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**SADDLE HILLS COUNTY**

**LAND USE BYLAW NO. 173-2009**

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**Prepared By:**



**July 2009**

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# **SECTION 1      GENERAL**

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## **1.1      TITLE**

This Bylaw may be cited as the “Saddle Hills County Land Use Bylaw”.

## **1.2      PURPOSE**

The purpose of this Bylaw is to guide the use and development of land and buildings within the County to achieve the orderly, economical and beneficial development of land.

## **1.3      APPLICATION**

The provisions of this Bylaw apply to all land and buildings within the boundaries of Saddle Hills County.

## **1.4      CONFORMITY WITH BYLAW**

No person shall commence any development unless it is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw, where such a permit is required. See Section 4.0 for more information.

## **1.5      ADDITIONAL REQUIREMENTS**

In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such permits, approvals or licenses that may be required by the County or other Provincial Government departments and agencies.

## SECTION 2 DEFINITIONS

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**“ACCESSORY BUILDING OR USE”** means a building or use, not including a farm building, which in the opinion of the Development Authority, is incidental, subordinate and exclusively devoted to the principal use or building and located on the same site.

**“ACT”** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto.

**“ADJACENT”** means land that is contiguous to another parcel of land, or would be contiguous if not for a river, stream, railway, road or utility right of way or reserve land.

**“AGRICULTURAL SALES AND SERVICE”** means the sales and service of products related to the Agriculture Industry.

**“AGRICULTURE (EXTENSIVE)”** means the raising or production of any cultivated crops, livestock or dairy products that utilize relatively large areas of land and in which the use of buildings and confinement areas is auxiliary to the use of the land itself.

**“AGRICULTURE (INTENSIVE)”** means a commercial agricultural or livestock operation other than a confined feeding operation that, due to the nature of the operation, requires smaller tracts of land. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, market gardens, sod farms, and tree farms.

**“AGRICULTURE INDUSTRY”** means any industrial use related to agriculture involving the production, initial processing or storage of farm products. Without restricting the generality of the above it may include a grain elevator, seed cleaning plant, abattoir, pelletizing plant, bulk oil and gas sales and storage, auction market, livestock holding station, canola crushing plant, or a use similar to those listed.

**“APARTMENT BUILDING”** means a residential building containing three or more dwelling units, each with entrance either directly outside or through a common vestibule.

**“APIARY”** means all permanent structures related to the commercial raising and keeping of bees.

**“APPROVING AUTHORITY”** means the Subdivision Approving Authority for the County.

**“AUTO BODY AND PAINT SHOP”** means an establishment for the repair or painting of motor vehicles bodies but does not include facilities for the sale of fuels, lubricants, automotive accessories or mechanical or electrical repairs.

**“AUTOMOTIVE AND EQUIPMENT REPAIR”** means a facility for the servicing and mechanical repair of automobiles, trucks and utility vehicles, motorcycles, snowmobiles, motor homes and similar vehicles; the sale, installation, or servicing of related accessories and parts; and servicing of small engines and equipment; but does not include auto body repair, paint shops, wrecking yards.

**“BASEMENT”** means the portion of a building between two floors that is below or partly below the finished grade level of the lot where it abuts the building and having a ceiling height of at least 2 m (6.6 ft).

**“BED AND BREAKFAST”** means an establishment that provides breakfast together with the rental of up to four (4) bedrooms and the bath facilities of a private single detached dwelling that is permanently occupied by the owner of the establishment.

**“BOARD”** means the Subdivision and Development Appeal Board.

“**BUILDING**” includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

“**BUILDING HEIGHT**” means the vertical distance of a building measured from the average grade adjacent to the building to the highest point of the roof.

“**BUILDING SUPPLY SALES**” means an establishment which involves the sales and storage of materials used in the construction of buildings.

“**BULK FUEL OR CARD LOCK**” means a facility for the bulk storage and distribution of petroleum products and may include card lock retail sales.

“**CAMPGROUND**” means a recreational development for the purpose of providing seasonal short term use of holiday trailers, tents, tent trailers, motor homes, fifth wheels, truck campers, and similar recreational vehicles, or accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds and related recreational activities such as trail riding, picnic grounds, boating facilities, and playgrounds. This may also include facilities for eating and assembly purposes as well as a camp store. A campground is not construed to mean a development for the purpose of accommodating long term or permanent occupancy.

“**CHILD CARE FACILITY**” means a facility used for the provision of care, instruction, maintenance or supervision of four or more children by a person other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, early childhood services, kindergartens, play schools, nurseries and after-school or baby-sitting programs which meet this definition.

“**COMMUNICATIONS TOWER, MAST ANTENNA, AND SATELLITE DISH ANTENNA**” means a structure for supporting equipment for transmitting or receiving television, radio, telephone or other electronic communications.

“**CONDOMINIUM**” is a form of housing tenure and other real property where a specified part of it is individually owned while use of and access to common facilities such as hallways, heating system, elevators, and exterior areas is controlled by an association of owners that jointly represent ownership of these common areas.

“**CONFINED FEEDING OPERATION**” means a confined feeding operation as defined in the Agricultural Operation Practices Act.

“**COUNCIL**” means the Municipal Council of Saddle Hills County.

“**COUNTRY RESIDENTIAL PARCEL**” means the subdivision of an undeveloped parcel of land from an unsubdivided quarter section for the purpose of accommodating a residence.

“**COUNTY**” means Saddle Hills County.

“**DEALERSHIP**” means premises for the display and/or sale of new or used motor vehicles and equipment, including farm machinery and equipment, construction-related vehicles and equipment, recreational vehicles, trucks, trailers, boats, motorcycles, and snowmobiles.

“**DEVELOPMENT**” means

- (a) an excavation or stockpile and the creation of either of them,
- (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land,
- (c) a change in use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**“DEVELOPMENT AUTHORITY”** means a Development Authority established pursuant to Section 624 of the Act and includes the Development Officer or Municipal Planning Commission of Saddle Hills County, as the case may be.

**“DEVELOPMENT OFFICER”** means the person appointed by Council to serve as the Development Officer pursuant to Section 3 of this Bylaw.

**“DEVELOPMENT PERMIT”** means a document authorizing a development issued pursuant to this Bylaw.

**“DISCRETIONARY USE”** means the use of land or buildings that may be authorized (in list of discretionary uses) in a given district at the discretion of the Development Authority, with or without conditions.

**“DRINKING ESTABLISHMENT”** means a facility licensed by the Alberta Gaming and Liquor Commission where alcoholic beverages are served for consumption on the premises, and includes a licensed lounge that is ancillary to a restaurant.

**“DUGOUT”** means a borrow pit that is used as a water source for domestic or farm purposes.

**“DUPLEX”** means development consisting of a building containing two self contained dwelling units located side by side sharing a common wall or one above the other;

**“DWELLING UNIT”** means one or more rooms used as or designed to be used as a residence and containing sleeping, cooking and sanitary facilities and with an independent entrance either directly from outside a building or from a common hallway inside a building. Note: a sea can container cannot be converted into a dwelling unit.

**“FARM BUILDING”** means improvements used in connection with the raising or production of crops, livestock, or poultry and situated on land used in connection with such farming operations, but does not include a dwelling unit.

**“FARMSTEAD”** means the first parcel out of an unsubdivided quarter section containing an existing, habitable dwelling unit and associated buildings and related improvements.

**“FRAGMENTED PARCEL”** means a parcel that is separated from the balance of a quarter section by an impassable natural feature such as a permanent watercourse or valley, or a physical feature such as a road, primary highway, or railway.

**“GAS PROCESSING PLANT”** means a plant for the extraction from gas of hydrogen sulfide, helium, ethane, natural gas liquids or other substances, but does not include a well head separator, treater, or dehydrator.

**“GOLF COURSE”** means an outdoor recreational facility that contains development related to a golf course including fairways, driving ranges and a clubhouse. This definition does not include residential development or tourist accommodation.

**“GRANARY”** means a building or structure that is designed for the storage of grain and is normally accommodated on a farm site.

**“GREENHOUSE”** means a building specially designed and used for the commercial production of vegetables, flowers and other plants.

**“GROUND FLOOR AREA”** means the square area occupied at grade by the outside perimeter of a building.

**“HAMLET”** means any area designated as a hamlet by Council pursuant to the Act.

**“HOME BASED BUSINESS (MAJOR)”** means the use of a building and/or site that is incidental to the principal residential use of the building and/or site. For the purposes of clarification this includes such uses as the storage of equipment, trucks and related vehicles, trucking operations, construction equipment storage, and other similar uses. Major home based businesses shall be limited to up to four (4) employees other than the resident and the resident’s family who permanently reside in the dwelling.

**“HOME BASED BUSINESS (MINOR)”** means the use of a residential building to conduct a business or commercial enterprise. The business portion shall be incidental or subordinate to the primary residential function and shall be limited to the confines of the residence. Minor home based businesses shall not have any employees other than the resident and the resident’s family who permanently reside in the dwelling, and shall not include any outside storage or commercial vehicles associated with the business.

**“HOTEL”** means a building providing accommodation for the public containing guest rooms served by a common entrance as well as general kitchen and dining or other public rooms.

**“INDUSTRIAL LANDFILL”** means a site used for the disposal of non-domestic, industrial or oilfield solid wastes that are prohibited from disposal at a sanitary landfill site, but does not include a land treatment facility.

**“INTERNAL SUBDIVISION ROAD”** means a road that is intended to serve one or more lots and is not located within a government road allowance, the management of which is the responsibility of the County.

**“KENNEL”** means premises that is used, or intended to be used, for the commercial breeding, raising, or boarding of cats or dogs.

**“LAND TREATMENT FACILITY”** means a facility intended to accommodate the disposal of bio-degradable oilfield waste by spreading it on a parcel of land.

**“LANDSCAPING”** means the enhancement of a site through the use of any or all of the following elements:

- (a) “soft landscaping” consisting of vegetation such as trees, shrubs, hedges, grass, berms, and ground cover,
- (b) “hard landscaping” consisting of non-vegetative materials such as but not limited to brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt.

**“LIVESTOCK”** means any farm animals and/or poultry reared for commercial or personal purposes. For the purpose of this Bylaw, this includes but is not limited to cattle, horses, sheep, goats, swine, domestic fowl, rabbits, mules, donkeys, buffalo, elk and deer.

**“LOT”** means a lot as defined in the Act.

**“LOT, CORNER”** means a lot having a frontage on two or more streets at their intersection or junction.

**“LOT LINE”** means a legally defined limit of any lot.

**“LOT LINE, FRONT”** means the boundary dividing the lot from an abutting public roadway. In the case of a corner lot the shorter lot line shall be the front lot line.

