amended to the following:  
"Section D1.1 Duties and Responsibilities of Land Use Bylaw 17-004 shall be

amended as per Schedule A of this Bylaw.”

**Severability**

- 3. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

**Repeal**

- 4. Lac La Biche County Bylaw 19-009 is hereby repealed.

**Effective Date**

- 5. This bylaw shall come into effect upon passing of the third reading.

**MOTION THAT BYLAW 20-001 BE GIVEN FIRST READING THIS 28<sup>th</sup> DAY OF APRIL, 2020.**

"Original Signed"

\_\_\_\_\_  
Mayor

"Original Signed"

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Chief Administrative Officer

**MOTION THAT BYLAW 20-001 BE GIVEN SECOND READING THIS 26<sup>th</sup> DAY OF MAY, 2020.**

**MOTION THAT BYLAW 20-001 BE GIVEN THIRD READING THIS 26<sup>th</sup> DAY OF MAY, 2020.**

"Original Signed"

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Mayor

"Original Signed"

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Chief Administrative Officer

**BYLAW 20-001 SCHEDULE "A"**

**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 (15.1 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 (21.3 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

- 6) 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%.
- 7) In all districts, accessory buildings shall:
  - a) be located a minimum of 2.0 m (6.6 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.
- 8) Accessory buildings within the Agricultural District (AG) are permitted within the front yard.
- 9) 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 (9.8 ft.) has been provided to accommodate access to the rear of the lot.
- 10) Accessory buildings and structures shall be developed in a manner that achieves architectural compatibility with the principal building on the lot.
- 11) 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.

## **C2.10 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 application shall be submitted for communication towers that do not require federal approval and shall include a site plan identifying the site boundary; tower, guy wire anchors; existing and proposed structures; vehicular parking access; existing vegetation to be retained, removed, or replaced, and uses and structures on the site and abutting properties.
- 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 (75.5 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) 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.
- 5) 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.
- 6) 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.
- 7) Sites for commercial communication towers shall be fenced with suitable protective anti-climb fencing as required by the Development Authority.
- 8) 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.
- 9) 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.
- 10) A Letter of Concurrence shall be prepared by Planning Administration and submitted to the Municipal Planning Commission for endorsement prior to issuance to the applicant.



**D1.10 NOTICE OF DECISION**

- 1) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the decision was made and containing any other information required by the regulations, must be given or sent to the application on the same day the decision is made.
- 2) When an application for a development permit for a permitted use that proposes a variance, or a discretionary use is approved, the notice of decision shall be sent, by regular mail, to all owners of land, located adjacent to, or wholly or partially within a distance of 60.0 m (196.9 ft.) of the lot lines of the lot that is the subject of the development permit.
- 3) Notice of decisions shall be provided in a written manner, the written manner may be decided upon by way of agreement from the applicant and development authority.
- 4) In the case of an application for a work camp, natural resource extraction, or major campground, the Development Officer may send a copy of the notice by regular mail to all owners of land, located adjacent to, or wholly or partially within a distance of 1000.0 m (1.0 km) of the lot lines of the lot on which the work camp or major campground is proposed to be located.
- 5) For the purpose of subsections (2) and (4), the referral distance shall be measured from the respective lot lines.
- 6) When an application for a development permit is refused, a notice of decision shall, within five (5) business days, be delivered by ordinary mail to the applicant.
- 7) For the purpose of this section, the Notice of Decision shall include:
  - a) a description of the proposed development;
  - b) the legal description of the land that is the subject of the development;
  - c) a statement summarizing the decision; and
  - d) a description of the right of appeal, appeal timelines, and contact information for the Secretary of the Subdivision and Development Appeal Board.