**“LOT LINE, REAR”** means the lot line of a lot that is directly opposite to the front line.

**“LOT LINE, SIDE”** means any lot line other than the front or rear lot line.

**“LOT WIDTH”** means the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

**“MANUFACTURED HOME”** means a transportable detached dwelling unit suitable for year-round occupancy, designed to be transported by being towed or carried, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports, and connection of utilities, is suitable for human habitation. For the purpose of this Bylaw, this includes both single-section and multiple-section units, but does not include a recreational vehicle, a modular home or a sea can container.

**“MANUFACTURING OR PROCESSING OF GOODS OR PRODUCTS** means development principally associated with manufacturing, assembling, fabrication, processing and research/testing activities. Without restricting the generality of the foregoing, typical facilities would include plants involved with petroleum products; plants producing bio-diesel; natural gas and its derivatives, pulp and paper products; stone, clay, glass, plastic, wood, rubber or metal products, cement or lime products; or automotive assembly or fabrication.

**“MINOR AGRICULTURAL PURSUIT”** means the non-commercial rearing of a limited number of livestock on a residential parcel. This number is limited by the regulation in the CR2 district regarding the number of animal units allowed per acre.

**“MOBILE FOOD SERVICES”** means development using a vehicle for the delivery or sale of food to the public. Includes mobile restaurants (vehicles containing cooking facilities to produce food for public sale and consumption off site).

**“MODULAR HOME”** means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form a complete dwelling unit. For the purpose of this Bylaw, this definition does not include a manufactured home.

**“MOTEL”** means a building or group of buildings designed for the accommodation of the traveling public, containing guest rooms, each of which has a separate entrance directly from outside the building.

**“MUNICIPAL PLANNING COMMISSION”** means a municipal planning commission established by separate bylaw.

**“MUNICIPAL ROAD”** means a road that is constructed within the limits of a government road allowance or registered road plan, the management of which is the responsibility of the County, but does not include an internal subdivision road.

**“NATURAL RESOURCE EXTRACTION INDUSTRY”** means an enterprise engaged in the on-site removal, extraction and primary processing of raw materials such as timber, clay, sand, gravel, coal, limestone, oil and natural gas.

**“OFFICE (BUSINESS, ADMINISTRATIVE, AND PROFESSIONAL)”** means development primarily used for the provision of services to businesses, professional, management, administrative, consulting and financial services. These services may include the use of minor mechanical equipment for printing, duplicating, binding or photographic processing, the provision of office maintenance or custodial services, the sale, rental, repair or servicing of office equipment and furniture. Typical uses include the offices of lawyers, accountants, engineers, architects, real estate and insurance firms, banks or credit unions or similar financial uses, clerical or other office support, printing and copying establishments, and janitorial services.

**“OIL OR GAS PROCESSING PLANT”** means a plant for the processing of oil from hydrocarbons, or for the extraction of gas from hydrocarbon sulphide, helium, natural gas liquids or other substances.

**“OPEN CAMP”** means a remote work camp established on a permanent basis to house workers for any project in the area. The camp would consist of a cluster of units to provide sleeping, eating, recreation, and other basic living facilities.

**“OPEN OR COVERED STORAGE OF GOODS, EQUIPMENT, VEHICLES OR MACHINERY”** means either outdoor or indoor storage of partially processed or finished goods, equipment, vehicles, or machinery. Typical uses would include pipe yards, vehicle or heavy equipment storage, lumber yards, etc. Development may or may not involve the construction of a building to house storage materials. No processing would occur on site.

**“PARCEL”** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.

**“PERMANENT FOUNDATION”** means a structure consisting of concrete, treated wood, or masonry that serves as support for a building that, during construction, involves an excavation. This may include but not be limited to a basement, crawl space, concrete slab, or pilings.

**“PERMITTED USE”** means the use of land or of a building (as included in a list of permitted uses) for which a development permit shall be issued, with or without conditions, provided that the use conforms to the Land Use Bylaw.

**“PERSONAL SERVICES ESTABLISHMENT”** means a development used for the provision of services to an individual that are related to the care and appearance of the body, or the cleaning and repair of personal effects. For purpose of clarification this includes barber shops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaners and similar uses.

**“PRINCIPAL BUILDING OR USE”** means the main purpose for which, in the opinion of the Development Authority, a building or site is ordinarily used.

**“PRIVATE AIRCRAFT LANDING STRIP”** means the development of a landing strip that is not for public aircraft use (i.e. is not part of an airport).

**“PROVINCIAL HIGHWAY”** means a road designated by the Province as a highway.

**“PUBLIC BUILDING OR USE”** means a building, structure, or site used for public administration and services by the County, by any board or agency of the County, by any department, commission or agency of the Government of Alberta or Canada, or by a community organization and may include a community hall, church, school, park, cemetery, or similar use.

**“PUBLIC UTILITY”** means a public utility as defined in the Act.

**“RAILWAY STATION GROUNDS”** means a facility used to store and maintain railroad related equipment and products and usually includes a number of buildings related to the operation of a railroad.

**“RECREATION (EXTENSIVE)”** means a recreation development located in a rural area to take advantage of natural physical features including the availability of large areas of land to provide for the non-facility oriented recreational activities such as but not limited to hunting, trail riding, snowmobiling, hiking and similar activity.

**“RECREATION, INDOOR”** means a facility where patrons participate in sports events and other recreational activities in an enclosed building that may include a *restaurant* and a *retail store*. Typical uses include but are not limited to, arenas, athletic clubs, curling clubs, health and fitness clubs, gymnasiums, swimming pools, bowling alleys, rifle and pistol ranges, and racquet clubs.

**“RECREATION RESORT”** means a commercial development that offers a combination of fixed roof guest accommodation and recreational opportunities. The resort may be located to benefit from specific natural or built amenities and generally includes dining and beverage facilities, concessions, pro shops and picnic areas.

**“RECREATIONAL VEHICLE”** means a motor vehicle or structure attached to a motor vehicle that is designed to provide mobile, short-term living accommodations and includes a travel trailer, truck camper, tent trailer, fifth wheel and motor home.

**“RECREATIONAL VEHICLE STORAGE”** means the storage only of recreational vehicles including but not limited to motor homes, travel trailers, fifth wheels, truck campers, tent trailers, or similar vehicles. This storage does not include overnight accommodation nor does it include the sales or service of these types of vehicles.

**“REGULATION”** means the Subdivision and Development Regulation.

**“RESTAURANT”** means a facility with a fully equipped kitchen primarily intended for the preparation and sale of foods and beverages to the public for consumption on or off the site.

**“RETAIL STORE”** means commercial premises in which the retail sale of consumer goods takes place.

**“ROAD”** means land shown as a road on a plan of survey that has been filed or registered in a land titles office, or used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a provincial highway.

**“SALVAGE YARD”** means land and associated buildings used to store, dismantle, salvage, and recycle components from discarded vehicles, industrial equipment, demolished buildings and other large items.

**“SAWMILL”** means a portable machine used to cut logs into boards and other wood products.

**“SEA CAN”** means a large portable shipping container typically made of steel.

**“SECRETARY”** means the Secretary to the Subdivision and Development Appeal Board.

**“SERVICE STATION”** means a facility for the service and repair of motor vehicles and for the retail sale of gasoline, lubricants, automotive accessories and associated petroleum products.

**“SETTLEMENT”** means a small concentration of dwelling units and related uses but does not include a hamlet.

**“SHELTERBELT”** means a planted row of trees and/or shrubs, planted in such a manner as to provide shelter from the wind, to protect the soil from erosion, and to screen a farmstead from a roadway or the rest of the farm.

**“SIGN”** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event.

**“SINGLE DETACHED DWELLING UNIT”** means a stick-built or modular residential building containing only one residential dwelling unit, but does not include a manufactured home.

**“SKILLED TRADES ESTABLISHMENT”** means a construction related service facility which offers skilled labour to provide services such as electrical, plumbing, heating, painting, and landscaping. There may be some outdoor storage of equipment and vehicles associated with this use.

**“SOUR GAS FACILITY”** means any facility that produces, processes, or transports sour gas including a pipeline, battery or gas processing plant.

**“TEMPORARY”** refers to a development that has been approved on a temporary basis with a specified permit expiry date.

**“TRANSPORTATION TERMINAL”** means a development that may include facilities related to transportation oriented business. This use would normally require a large area to accommodate the parking of large commercial vehicles including tractor/trailer units.

**“TRUCK TERMINAL (TRUCK STOP)”** means the provision of facilities including a gas or service station, a restaurant, related services and parking designed specifically for tractor/trailer units. Together, these facilities do not constitute a service station or restaurant use class.

**“UNSUBDIVIDED QUARTER SECTION”** means a quarter section, lake lot, river lot or settlement lot that has not been subdivided except for public uses or fragmented parcels. In the case of lands containing fragmented parcels, a quarter section lake lot, river lot or settlement lot that constitutes more than 1/2 of the area that was constituted by that quarter section, lake lot, river lot or settlement lot is considered unsubdivided.

**“USED OIL STORAGE FACILITY”** means a facility for the containment of used oil in above-ground tanks on a temporary basis, and from which the oil is transported to an approved facility for treatment or disposal.

**“WAREHOUSE”** means a building primarily for the keeping of goods and merchandise, excluding dangerous or hazardous materials, derelict vehicles, or any waste material.

**“WATER BODY”** means

- (a) the bed and shore of a lake, lagoon, swamp, marsh or any other natural body of water, and/or
- (b) a reservoir or other man-made surface feature, whether it contains water continuously or intermittently.

**“WATERCOURSE”** means

- (a) the bed and shore of a river, stream, creek or other natural body of water, and/or
- (b) a canal, ditch or other man-made surface feature whether or not it contains water continuously or intermittently.

**“WHOLESALE OUTLET”** means a warehouse type building or distribution centre where a range of goods are displayed and stored for retail wholesale or retail sale.

**“WIND ENERGY CONVERSION SYSTEM (WECS)”** means a structure designed to convert wind energy into mechanical or electrical energy.

**“WORK CAMP”** means one of more buildings and related facilities established on a temporary basis that are intended to accommodate workers for the duration of a construction project or similar activity such as mining, resource exploration, and lumbering. A work camp does not include accommodations that are provided by employees for their own use, or where employees transport, store or prepare food for their own personal consumption.

**“YARD, EXTERIOR SIDE”** means a yard adjacent to a roadway, extending from the front yard to the rear yard and situated between the side lot line and the nearest exterior wall of the principal building

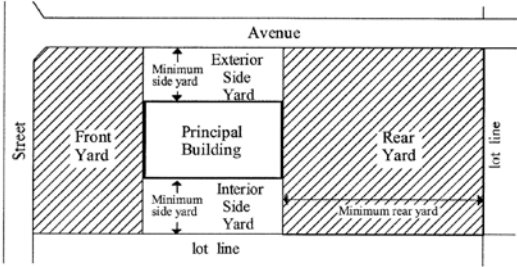
**“YARD, FRONT”** means that portion of land extending across the full width of a lot and situated between the front lot line and nearest exterior wall of the principal building.

**“YARD, INTERIOR SIDE”** means a yard adjacent to a lot, extending from the front yard to the rear yard and situated between the side lot line and the nearest exterior wall of the principal building.

**“YARD, REAR”** means that portion of land extending across the full width of a lot from the rear property line to the closest wall of the principal building.

“YARD, SIDE” means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest exterior wall of the principal building, as shown in Figure 1.

Figure 1 Yards



## **SECTION 3 DUTIES OF THE DEVELOPMENT AUTHORITY**

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### **3.1 ESTABLISHMENT OF DEVELOPMENT AUTHORITY**

- 3.1.1 The office of Development Officer, as established by separate bylaw, and filled by a person or persons to be appointed by Council, is hereby considered to act as a "Development Authority".
- 3.1.2 The Municipal Planning Commission, as established by separate bylaw, is hereby authorized to act as a "Development Authority".

### **3.2 DUTIES AND POWERS OF DEVELOPMENT AUTHORITY**

3.2.1 The Development Officer shall:

- (a) receive, process, and decide on all development permit applications;
- (b) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments thereto; and
- (c) keep a register of all applications for development, including the decisions thereon and the reasons therefore.

3.2.2 Notwithstanding 3.2.1(a), the Development Officer:

- (a) may refer any development permit application to the Municipal Planning Commission for a decision;
- (b) shall refer development permit applications to the Municipal Planning Commission for those uses not listed either as "permitted uses" or "discretionary uses" in the subject land use district.

3.2.3 (a) The Development Authority shall consider and decide on development permit applications within forty (40) days of the receipt of the application in its complete and final form. If a decision is not made within forty (40) days of receipt of the application shall, at the option of the applicant, be deemed refused.

- (b) If a decision is not made within the forty (40) days specified in subsection (a), the applicant may enter into an agreement with the Development Officer to extend the forty (40) day period using the prescribed form.

3.2.4 The Development Officer is hereby appointed the "Designated Officer" for the purposes of entering and inspecting land.

### **3.3 DEVELOPMENT AUTHORITY'S DISCRETION**

3.3.1 A development permit application for a use which is not listed as a "Permitted Use" or a "Discretionary Use" in the subject District shall be refused.

3.3.2 Notwithstanding Section 3.3.1, the Development Officer may refer any application to the Municipal Planning Commission. If the Municipal Planning Commission determines that the proposed use of land or a building is similar in character and purpose to a use listed under that land use district, despite that the use is not listed as a "Permitted Use" or "Discretionary Use" in the Bylaw, the Development Authority may issue a development permit.

- 3.3.3 In making a decision on an application for a “Permitted Use”, the Development Authority shall:
- (a) approve with or without conditions, an application for a development permit where the proposed development conforms with this Bylaw; or
  - (b) refuse an application for a development permit if the proposed development does not conform to the Bylaw.
- 3.3.4 In making a decision on an application for a “Discretionary Use”, the Development Authority:
- (a) may approve, either permanently or for a limited period of time, a development permit application which meets the requirements of this Bylaw, with or without conditions;
  - (b) may refuse a development permit application even though it meets the requirements of this Bylaw;
  - (c) shall refuse a development permit application if the proposed development does not conform with this Bylaw.
- 3.3.5 In reviewing a development permit application for a Discretionary Use, the Development Authority shall have regard for:
- (a) the purpose and intent of the Act, as well as any statutory plans adopted by the County;
  - (b) the circumstances and merits of the application, which may include such items as:
    - (i) impact of such nuisance factors as smoke, airborne emissions, odours and noise on nearby properties;
    - (ii) the design, character and appearance of the development shall be compatible with and complementary to the surrounding area; and
    - (iii) the servicing requirements for the proposed development.
- 3.3.6 Notwithstanding Sections 3.3.3(b) and 3.3.4(c), the Development Officer may allow a variance not exceeding ten (10%) and the MPC may allow a variance not exceeding twenty-five percent (25%) to any front yard, side yard or rear yard setback, top of bank setback (as per Section 9.5), building height, lot width, or lot area requirement if, in the opinion of the Development Authority:
- (a) the proposed development would not
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
  - (b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.
- 3.3.7 A variance will not be allowed if the granting of the variance results in a development which does not meet the requirements of the Subdivision and Development Regulation.
- 3.3.8 In the event that a variance is granted pursuant to Section 3.3.6, the County shall indicate in its files the type and extent of any variance granted to any development permit approval.

## SECTION 4      NEED FOR A DEVELOPMENT PERMIT

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### 4.1      WHEN DEVELOPMENT PERMITS ARE REQUIRED

4.1.1      Except as provided in Section 4.2, no person shall undertake any development unless:

- (a)      a development permit has first been issued pursuant to this Bylaw, and
- (b)      it is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.

### 4.2      WHEN DEVELOPMENT PERMITS ARE NOT REQUIRED

A development permit is not required for the following developments provided they comply with the requirements of this Bylaw:

- (a)      the continued agricultural use of a parcel which is assessed as farmland and used for extensive agricultural operations, including farm buildings;
- (b)      works of maintenance or repair to any building provided that such works do not include structural alterations or major works of renovation;
- (c)      the completion of a building which is lawfully under construction at the date this Bylaw comes into full force and effect provided that the building is completed in accordance with the terms of any permit granted in respect of it, subject to the conditions of that permit;
- (d)      Notwithstanding Section 9.7, the construction and maintenance of gates, fences, walls or other means of enclosure less than 1.8 m (6 ft) in height. In the Agriculture (A) District, wire fences in excess of 1.8 m (6 ft) for the purposes of livestock confinement do not require a permit;
- (e)      a temporary building, the sole purpose of which is incidental to the erection or alteration of a permanent building, for which a development permit has been issued;
- (f)      one temporary, on-site sign which does not exceed 1 m<sup>2</sup> (11 ft<sup>2</sup>) in area or 1.5 m (5 ft) in height and is intended for:
  - (i)      advertising the sale or lease of a dwelling unit, or property,
  - (ii)      identifying a construction or demolition project for which a development permit has been issued for such a project,
  - (iii)      identifying a political or charitable campaign. Such signs shall be removed after said campaign drive;
- (g)      one permanent on-site sign which is intended for:
  - (i)      commemorative plaques and cornerstones or a non-advertising nature,
  - (ii)      farm residence identification signs, or
  - (iii)      the advertising of farm produce;
- (h)      decks;
- (i)      on-site landscaping;
- (j)      dugouts;

- (k) municipal projects undertaken by the County including the construction of roads, bridges, drainage ditches, public utilities, parks and the erection of signs, and incidental activities resulting from these types of developments (e.g. a work camp for a County road construction project) ;
- (l) Compressors for oilfield facilities under 100 HP;
- (m) Minor home based businesses in the Agriculture (A) land use District.

### **4.3 NON-CONFORMING BUILDINGS AND USES**

A development that is considered as a non-conforming building or use shall be dealt with as provided for under the Act. For convenience, the following extracts are provided:

- (a) If a development permit has been issued on or before the day on which a land use bylaw or amending bylaw comes into force, and the bylaw would make the subject development a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.
- (b) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the provisions of this Bylaw;
- (c) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it;
- (d) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues;
- (e) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
  - (i) to make it a conforming building, or
  - (ii) for routine maintenance of the building, if the Development Authority considers it necessary;
- (f) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw;
- (g) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

## **SECTION 5      DEVELOPMENT PERMIT APPLICATIONS**

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### **5.1      FORMS AND NOTICES**

For the purposes of administrating the provisions of this Bylaw, such forms or notices contained in Schedule "A" are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they were designed, authorized and issued. Council, by resolution, may authorize the preparation and use of such forms and notices as in its discretion it may deem necessary.

### **5.2      CONTENTS OF A DEVELOPMENT PERMIT APPLICATION**

- 5.2.1 An application for a development permit shall be made to the Development Officer in writing on the prescribed form, and shall be signed by the landowner or his authorized agent.
- 5.2.2 The Development Officer may require the following information as part of a development permit application:
- (a) a site plan with dimensions showing the legal description, front, rear, and side yards, if any, and any provision for off-street loading and vehicle parking and access and egress to the site;
  - (b) a floor plan and elevations;
  - (c) a statement of uses;
  - (d) a statement of ownership of land and interest of the applicant therein;
  - (e) the estimated commencement and completion dates;
  - (f) the estimated cost of the project or contract price;
  - (g) the extent of existing treed areas shall be indicated on the site plan accompanying the application for development together with an indication of the trees proposed to be removed in the course of development; landscaping plans shall also be included if required.
  - (h) utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines and drainage courses;
  - (i) any additional information that may be required to evaluate the application, including but not limited to: water testing, soil testing, geo-technical reports, floodplain mapping, site topography and drainage patterns.
- 5.2.3 Each development permit application shall be accompanied by a non-refundable processing fee, the amount of which shall be established by resolution of Council from time to time. For convenience, a Schedule of Fees is appended to this Bylaw, but does not form a part of this Bylaw.
- 5.2.4 When, in the opinion of the Development Officer, sufficient details have not been included with a development permit application, the application shall be deemed not to be complete and shall not be processed until all required information is provided.

## **SECTION 6      PROCESSING DEVELOPMENT PERMITS**

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### **6.1      PERMIT REFERRALS**

The Development Officer may refer any application for a development permit to any government agency for comment and advice.

### **6.2      CONDITIONS OF A DEVELOPMENT PERMIT**

- 6.2.1 The Development Authority may attach as conditions of a development permit approval, those conditions it feels are necessary to address or resolve any development concerns or issues in regards to a proposed development.
- 6.2.2 The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement with the County to do any or all of the following:
- (a) to construct or pay for the construction of a road required to give access to the development;
  - (b) to construct or pay for the construction of a pedestrian walkway system to serve the development, or pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development;
  - (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
  - (d) to construct or pay for the construction of off-street or other parking facilities, and loading and unloading areas;
  - (e) to pay an off-site levy or redevelopment levy imposed by Bylaw;
  - (f) to provide security to ensure that the terms of the agreement are carried out; and
  - (g) any other requirement the Development Authority deems necessary
- 6.2.3 Prior to entering into a development agreement required as a condition of a development permit, the Development Officer may consult with Council in specifying the terms and content of the agreement.
- 6.2.4 The County may register a caveat pursuant to the provisions of the Act and the Land Titles Act in respect of an agreement under this Section against the Certificate of Title for the land that is the subject of the development. Said caveat shall be discharged when the agreement has been complied with.
- 6.2.5 A permit granted pursuant to this Section does not come into effect until fourteen (14) days after its issuance. Where an appeal has been lodged with the Board, no development shall be commenced pursuant to the development permit until all appeals are finally determined and the issuance of the development permit has been upheld.
- 6.2.6 A development permit lapses and is automatically void if the development authorized is not commenced and diligently pursued within twelve (12) months from the effective date of the permit. Further, developments are to be completed to the satisfaction of the Development Officer within 24 months from the date of the permit being issued, or other such period as approved by the development authority.