## **D2.2 PROCESS**

- 1) A Subdivision Authority, must, within twenty (20) days after the receipt of an application for subdivision approval, determine whether the application is complete. This notification shall be provided to the applicant in an agreed upon manner. If additional information is required, the Subdivision Authority may place a timeline to obtain the necessary information.
- 2) The timeframe listed in subsection (1) may be extended by an agreement in writing between the applicant and the Subdivision Authority.
- 3) Upon receipt of a complete subdivision application, the Development Officer shall circulate a copy of the application to Government departments and other local authorities as required by the Regulation, and all landowners located wholly or partially within a distance of 60.0 m (196.9 ft.) of the lot lines of the lands to be subdivided. The accompanying notice shall also describe the nature of the application, the method of obtaining further information about the subdivision application, and the manner in which and time within which written submissions may be made to the Subdivision Authority.
- 4) The Subdivision Authority shall consider the comments of those persons to whom an application for subdivision approval is referred, but is not bound by them unless required by the Regulation.
- 5) The Subdivision Authority shall consider and decide on an application within the time frames provided in the Regulation and/or Act. An application shall, at the option of the applicant, be deemed to be refused when a decision is not made by the Subdivision Authority within the specified period unless an agreement to extend the period is established between the applicant(s) and the Subdivision Authority and/or the Development Officer. In the absence of a time extension, an appeal may be filed by the applicant pursuant to Section D3.1.
- 6) A decision of a Subdivision Authority shall be provided in writing to the applicant and to the Government departments, persons, and local authorities to whom the Subdivision Authority is required by the Regulation, to give a copy of the application. Such notice shall be sent by regular mail within five (5) business days of the date of the decision. A decision of the Subdivision Authority must state whether an appeal lies to a Subdivision and Development Appeal Board or to the Municipal Government Board, and if an application for Subdivision approval is refused, the reasons for refusal.
- 7) Endorsement
  - a) An applicant for Subdivision approval shall submit to the County the plan of subdivision or other instrument that effects the subdivision within one (1) year of either:
    - i) the date of subdivision approval;

- ii) the date of an appeal board's decision; or
    - iii) the date the judgment is entered, or the appeal is discontinued by the Court of Appeal.
  - b) On being satisfied that a plan of subdivision or other instrument complies with the subdivision approval and that any conditions imposed have been met, the County shall endorse the plan or other instrument in accordance with the Regulation;
  - c) Council may provide an extension to the applicant for subdivision in order to meet conditions of subdivision approval whether or not the time period has expired. The application timeline may vary from file to file; and
  - d) If the plan of subdivision or other instrument is not submitted within the time prescribed or further authorized by a time extension, the subdivision approval is void.
- 8) Registration
- a) If the plan of subdivision or other instrument is not registered in a Land Titles Office within one (1) year after the date on which it is endorsed, the subdivision approval and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.
  - b) Council may provide a one (1) year time extension to the applicant for subdivision in order to register the plan or instrument whether or not the time period has expired.
- 9) When an application for subdivision approval has been refused pursuant to this Bylaw or after appeal, the submission of another application for a subdivision on the same property and for the same or similar use by the same or any other applicant shall not be accepted by the Development Officer for six (6) months after the date of the refusal.

**D3.1 APPEALING A DECISION**

- 1) The applicant for a development permit, or person affected by a stop work order may appeal to the Subdivision and Development Appeal Board, if a Subdivision or Development Authority:
  - a) refuses or fails to make a decision on a development permit within forty (40) days of receipt and acceptance of a completed application;
  - b) refuses or fails to make a decision on a subdivision application within sixty (60) days of receipt and acceptance of a completed application;
  - c) issues a development permit subject to conditions; or
  - d) issues a stop work order pursuant to this Bylaw.
- 2) In addition to the applicant, any person affected by an order or decision made or issued by the Subdivision or Development Authority may appeal to the Subdivision and Development Appeal Board.
- 3) Notwithstanding subsection (1), no appeal may be made for a development permit if a decision is made by Council in a Direct Control District.
- 4) Notwithstanding subsection (2) the decision of a Subdivision Authority on an application for Subdivision may only be appealed by:
  - a) the applicant;
  - b) a government department, if the application is required by the Regulation, to be referred to that department; or
  - c) a School Authority with respect to municipal reserve.
- 5) An appeal for a subdivision may be commenced by filing notice of appeal within fourteen (14) days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority. The date of receipt of the decision is deemed to be seven (7) days from the date the decision is mailed.
- 6) A subdivision appeal may be made to the Subdivision and Development Appeal Board or the Municipal Government Board as determined in Section 678(2) of the *Municipal Government Act*
- 7) An applicant may appeal a decision on a development permit by filing a notice of appeal with the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days after the date on which the decision is made.
- 8) An applicant or a person affected by the decision of the development authority may appeal decisions for discretionary uses or approved variances by filing a notice of appeal with the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days from the date notice is received.
- 9) A notice of appeal shall be accompanied by an appeal fee as established by Council.