- 6.2.7 In the case where an application for a development permit has been refused or ultimately after appeal, the submission of another application for a permit on the same property and for the same or similar use of the land may not be accepted by the Development Officer for at least six (6) months after the date of the refusal.

### **6.3 DEVELOPMENT PERMIT NOTIFICATION**

- 6.3.1 A decision of the Development Authority on an application for a development permit shall be given in writing, and a copy of the notice of decision shall be mailed to the applicant or his agent. The 'Notice of Decision' concerning an approval with or without conditions shall become the Development Permit upon the expiry of the appeal period. Notwithstanding the above, in the event that a Decision is appealed, the 'Decision of approval by the SDAB' with or without conditions shall become the Development Permit and shall be effective the date of the SDAB decision.
- 6.3.2 When an application for a development permit is refused, the Development Officer shall mail a notice of decision to the applicant or his agent stating the reasons for refusal.
- 6.3.3 When an application for a development permit for a Permitted Use requiring a variance or a Discretionary Use is approved, the Development Officer shall:
- (a) publish a notice in a local newspaper indicating the location and setting out the applicant's name, legal description of the property for which the application has been made, and the decision of the Development Authority; or
  - (b) mail a notice of decision to the registered owners of all adjacent lands.
- 6.3.4 For the purposes of this Bylaw, notice of the decision of the Development Authority is deemed to have been given as follows:
- (a) when a person is notified of an order or decision of the Development Authority by mail, the person will be presumed to have received the mail 7 days after the date of mailing; and
  - (b) when notice of the issuance of a development permit by the Development Authority is published in a newspaper, the date of the first publication of that notice shall be the date upon which notice of the issuance of the permit is given to members of the public.

### **6.4 CONTRAVENTION**

- 6.4.1 Where the Development Officer finds that a development or use of land is not in accordance with the Act, this Bylaw, or a development permit issued hereunder, the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings, the person responsible for the contravention, or all or any of them to:
- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice;
  - (b) demolish, remove or replace the development; or
  - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with the Act, a development permit, subdivision approval or this Bylaw as the case may be, within the time specified by the notice.
- 6.4.2 If a person fails or refuses to comply with an order directed to him under Section 6.4.1 or an order of the Board under the Act, Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.

- 6.4.3 When Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.

## **SECTION 7      DEVELOPMENT PERMIT APPEALS**

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### **7.1      METHOD OF APPEAL**

- 7.1.1    The Board shall perform such duties and follow such procedures as specified in the Act and the Subdivision and Development Appeal Board Bylaw.
- 7.1.2    A decision on a development permit application may be appealed by serving a written notice of appeal on the Secretary within fourteen (14) days after notice of the decision or issuance of the Development Permit was given.
- 7.1.3    For the purposes of this Bylaw, Section 6.3.4 establishes the date a notice of decision is deemed to have been given.

### **7.2      THE APPEAL PROCESS**

- 7.2.1    When a notice of appeal has been served on the Secretary with respect to a decision of the Development Authority to approve a development permit application, the development permit shall not be effective before:
  - (a)      the decision of the Development Authority has been sustained by the Board, or
  - (b)      the Secretary has received written notification from the appellant that the appeal has been abandoned.
- 7.2.2    If the decision of the Development Authority to approve a development permit application is reversed by the Board, the development permit shall be null and void.

## **SECTION 8            APPLICATIONS TO AMEND THIS BYLAW**

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### **8.1        CONTENTS OF AN AMENDMENT APPLICATION**

- 8.1.1    An application to amend this Bylaw shall be made to the Development Officer on the prescribed form and accompanied by the following:
- (a)      if the amendment involves the redesignation of land to a different land use district
    - (i)       a certificate of title of the land affected by the proposed development that has been issued by Land Titles within the last thirty days or other documents satisfactory to the Development Officer;
    - (ii)      the applicant's name, address and interest in the subject property;
    - (iii)     an accurate and fully dimensioned graphic representation of the subject lands affected by the proposed amendment, and may be required to be prepared to a professional standard by a surveyor if less than the full parcel; and
    - (iv)     signature of ALL registered landowners required on application or written authorization for agent to act on behalf of the landowners.
  - (b)      a brief written statement by the applicant providing reasons and support for the application;
  - (c)      permission for right-of-entry by the Development Officer and/or other persons authorized by the County; and
  - (d)      such additional information as the Development Officer may require.
- 8.1.2    Each amendment application shall be accompanied by a non-refundable application fee, as determined by resolution of Council from time to time.
- 8.1.3    Council may, on its own initiative, commence an amendment to this Bylaw by directing the Development Officer to initiate an application.

### **8.2        THE AMENDMENT PROCESS**

- 8.2.1    Upon receipt of a complete application, it shall be referred to:
- (a)      County administration for the drafting of a proposed Land Use Bylaw amendment; and
  - (b)      Council for introduction and to establish a Public Hearing date.
- 8.2.2    A notice of the application shall be published for two consecutive weeks in the local newspaper. The notice shall also be mailed to each owner of land that is the subject of the proposed amendment, as well as all adjacent landowners. The notice shall contain:
- (a)      if the amendment involves the redesignation of land to a different land use district, the legal description of the land and a map illustrating the lands in question;
  - (b)      the purpose of the proposed amending Bylaw;
  - (c)      the one or more places where a copy of the proposed amending Bylaw may be inspected by the public;
  - (d)      the one or more dates, places and times that the Council will hold a public hearing on the proposed amending Bylaw;

- (e) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing; and
- (f) an outline of the procedures by which the public hearing will be conducted.

8.2.3 The application may be referred to any agency as deemed necessary for comment and advice.

8.2.4 Council, after considering

- (a) any representations made at the public hearing; and
- (b) any municipal development plan, area structure plan or area redevelopment plan affecting the application and the provisions of this Bylaw may
  - (i) make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment, or
  - (ii) defeat the proposed amendment.

8.2.5 Where an application for an amendment has been refused by Council, the Development Officer shall refuse to accept another application on the same land for the same or similar purpose until six (6) months have passed from the date of such refusal.

## SECTION 9 GENERAL REGULATIONS FOR ALL DISTRICTS

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### 9.1 ACCESSORY BUILDINGS

- 9.1.1 For the sole purpose of calculating yard setbacks and site coverage requirements as provided in the Bylaw, when an accessory building is attached to the principal building, it is to be considered a part of the principal building and not as an accessory building.
- 9.1.2 Unless otherwise permitted in this Bylaw, any accessory building or use erected on a site in any District shall not be used as a dwelling.
- 9.1.3 In a Hamlet district, no accessory building or use shall be located in the front yard or exterior side yard of any principal building.
- 9.1.4 Subject to Section 9.15, except for the Agriculture (A) District, the minimum side and rear yard setback shall be 1 m (3.3 ft) for accessory buildings.
- 9.1.5 Notwithstanding Section 9.1.4, an accessory building may be constructed to the property line in a hamlet provided that it shares a common wall with an accessory building on the adjacent lot or if a fire rated wall meeting the requirements of the Alberta Building Code is provided.
- 9.1.6 An accessory building shall be located at least 2 m (6.5 ft) from any principal building.
- 9.1.7 In hamlets and settlements, an accessory building shall only be constructed after the principal dwelling

### 9.2 CONFINED FEEDING OPERATIONS

All operations previously labelled as *intensive livestock operations* are now termed *confined feeding operations* (CFO's), as indicated in the Agricultural Operations Practices Act. CFO and manure storage facilities for which an approval or a registration is required pursuant to this Act are no longer regulated by the Municipality but by the Natural Resources Conservation Board (NRCB) through the Agricultural Operations and Practices Act and associate regulations.

The Agricultural Operations and Practices Act (AOPA) lists the threshold values that define CFO's regulated by the NRCB. The threshold values for various types of CFO's are shown in Table 1. All livestock operations below these threshold values are listed as a permitted use within the Agriculture (A) District.

**Table 1 Livestock Operations Regulated by the NRCB**

Type of Livestock	Registration (# of animals)	Approval (# of animals)		Type of Livestock	Registration (# of animals)	Approval (# of animals)
Beef cows/finishers (900+ lbs)	150-349	350+		Turkeys (toms)	1,000-29,999	30,000+
Beef Feeders (<900 lbs)	200-499	500+		Ducks	1,000-29,999	30,000+
Dairy (milking cows including replacements and dairies)	50-199	200+		Geese	1,000-29,999	30,000+
Swines (sows - farrows to finish)	30-249	250+		Horses(PMU)	100-399	400+
Swine (sows - farrows to wean)	50-999	1,000+		Horses (feeders)	100-299	300+
Swine (feeders)	500-3,299	3,300+		Sheep ewes/rams	200-1,999	2,000+
Swine (weaners)	500-8,999	9,000+		Goats	200-1,999	2,000+
Poultry (broilers)	2,000-59,999	60,000+		Bison	150-349	350+
Poultry (breeder hens)	1,000-15,999	16,000+		Elk	150-399	400+
Poultry (layers)	5,000-29,999	30,000+		Deer	200-999	1,000+
Poultry (pullets)	2,000-59,999	60,000+		Wild Boar	100-299	300+

In directing and approving sites for land uses that are incompatible with a confined feeding operation, the County shall refer to the NRCB for applicable Minimum Distance Separation (MDS).

### 9.3 DUGOUTS

9.3.1 All dugouts shall be set back a minimum of 15.2 m (50 ft) from any lot line, or 40m from a provincial highway.

### 9.4 DWELLING UNITS PER LOT

9.4.1 No person in the County shall construct or cause to be constructed more than one dwelling unit per lot.

9.4.2 Section 9.4.1 does not apply to:

- (a) a second or additional dwelling located on a lot that has an area of at least 32.4 ha (80 ac);

- (b) a second dwelling located on a lot that has an area of less than 32.4 ha (80 ac), but is to be occupied by a person who is engaged in an agricultural pursuit on a full-time basis for at least 6 months of the year, or is required to accommodate for aged or disabled family members;
- (c) semi-detached dwellings; and
- (d) apartment buildings.

## 9.5 ENVIRONMENTAL STANDARDS

9.5.1 Where a parcel of land abuts or contains a coulee, ravine, valley or drainage ditch, with or without a permanent watercourse, the following setbacks from the upper break of the coulee, ravine or valley shall apply:

<u>Valley Depth</u>	<u>Required Setback</u>
Less than 7.6 m (25 ft):	7.6 m (25 ft)
Greater than 7.6 m (25 ft) and less than 15.2 m (50 ft):	22.9 m (75 ft)
Greater than 15.2 m (50 ft) and less than 30.5 m (100 ft):	45.7 m (150 ft)
Greater than 30.5 m (100 ft.):	61 m (200 ft)

9.5.2 The Development Authority may vary the above setbacks having regard for recommendations from Alberta Environment, or if supported by engineering studies. The Municipal Planning Commission may allow a setback variance not exceeding twenty-five percent (25%) in accordance with Section 3.3.6.

9.5.3 Notwithstanding that a proposed development conforms in all respects with this Land Use Bylaw, where the application is for development on lands that are or may be subject to flooding or subsidence, or is in the 1:100 year flood plain, the Development Authority shall not issue a development permit unless the applicant can demonstrate that preventative engineering and construction measures can be instituted to make the site suitable for the proposed development.

9.5.4 Developments must adhere to the following practices to the satisfaction of the Development Authority:

- (a) toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health and safety of the public;
- (b) no industrial operation shall be carried out which would result in the projection of glare, heat, or excessive noise onto adjacent properties;
- (c) waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards of the sewer or sewage disposal system currently in place;
- (d) no development shall be approved that will, in the opinion of the Development Authority, cause damage to environmentally sensitive lands. Developments must follow land management practices that include:

- (i) stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion,
- (ii) wherever feasible, as determined by the Development Authority, natural vegetation shall be retained and protected,
- (iii) the extent of the disturbed area and the duration of its exposure shall be minimized,
- (iv) all grading work should be designed to blend in with the natural contours of the land,
- (v) natural drainage patterns should not be disturbed and changes to watercourses shall be avoided except where controlled improvements are warranted.

## **9.6 EXTERIOR LIGHTING**

In no case shall exterior lighting be a hazard or a nuisance to roadway traffic or adjacent properties. Lighting should be directed away from public roadways.

## **9.7 FENCES**

- 9.7.1 Subject to Section 9.15.6, the construction of fences shall be exempt from the development setback requirements of all Districts.
- 9.7.2 Within the Hamlet Residential (HR1 and HR2) and Country Residential districts (CR1 and CR2), the maximum height of fences for the front yard shall be 1 m (3.28 ft.).
- 9.7.3 All fence materials in the Hamlet Residential Districts (HR1 and HR2) shall consist of quality construction materials, including standard wood or chain link fencing.

## **9.8 FRAGMENTED PARCELS**

- 9.8.1 A fragmented parcel may be subdivided from a quarter section if the fragmented parcel has legal access or physical access to the satisfaction of the Approving Authority.
- 9.8.2 A single lot may be subdivided out of a fragmented parcel without an amendment to this Bylaw if the area of the fragmented parcel in question is greater than half of the area that was originally constituted by the subject quarter section.

## **9.9 HOME BASED BUSINESS**

- 9.9.1 Home based businesses shall be limited to those uses that are approved by the Development Authority, and those exempted from Development Authority Approval by Section 4.2. Those uses shall not interfere with the rights of other residents to the quiet enjoyment of their properties, or create a nuisance by way of dust, noise, smell, smoke, or traffic generation.
- 9.9.2 Home based businesses (Minor) shall be an incidental and subordinate use to the principal residential use and shall be restricted to the dwelling unit. In addition, such home based businesses shall not:
  - (a) require alterations to the principal building unless the alterations are approved by the Development Authority as part of a development permit application;
  - (b) have outside storage of materials, goods, or equipment;

- (c) display any form of commercial advertising, wares or products discernible from the outside of the building but may display an unlighted sign which is a maximum of 3 m<sup>2</sup> (32 ft<sup>2</sup>) in size;
- (d) have any employees other than the resident and members of the resident's family who permanently reside in the dwelling; and
- (e) have any commercial vehicles associated with the business (larger than a pickup or cargo van) on site;

9.9.3 Home based business (Major) shall be incidental and subordinate to the residential use and shall be restricted to the residential yard site. In addition such home based businesses shall:

- (a) not store or maintain any goods, materials, or equipment not directly related to the operation;
- (b) not exceed 1.5 ha (5 ac) in area or as otherwise determined by the Development Authority;
- (c) limit on-site advertising to one (1) sign not to exceed 3 m<sup>2</sup> (32 ft<sup>2</sup>);
- (d) limit employees to four (4) other than the resident and members of the resident's family who permanently reside in the dwelling; and
- (e) limit on-site commercial vehicles to no more than four (4).

9.9.4 Home based business proposals respecting such uses as personal service establishments, food preparation (including bottling of water), child care facilities, and bed and breakfast establishments are required to conform to the standards administered by the local Regional Health Authority and to obtain all necessary licenses required under the applicable legislation.

## **9.10 LANDSCAPING AND SCREENING**

9.10.1 The Development Authority may require screening to be provided in order to visually separate areas that detract from the surrounding properties. Special attention shall be given to proposals that are visible from public roads. The construction and materials of the screen shall be of a quality to the satisfaction of the Development Authority.

9.10.2 Any area required to be landscaped may, at the discretion of the Development Authority, be left in its natural state or be loamed and planted with grass, trees, shrubs and/or flowers, or similar materials or a combination thereof, which enhance the appearance of the site and which complement the development thereon.

## **9.11 MANUFACTURED HOMES**

9.11.1 The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority;

9.11.2 Pursuant to subsection 9.11.1, the Development Authority may consider the following when reviewing development proposals in all Districts:

- (a) the design, character and appearance of all buildings with respect to their compatibility with any other buildings existing in the vicinity;

(b) the design of the building must be consistent with the purpose of the Land Use District in which it is located.

9.11.3 In Hamlet Residential District 1, the following regulations shall apply to the development of manufactured homes:

(a) Manufactured homes older than 10 years shall not be approved unless at the discretion of the Development Authority;

(b) Manufactured homes shall be not less than 4.87 m (16 ft) in width.

9.11.4 Manufactured homes shall be placed on a permanent foundation.

9.11.5 All manufactured homes must conform to the Canadian Standards Association standards (CSA Z240) and all skirting, accessory structures, additions and porches shall be of sound construction and appearance to the satisfaction of the development authority.

9.11.6 Axle, wheels, running gear and towing tongue shall be removed before the owner attaches the manufactured home to a permanent foundation conforming to the requirements of the Alberta Building Code.

## **9.12 OILFIELD FACILITIES**

9.12.1 Residential subdivisions or developments with a density of eight (8) or less units per quarter section shall be set back the following distances from:

(a) Sweet or sour gas well: 100 m (328 ft).

(b) Sweet or Level 1 sour gas pipeline: Width of pipeline right-of-way.

(c) Level 2, 3 or 4 sour gas facility: 100 m (328 ft).

9.12.2 Residential subdivisions or developments with a density of more than eight (8) units per quarter section shall be set back the following distances from:

(a) Sweet or Level 1 or 2 sour gas well: 100 m (328 ft).

(b) Sweet or Level 1 sour gas pipeline: Width of pipeline right-of-way.

(c) Level 2 sour gas facility: 100 m (328 ft).

(d) Level 3 or 4 sour gas well or facility: 500 m (1,640 ft).

9.12.3 Subdivisions or developments for public uses, recreational uses, or commercial uses containing overnight accommodation shall be set back the following distances from:

(a) Sweet or Level 1 sour gas well: 100 m (328 ft).

(b) Sweet or Level 1 sour gas pipeline: Width of pipeline right-of-way.

(c) Level 2 sour gas well or facility: 500 m (1,640 ft).

(d) Level 3 or 4 sour gas well or facility: 1.5 km (0.9 miles).

- 9.12.4 The Development Officer shall refer the following subdivision or development applications to the Energy Resources Conservation Board for review:
- (a) residential developments with a density of eight (8) or less units per quarter section if located within 100 m (328 ft) of the centre line of a pipeline, the head of a well, a battery or a gas processing plant of unknown level of sourness;
  - (b) residential developments with a density of more than eight (8) units per quarter section if located within 500 m (1,640 ft) of the centre line of a pipeline, the head of a well, a battery or a gas processing plant of unknown level of sourness;
  - (c) public uses, recreational uses, or commercial uses containing overnight accommodation if located within 1.5 km (0.9 miles) of the centre line of a pipeline, the head of a well, a battery or a gas processing plant of unknown level of sourness.

### **9.13 PARKING REQUIREMENTS**

- 9.13.1 All developments located in an Industrial or Commercial land use district, or a hamlet or settlement shall be required to provide adequate on-site parking to the satisfaction of the Development Authority.
- 9.13.2 Parking spaces shall be designed, located and constructed such that they are reasonably accessible to the vehicles intended to be accommodated, can be properly maintained, and they are satisfactory to the Development Authority in size, shape, location and construction.

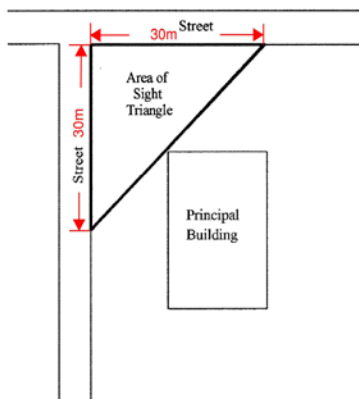
### **9.14 RELOCATION OF BUILDINGS**

- 9.14.1 The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority;
- 9.14.2 Pursuant to subsection 9.14.1, the Development Authority may consider the following when reviewing development proposals in all Districts:
- (a) The design, character and appearance of all buildings with respect to their compatibility with any other buildings existing in the vicinity;
  - (b) The design of the building must be consistent with the purpose of the Land Use District in which it is located.
- 9.14.3 Where a development permit for a use has been granted for the relocation of a building on the same site or from another site, the Development Officer may require the applicant to provide:
- (a) An Irrevocable Letter of Credit of such amount to ensure completion of any renovations set out as a condition of approval of a development permit, and
  - (b) An engineer's certificate to confirm that the building is structurally sound to the satisfaction of Saddle Hills County.
- 9.14.4 Renovations shall be completed within one year of the issuance of a development permit, or such longer period as approved in writing by the Development Authority.

## 9.15 ROADWAY SETBACKS

- 9.15.1 No person shall erect any building or structure in any land use district unless the building or structure is set back from the right-of-way of all public roadways as follows:
- (a) Provincial Highways: 40 m (131 ft) from the property line,
  - (b) Internal Subdivision Road: 7.6 m (25 ft) from the property line,
  - (c) Municipal Road or Undeveloped Road Allowance: 30 m (98 ft) from the property line,
- 9.15.2 Notwithstanding Section 9.15.1, setbacks in hamlets and settlements shall be in accordance with those set out in the Hamlet Residential, Hamlet Commercial, and Hamlet Industrial Districts.
- 9.15.3 Notwithstanding Section 9.15.1, setbacks for farm buildings that are not fixed to a permanent foundation and granaries shall be at the discretion of the development authority.
- 9.15.4 Prior to approving a front yard or exterior side yard variance to any development permit application on a municipal road or internal subdivision road, the Development Officer shall first request comments from the Director of Public Works regarding the suitability of the variance.
- 9.15.5 Pursuant to the Public Highways Development Act, developments occurring within 0.8 km (0.5 mi) of the right-of-way of a provincial highway with a speed limit of 80 km/h or more will require a roadside development permit from Alberta Transportation.
- 9.15.6 In the rural area at the intersection of two roadways, or a roadway and railroad right-of-way, no buildings, solid fence, or vegetation or finished ground elevation shall exceed 1 m (3.3 ft) in height above the average elevation of the carriageways, within a triangular area formed by the intersection of the boundaries of the said roadways and points 30 m (98 ft) back from the intersection, as shown in Figure 2.

Figure 2 Sight Triangle



## **9.16 SEWAGE DISPOSAL SYSTEMS**

All developments serviced by a private sewage disposal system are required to meet Provincial requirements.

## **9.17 SIGN REGULATIONS**

- 9.17.1 Except where provided for in Section 4.2, no sign of any advertising, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure, including the alteration or relocation of an existing sign, unless an application for this purpose has been approved by the Development Authority.
- 9.17.2 In applying for a development permit for a sign, the applicant shall provide complete sign details (i.e. size, colour, layout, construction materials, location, etc.)
- 9.17.3 No signs or advertising structures shall be erected on or affixed to private property without the prior written consent of the property owner or tenant. A copy of the consent shall be submitted with the development permit application.
- 9.17.4 No signs, billboards or advertising structures shall be erected on or affixed to public property without prior written consent of the appropriate public body. A copy of the consent shall be submitted with the development permit application.
- 9.17.5 No signs, notice or advertising device, other than signs erected under the authority of the County or the Minister of Alberta Transportation, shall be erected within the limits of the right-of-way of any Municipal Road.
- 9.17.6 The Development Officer may refer an application for a sign to the Director of Public Works or Alberta Transportation where it would be visible from a road.
- 9.17.7 An application for one or more signs shall not be approved if, in the opinion of the Development Authority, the sign would:
- (a) unduly interfere with the amenities of the area;
  - (b) materially interfere with or affect the use, enjoyment or values of neighbouring properties; or
  - (c) create a safety hazard.
- 9.17.8 The following types of signs shall not be permitted:
- (a) any sign that displays an intermittent, flashing or rotating light or lights;
  - (b) any sign which is lighted in such a manner as to cause interference to the motoring public;
  - (c) any sign that has mechanically moving or rotating parts;
  - (d) any sign that bears a legend giving a command such as "stop, stop ahead, turn, caution" etc, or any legend that in any way imitates a standard or commonly used traffic control device or sign;
  - (e) any sign using a background of red, yellow, orange or other colours that conflict with commonly used traffic control devices or signs;

9.17.9 All signs shall be kept in good repair and maintained in a manner satisfactory to the Development Authority.

9.17.10 All signs are to be placed no closer than 0.3m (1 ft.) from the property line.

## **9.18 WIND ENERGY CONVERSION SYSTEMS (WECS)**

### **9.18.1 Definitions**

The following definitions apply to this part:

Blade

An element of a WECS rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind

Blade Clearance

In reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

Horizontal Axis Rotor

A wind energy conversion system where the rotor is mounted on an axis horizontal to the earth's surface, typical of conventional or traditional windmills.

Rotor's Arc

The largest circumferential path travelled by a WECS' blade.

Small Scale Wind Energy Conversion System

A wind energy conversion system consisting of a single structure with the capacity to generate electricity only for the property owner's use on the site it is located. The system and supporting structure is less than 25m (80 ft.) in height.

Total Height

The height from grade to the highest vertical extension of a WECS. In the case of a WECS with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

Towers

The Structure which supports the rotor above grade.

Vertical Axis Rotor

A wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

Wind Energy Conversion System (WECS)

A wind energy conversion system is a structure designed to convert wind energy into mechanical or electrical energy.

### **9.18.2 General**

- 9.18.2.1 The Development Authority may approve a WECS application on a case-by-case basis having regard for:
- (a) information provided in the application,
  - (b) proximity to other land uses in the immediate area,

- (c) consideration of the cumulative effect of all WECS approved or proposed in the immediate area,
  - (d) existing and proposed transmission network,
  - (e) information received from the circulation of the application and the public.
- 9.18.2.2 Prior to a decision being made on a WECS (other than a Small Scale WECS), the Developer shall hold a public meeting in order to solicit the views of the public in regard to the application.
- 9.18.2.3 Applications for Small Scale Wind Energy Conversion Systems may require the following information to be included, at the discretion of the development authority:
- (a) the manufacturer's information on power generation and the tower;
  - (b) appropriate letter of approval from Navigation Canada;
  - (c) in land use districts where the use is discretionary, noise data indicating noise levels at the property line should not exceed 30 dB;
  - (d) an analysis for noise to any residences that may be located on adjacent properties within a 200m radius;
  - (e) provide evidence that the strobe/shadow effect will not affect the enjoyment of the adjoining residences;
  - (f) an accurate site plan showing and labeling the information including the exact location of each turbine (tower and rotor arc) including setbacks and building locations;
  - (g) other information that may be required by the Development Authority.
- 9.18.2.4 The setback of the Small Scale Wind Energy Conversion System from the property line shall be at the discretion of the Development Authority.
- 9.18.2.5 Small Scale Wind Energy Conversion Systems will not be allowed on parcels that are less than 0.8 hectares (2 acres) in size. Only one Small Scale Wind Energy Conversion System will be allowed on a titled parcel that is between 0.8 hectares (2 acres) up to and including 4.0 hectares (10 acres) providing the height of the tower above grade does not exceed 15.2 meters (50 feet). On parcels greater than 4.0 hectares (10 acres), a maximum of three Small Scale Wind Energy Conversion Systems will be allowed.
- 9.18.2.6 For a Small Scale WECS, the Developer may be required to hold a public meeting prior to consideration of the permit.
- 9.18.3 Application Requirements
- 9.18.3.1 All development applications for a WECS shall be accompanied by:
- (a) an accurate site plan showing and labeling the information including the exact location of each existing and proposed wind turbine (tower and rotor arc), including the location of overhead utilities and on or abutting the subject lot or parcel, and contours of the land and access roads;
  - (b) a visual representation including scale elevations, photographs and/or digital information of the proposed WECS showing total height, tower height, rotor diameter, colour and the landscape;
  - (c) the manufacturer's specifications including:
    - the WECS maximum rated output in kilowatts;
    - safety features and sound characteristics;
    - type of power;
    - dimensions of tower and rotor
    - type of material used in tower, blade and/or rotor construction:
  - (d) an analysis of the potential for noise at:
    - the site of the installation,
    - the boundary of the parcel containing development, at any habitable residence within a 2 km (1.2 miles) distance;
  - (e) a report regarding any public information meetings or other process conducted by the

- developer;
- (f) any impacts to the local road system including required approaches from public roads having regard to Saddle Hills County standard;
- (g) preliminary reclamation/decommissioning plans;

- 9.18.3.2 Prior to making a decision on a development application for a WECS, the developer shall provide the appropriate reports, permits, and/or approvals from the following:
- (a) Transport Canada
  - (b) Navigation Canada
  - (c) Alberta Community Development
  - (d) Alberta Environment
  - (e) Alberta Transportation
  - (f) Alberta Sustainable Resource Development

9.18.4 Referrals

- 9.18.4.1 Prior to making a decision on a development application for a WECS, the Development Authority shall refer and consider the input from the following:
- an adjacent jurisdiction if its boundaries are located within 2km (1.2 miles) of the proposed WECS, municipal district landowners within a 2 km (1.2 mile) radius, and
  - any other relevant regulatory authorities and agencies

9.18.5 Setbacks

- 9.18.5.1 A WECS shall comply with all the setbacks related to roadways that govern the principle use in the district in which it is located.
- 9.18.5.2 Where, in the opinion of the Development Authority, the setbacks referred to in Section 9.18.5.1 are not sufficient to reduce the impact of a WECS from a public roadway or a primary highway, the Development Authority may increase the required setback.
- 9.18.5.3 The minimum setback related to a Provincial Highway right-of-way shall be determined by Alberta Transportation.
- 9.18.5.4 A WECS shall be located not less than four times the height of the WECS, as measured from the ground to the highest point of the rotor's arc, from a dwelling unit not belonging to the owner of the land on which the WECS is to be situated, unless a caveat is agreed to by the affected landowner and registered on the affected title.
- 9.18.5.5 A WECS shall be located so that the horizontal distance measured at grade from the outside of the rotor arc to any property boundary, other than roadways, is at least 7.5m (24.6 ft.).
- 9.18.5.6 In the case of WECS, setbacks may be amended from the minimum setback requirements in the land use district depending on the number of WECS in a group and the proximity to an existing residence.

9.18.6 Minimum Blade Clearance

- 9.18.6.1 The minimum vertical blade clearance from grade shall be 7.5m (24.6ft.) for a WECS employing a horizontal axis rotor unless otherwise required by the Development Authority.

9.18.7 Tower Access And Safety

- 9.18.7.1 To ensure public safety, the Development Authority may require that:
- (a) a security fence with a lockable gate shall surround a WECS tower not less than 1.8m (5.9ft.) in height if the tower is climbable or subject to vandalism that could threaten

- tower integrity;
- (b) no ladder or permanent tower access device shall be located less than 3.7m (12.1ft.) from grade;
- (c) a locked device shall be installed on the tower to preclude access to the top of the tower;
- (d) all of the above be provided or such additional safety mechanisms or procedures be provided as the Development Authority considers reasonable and appropriate;
- (e) the use of tubular towers, with locked door access, will preclude the above requirements.

9.18.8 Distribution Lines

- 9.18.8.1 All power lines on the site of the approved WECS to the substation or grid will be underground except where the Development Authority approves overhead installations.

9.18.9 Colour And Finish

- 9.18.9.1 Unless otherwise required by the Development Authority, a WECS shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a WECS to the satisfaction of the Development Authority.
- 9.18.9.2 No lettering or advertising shall appear on the towers or blades. In other parts of the WECS, the only lettering will be the manufacturer's and/or owner's identification or municipal symbol upon approval by the Development Authority.

9.18.10 Decommissioning

- 9.18.10.1 Should a WECS discontinue producing power for two years or more, the WECS operator shall provide a status report to the Development Authority. A review of the status report by the Development Authority may result in a request for the WECS to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the designated officer in accordance with the provisions of the Municipal Government Act.

**SECTION 10 ESTABLISHMENT OF DISTRICTS**

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**10.1 DISTRICT CLASSIFICATIONS**

For the purpose of this Bylaw, all lands within the County are divided into land use Districts and are classified as follows:

<u>DISTRICTS</u>	<u>SYMBOLS</u>
Agriculture District	A
Country Residential One District	CR1
Country Residential Two District	CR2
Rural Commercial District	RC
Rural Industrial District	RI
Crown Land District	CL
Hamlet Residential One District	HR1
Hamlet Residential Two District	HR2
Hamlet Commercial District	HC
Hamlet Industrial District	HI

**10.2 DISTRICT MAPS**

- 10.2.1 The District Maps, as may be amended or replaced from time to time, are those maps contained in Section 12 of this Bylaw.
- 10.2.2 In the event that a dispute arises over the boundary of any District as shown on the District Maps, the Development Authority shall decide upon the location of the boundary.

## SECTION 11 DISTRICT RULES

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### 11.1 AGRICULTURE (A) DISTRICT

#### 11.1.1 Purpose

The purpose of this District is to provide for the development of a wide variety of uses that are compatible with the agricultural community.

- (a) Permitted Uses
  - accessory building or use
  - agriculture (extensive) [development permit not required as per Section 4.2]
  - manufactured home
  - single detached dwelling unit
  - second or additional dwelling unit on a lot greater than 32 ha (80 ac) more or less
  
- (b) Discretionary Uses
  - agricultural industry
  - agricultural sales and service
  - agriculture, intensive
  - apiary
  - bed and breakfast
  - campground
  - communication tower, mast antenna, and satellite dish antenna
  - golf course
  - home based business (major)
  - kennel
  - natural resource extraction industry
  - oil or gas processing plant
  - private aircraft landing strip
  - public building or use
  - public utility
  - recreation, extensive
  - recreation, indoor
  - recreation resort
  - recreational vehicle storage
  - sawmill or planer mill
  - second or additional dwelling unit on a lot of less than 32 ha (80 ac)
  - sign
  - temporary outdoor pipe and equipment storage
  - used oil storage facility
  - work camp
  - wind energy conversion system

#### 11.1.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area:
  - (i) Farmstead: Maximum: 4.0 ha (10 ac) or at the discretion of the Approving Authority, if any of the following three conditions are met:

- 1) There is a need to accommodate related farm buildings and improvements (including shelterbelts); or
  - 2) The land to be subdivided is not economically viable in terms of farming potential (based on the Rural Farmland Assessment rating (RFA)). For the purposes of this section, lands with less than 28% RFA would be considered not economically viable in terms of farming potential; and/or
  - 3) The topography contains excessive contour elevations or contains low areas, and could not practically be used for farming purposes (to be determined by site inspection and/or supporting geotechnical information).
- (ii) Country Residential Parcel: Minimum: 2.0 ha (5.0 ac)  
Maximum: 4.0 ha (10 ac) or at the discretion of the Approving Authority, if any of the conditions as listed above for a farmstead are met.
- (iii) Fragmented Parcel: See Section 9.8
- (iv) All Other Uses: At the discretion of the Approving Authority, only if the use is pre-existing and/or for which it is an authorized use.
- (b) Front Yard (minimum): See Section 9.15.
- (c) Side Yard (minimum): 15.2 m (50 ft) unless a corner parcel where the minimum side yard shall be the same as the front yard.
- (d) Rear Yard (minimum): 15.2 m (50 ft).
- (e) Lot Density: One (1) lot plus the balance per unsubdivided quarter Section (not including fragmented parcels) if the land to be subdivided is considered "better quality agricultural land". For the purpose of this section, lands are deemed to be better quality if the majority has at least a 28% Rural Farmland Assessment (RFA) rating.
- Three (3) lots plus the balance (not including fragmented parcels) may be allowed if:
- 1) The land to be subdivided is not economically viable in terms of farming potential (based on the Rural Farmland Assessment rating (RFA)). For the purposes of this section, lands with less than 28% RFA would be considered not economically viable in terms of farming potential; and/or
  - 2) The topography contains excessive contour elevations or contains low areas, and could not practically be used for farming purposes (to be determined by site inspection and/or supporting geotechnical information).

## 11.2 COUNTRY RESIDENTIAL ONE (CR1) DISTRICT

### 11.2.1 Purpose

The purpose of this District is to accommodate multi-parcel country residential development in the form of single detached dwellings, manufactured homes, and complementary uses.

- (a) Permitted Uses
  - accessory building or use
  - manufactured home
  - single detached dwelling unit
- (b) Discretionary Uses
  - bed and breakfast
  - home based business (minor)
  - public building or use
  - recreation, extensive
  - sign
  - small scale wind energy conversion system

### 11.2.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area:
  - Minimum: 0.8 ha (2.0 ac)
  - Maximum: 2 ha (5 ac) or at the discretion of the Approving Authority, if any of the following two conditions are met:
    - 1) The land to be subdivided is not economically viable in terms of farming potential (based on the Rural Farmland Assessment rating (RFA)). For the purposes of this section, lands with an RFA rating of less than 28% would be considered not economically viable in terms of farming potential; and/or
    - 2) The topography contains excessive contour elevations or contains low areas, and could not practically be used for farming purposes (to be determined by site inspection and/or supporting geotechnical information).
- (b) Lot Width (minimum): 50 m (164 ft)
- (c) Front Yard (minimum): See Section 9.15
- (d) Side Yard (minimum): 15.2 m (50 ft). If adjacent to a road, Section 9.15 shall apply.
- (e) Rear Yard (minimum): 15.2 m (50 ft)
- (f) Lot Density (maximum): At the discretion of the Approving Authority

- (g) Building Size (maximum): 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) of ground floor area including accessory buildings and uses.
- (h) Building Height (maximum): 10 m (33 ft) from average finished grade

## 11.3 COUNTRY RESIDENTIAL TWO (CR2) DISTRICT

### 11.3.1 Purpose

The purpose of this District is to accommodate multi-parcel country residential development with provision for minor agricultural pursuits.

- (a) Permitted Uses
  - accessory building or use
  - manufactured home
  - single detached dwelling unit
- (b) Discretionary Uses
  - bed and breakfast
  - home based business (minor)
  - home based business (major)
  - minor agricultural pursuits
  - public building or use
  - recreation, extensive
  - sign
  - small scale wind energy conversion system

### 11.3.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area:
  - Minimum: 2 ha (5 ac)
  - Maximum: 4 ha (10 ac) or at the discretion of the Approving Authority, if any of the following two conditions are met:
    - 1) The land to be subdivided is not economically viable in terms of farming potential (based on the Rural Farmland Assessment rating (RFA)). For the purposes of this section, lands with an RFA rating of less than 28% would be considered not economically viable in terms of farming potential; and/or
    - 2) The topography contains excessive contour elevations or contains low areas, and could not practically be used for farming purposes (to be determined by site inspection and/or supporting geotechnical information).
- (b) Lot Width (minimum): 50 m (164 ft)
- (c) Front Yard (minimum): See Section 9.15
- (d) Side Yard (minimum): 15.2 m (50 ft). If adjacent to a road, Section 9.15 shall apply.
- (e) Rear Yard (minimum): 15.2 m (50 ft)
- (f) Lot Density (maximum): At the discretion of the Approving Authority

11.3.3 Additional Requirements: Minor Agricultural Pursuits

- (a) The keeping of livestock shall be limited to no more than one (1) animal unit per acre or part thereof, to a maximum of three (3) animal units per lot to be calculated in accordance with the following chart:

Type of Livestock	Number of Animals Equivalent to One Animal Unit
Cow (plus calf under 6 months)	1
Horse (plus foal under 6 months)	1
Sheep/Goats (plus lambs/kids under 6 months)	2
Pigs (plus offspring under 2 months)	2
Fowl	50
Rabbits	30

- (b) Adequate fencing and/or buffering shall be constructed to the satisfaction of the Development Authority to ensure the on-site confinement of animals and to reduce the impact of noise or visual presence on surrounding properties.

## 11.4 RURAL COMMERCIAL (RC) DISTRICT

### 11.4.1 Purpose

The purpose of this District is to provide for commercial uses located outside of hamlets.

- (a) Permitted Uses
  - accessory building or use
  - office (business, administrative and professional)
  - public building or use
  - restaurant
  - retail store
  
- (b) Discretionary Uses
  - auto body and paint shop
  - automotive and equipment repair
  - bulk fuel or card lock
  - campground
  - dealership
  - hotel
  - manufactured home
  - mobile food services
  - motel
  - open camp
  - recreation, extensive
  - recreation, indoor
  - recreation resort
  - service station
  - sign
  - single detached dwelling unit
  - small scale wind energy conversion system
  - work camp

### 11.4.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area (minimum): 0.2 ha (0.5 ac)
- (b) Front Yard (minimum): See Section 9.15
- (c) Side Yard (minimum): 15.2 m (50 ft.) "or at the discretion of the Development Authority. If adjacent to a road, Section 9.15 shall apply.
- (d) Rear Yard (minimum): 15.2 m (50 ft)

### 11.4.3 Additional Requirements: Dwelling Units

A single dwelling unit or manufactured home may be allowed only if it is accessory to the principal use on the site and conforms to the Regulations contained in this Bylaw. The Development Authority may consider dwelling units located above the commercial activity as well.

## 11.5 RURAL INDUSTRIAL (RI) DISTRICT

### 11.5.1 Purpose

The purpose of this District is to provide for industrial uses, outside of a hamlet or settlement, which require larger tracts of land and may require open or covered storage.

- (a) Permitted Uses
  - accessory buildings and uses
- (b) Discretionary Uses
  - agricultural industry
  - dealership
  - industrial landfill
  - land treatment facility
  - manufactured home (only applies to use existing prior to the adoption of this bylaw)
  - manufacturing or processing of goods or products
  - open camp
  - open or covered storage of goods, equipment, vehicles or machinery
  - public building or use
  - salvage yard
  - sign
  - single detached dwelling unit (only applies to use existing prior to the adoption of this bylaw)
  - storage, processing or production of flammable, combustible or other hazardous goods
  - transportation terminal
  - small scale wind energy conversion system
  - work camp

### 11.5.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area (minimum): 0.2 ha (0.5 ac)
- (b) Front Yard (minimum): See Section 9.15
- (c) Side Yard (minimum): 15.2 m (50 ft). If adjacent to a road, Section 9.15 shall apply.
- (d) Rear Yard (minimum): 15.2 m (50 ft)

### 11.5.3 Landscaping

In addition to the general requirements of Section 9.10, the Development Authority may require a minimum 3.0m landscaped buffer between residential and industrial areas, consisting of:

- (i) a mix of deciduous and coniferous trees with at least 60% of these trees being coniferous;
- (ii) trees which are at least 6m in height at maturity; and
- (iii) shrubs in addition to the trees at least 2m in height at maturity.

The Development Authority may also require a fence or a combination of a fence and soft landscaping at least 1.8m in height where an industrial site abuts a residential district.

## 11.6 CROWN LAND (CL) DISTRICT

### 11.6.1 Purpose

The purpose of this district is to provide for a variety of land uses on Crown Lands.

- (a) Permitted Uses
  - accessory building or use
  - agriculture (extensive)
  - apiary
  - communication tower, mast antenna or satellite dish antenna
  
- (b) Discretionary Uses
  - home based business (major)
  - kennel
  - manufactured home
  - natural resource extraction industry
  - oil or gas processing plant
  - open or covered storage of goods, equipment, vehicles or machinery
  - public building or use
  - public utility
  - recreation, extensive
  - sawmill or planer mill
  - second or additional dwelling unit on a lot of 32 ha (80 ac) or greater
  - sign
  - single detached dwelling unit
  - wind energy conversion system
  - work camp

### 11.6.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area: At the discretion of the Development Authority.
- (b) Front Yard (minimum): See Section 9.15
- (c) Side Yard (minimum): 15.2 m (50 ft). If adjacent to a road, Section 9.15 shall apply.
- (d) Rear Yard (minimum): 15.2 m (50 ft)

### 11.6.3 Additional Requirements

- (a) In cases where privately owned parcels are shown on the District Map as being located in the Crown Land District (CL), they shall be considered as part of the Agriculture (A) District.

## 11.7 HAMLET RESIDENTIAL ONE (HR1) DISTRICT

### 11.7.1 Purpose

The purpose of this district is to provide for a variety of residential (including manufactured homes) and other compatible uses within hamlets and settlements.

- (a) Permitted Uses
  - accessory building or use [buildings less than 65 sq. m (700 sq. ft.) in size]
  - manufactured home
  - single detached dwelling unit
  
- (b) Discretionary Uses
  - apartment building
  - child care facility
  - condominium
  - duplex
  - home based business (minor)
  - public building or use
  - public utility
  - sign

### 11.7.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area (minimum): 465 m<sup>2</sup> (5,000 ft<sup>2</sup>)
- (b) Lot Area (maximum): 0.2 ha (1/2 acre)
- (c) Lot Width (minimum): 15.2 m (50 ft)
- (d) Front Yard (minimum): 7.6 m (25 ft)
- (e) Side Yard (minimum): 1.5 m (5 ft)
- (f) Rear Yard (minimum): 7.6 m (25 ft)
- (g) Building Height (maximum): 10 m (33 ft)
- (h) Lot Coverage (maximum): 40 percent to a maximum ground floor area of 750 m<sup>2</sup> (8,073 ft<sup>2</sup>) including accessory buildings.

## 11.8 HAMLET RESIDENTIAL TWO (HR2) DISTRICT

### 11.8.1 Purpose

The purpose of this district is to provide for single family residential development within hamlets and settlements.

- (a) Permitted Uses
  - accessory building or use [buildings less than 65 sq. m (700 sq. ft.) in size]
  - single detached dwelling unit
- (b) Discretionary Uses
  - apartment building
  - child care facility
  - condominium
  - duplex
  - home based business (minor)
  - public building or use
  - public utility
  - sign

### 11.8.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area (minimum): 465 m<sup>2</sup> (5,000 ft<sup>2</sup>)
- (b) Lot Area (maximum) 0.2 hectares (1/2 acre)
- (b) Lot Width (minimum): 15.2 m (50 ft)
- (c) Front Yard (minimum): 7.6 m (25 ft)
- (d) Side Yard (minimum): 1.5 m (5 ft)
- (e) Rear Yard (minimum): 7.6 m (25 ft)
- (f) Building Height (maximum): 10 m (33 ft)
- (g) Lot Coverage (maximum): 40 percent to a maximum ground floor area of 750 m<sup>2</sup> (8,073 ft<sup>2</sup>) including accessory buildings.

## 11.9 HAMLET COMMERCIAL (HC) DISTRICT

### 11.9.1 Purpose

The purpose of this district is to provide for a variety of commercial uses within hamlets and settlements.

- (a) Permitted Uses
  - accessory building or use
  - bus depot
  - office (business, administrative and professional)
  - restaurant
  - retail store
  
- (b) Discretionary Uses
  - auto body and paint shop
  - automotive and equipment repair
  - car and truck washing facility
  - dealership
  - drinking establishment
  - hotel
  - manufactured home (only applies to use existing prior to the adoption of this Bylaw)
  - mobile food services
  - motel
  - personal service establishment
  - public building or use
  - recreation, indoor
  - recreation resort
  - service station
  - sign
  - single detached dwelling unit (only applies to use existing prior to the adoption of this Bylaw)
  - skilled trades establishment

### 11.9.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area (minimum): 400 m<sup>2</sup> (4,300 ft<sup>2</sup>)
- (b) Front Yard: None required
- (c) Side Yard, Exterior: None required
- (d) Side Yard, Interior (minimum): 3 m (10 ft) if adjacent to a Hamlet Residential District. 1.5 m (5 ft) for all other uses. If a firewall is provided, no side yard is required.

### 11.9.3 Additional Requirements: Dwelling Units

- (a) A single dwelling unit (not including a single detached dwelling unit or manufactured home) may be allowed only if it is accessory to the principal use on the site and conforms with the Regulations contained in this Bylaw. The Development Authority may consider dwelling units located above the commercial activity as well.

(b) Notwithstanding Section 11.9.3(a), single detached dwelling units and manufactured homes established in this District prior to the adoption of this Bylaw are to be considered as discretionary uses.

## 11.10 HAMLET INDUSTRIAL (HI) DISTRICT

### 11.10.1 Purpose

The purpose of this district is to provide for a variety of industrial uses within hamlets and settlements.

- (a) Permitted Uses
  - accessory building or use
  - auto body and paint shop
  - building supply sales
  - railway station grounds
  - warehouse
  - wholesale outlet
  
- (b) Discretionary Uses
  - agricultural industry
  - dealership
  - manufacturing and processing of goods or products
  - open or covered storage of goods, equipment, vehicles, or machinery
  - public building or use
  - salvage yard
  - sign
  - storage, processing or production of flammable, combustible or other hazardous goods.
  - truck terminal (truck stop)

### 11.10.2 Site Provisions

In addition to the General Regulations contained in Section 9, the following standards shall apply to every development in this district.

- (a) Lot Area (minimum): 0.2 ha (0.5 ac)
- (b) Lot Width (minimum): 30 m (100 ft)
- (c) Front Yard (minimum): 7.6 m (25 ft)
- (d) Side Yard (minimum): 3 m (10 ft)
- (e) Rear Yard (minimum): 7.6 m (25 ft)

# SECTION 12 LAND USE DISTRICT MAPS

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<u>Map</u>	<u>Location</u>
1	Overall County
2	Hamlet of Woking (Scale 1:11,000)
2A	Hamlet of Woking (Scale 1:7,000)
3	Settlement of Savanna
4	Settlement of Bonanza
5	Settlement of Bay Tree
6	Blueberry Mountain
7	Settlement of Gordondale
8	Saddle Oak Estates & NW Sec 17 78-13 W6M
9	W ½ Sec 22 81-9 W6M
10	NE Sec 28 81-9 W6M
11	NE Sec 23 79-13 W6M
12	NE Sec 32 & NW Sec 33 78-13 W6M
13	NW Sec 11 79-10 W6M
14	NE Sec 15 78-7 W6M
15	NW Sec 32 78-13 W6M
16	NW Sec 34 75-5 W6M
17	SE Sec 3 79-13 W6M
18	SE Sec 29 80-12 W6M
19	SE Sec 12 79-13 W6M

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## **SCHEDULE A    LAND USE BYLAW FORMS**

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- FORM A      DEVELOPMENT PERMIT APPLICATION
  - FORM A-1    SIGN DEVELOPMENT PERMIT APPLICATION
  - FORM A-2    HOME-BASED BUSINESS DEVELOPMENT PERMIT APPLICATION
  
- FORM B      NOTICE OF DECISION OF DEVELOPMENT PERMIT APPLICATION
  
- FORM C      DEVELOPMENT PERMIT TIME EXTENSION APPLICATION
  
- FORM D      DEVELOPMENT APPEAL APPLICATION
  
- FORM E      NOTIFICATION OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING
  
- FORM F      DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD
  
- FORM G      LAND USE BYLAW AMENDMENT APPLICATION

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## SCHEDULE B      SCHEDULE OF FEES

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### SUBDIVISION

Application Fee	\$100.00
Fee Per Lot Created (including balance of qtr) <i>(Example: \$300.00 for first parcel out)</i> <i>(i.e.: \$100.00 application + \$100.00 new parcel + \$100.00 balance of quarter = \$300.00)</i>	\$100.00
Title Search	\$ 10.00 (plus GST)
Endorsement Fee (per lot created, including balance of qtr) <i>(Example: \$110.00 for first parcel out)</i>	\$ 55.00
Extension Fee (if a longer period of time is required for the applicant to either submit the plan for endorsement and meet all conditions of approval OR to register the endorsed plan at Land Titles Office per MGA S. 657)	\$ 75.00

### DEVELOPMENT PERMIT

Application Fee:	\$20.00 per \$50,000 construction value (or portion thereof) of the proposed development to a maximum permit fee of two thousand dollars (\$2,000.00). <i>(Example: A development with a construction value of \$385,000 will have a permit fee of \$160.00)</i>
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### AMENDMENT OF LAND USE BYLAW / STATUTORY PLAN

Application Fee	\$500.00
Title Search	\$ 10.00 (plus GST)

**SADDLE HILLS COUNTY  
BYLAW NO. 173-2009**

Being a bylaw of Saddle Hills County, in the Province of Alberta, for the purpose of adopting a Land Use Bylaw.

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**WHEREAS** Section 639 of the Municipal Government Act, S.A. 2000, Chapter M-26 as amended, requires every municipality to pass a land use bylaw; and

**WHEREAS** The Council of Saddle Hills County deems it to be in the public interest to repeal the Saddle Hills County Land Use Bylaw No. 106-2001, and all subsequent amendments thereto;

**NOW THEREFORE** The Council of Saddle Hills County in the Province of Alberta, duly assembled, hereby enacts as follows:

- 1) That the Saddle Hills County Land Use Bylaw No. 106-2001 and all subsequent amendments thereto is hereby rescinded.
- 2) That this bylaw may be cited as the Saddle Hills County Land Use Bylaw.
- 3) That the Saddle Hills County Land Use Bylaw, attached hereto, forms part of this bylaw;
- 4) This bylaw shall come into effect upon the date of the final passing thereof.

READ A FIRST TIME THIS 26<sup>th</sup> DAY OF May , 2009.

READ A SECOND TIME THIS 14<sup>th</sup> DAY OF July , 2009.

READ A THIRD TIME THIS 14<sup>th</sup> DAY OF July , 2009.

Tim Stone (Original signed by)  
Chief Elected Official

Faye Kary (Original signed by)  
Interim Chief Administrative Officer