

# **CYPRESS COUNTY**



## **LAND USE BY-LAW NO 2006/13**

**May 2006**



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## **PART 1 SHORT TITLE, PURPOSE AND DEFINITIONS**

### **1. SHORT TITLE**

- (1) This By-law may be cited as "Cypress County Land Use By-law".

### **2. PREVIOUS LEGISLATION**

- (1) The Municipal District of Cypress Land Use By-law 95-19 signed on the 31st day of July, 1995, AD. and amendments thereto are hereby repealed.
- (2) This By-law comes into force upon the date of final reading.
- (3) An application for a development permit which is received in its complete form prior to the effective date of this By-law shall be processed as if this By-law had not come into force.

### **3. PURPOSE**

- (1) The purpose of this By-law is to:
  - (a) provide direction for the orderly, economical, and beneficial development, use of land and patterns of human settlement for the residents of Cypress County, and
  - (b) regulate and control development or, where necessary, prohibit development without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

### **4. APPLICATION OF THIS BY-LAW**

- (1) Except as permitted in this By-law, no person shall commence a development unless a development permit for that development has been issued and the appeal period has expired.
- (2) If one or more provisions of this By-law are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

### **5. INTERPRETATION**

In this By-law, unless the context otherwise requires, the expression "use" or "to use" shall include done or permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant for the purpose of making use of the said land, building or structure.

- (2) Unless otherwise stated, The Interpretation Act applies to this By-law.
- (3) Where uncertainty exists as to the boundaries of the districts as shown on the Land Use District Map, the following rules shall apply:
  - (a) where a District boundary is shown as approximately following a public roadway, it shall be deemed to follow the right-of-way thereof;
  - (b) where a District boundary is shown as approximately following the boundary of a lot, the lot boundary shall be deemed to be the boundary of the District;
  - (c) where a District boundary is shown as following a canal, pipeline, railway line, or utility easement it shall be deemed to follow the centre line of the right-of-way thereof;

- (d) where a District boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed;
- (e) where a land use District boundary is not located in conformity to the preceding provisions and in effect divides or splits a registered parcel of land, the disposition of such boundary shall be determined by dimensions indicated on the Land Use District Map or by measurements directly from that Map;
- (f) where the application of the above rules do not determine the exact location of the boundary of a district, the Council either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this By-law and with the degree of detail as to measurements and directions as the circumstances may require.

## 6. DEFINITIONS

- (1) "Accessory Building" means a separate building the use of which is accessory and subordinate to the use of the principal building on the same lot.
- (2) "Accessory Use" means a use customarily associated with but subordinate to the permitted and discretionary uses pursuant to this By-law.
- (3) "Act" means the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta 2000 as amended.
- (4) "Adjacent land" means land that is contiguous to the parcel of land that is being redesignated or subdivided and includes land that would be contiguous if not for a highway, road, river or stream.
- (5) "Animal Unit" see "Intensive Livestock Operation."
- (6) "Appeal board" means the Subdivision and Development Appeal Board appointed by the Municipal Council pursuant to the Act.
- (7) "Better Agricultural Land" generally refers to land having a Canada Land Inventory rating of Class 1, 2 or 3 and, at the discretion of the Municipal Planning Commission, may include other cultivated, improved or irrigable land. The C.L.I. rating may be subject to confirmation from other qualified sources which may include government agencies, independent consultants or municipal assessment records.
- (8) "Building" means anything constructed or placed on, in, over or under the land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.
- (9) "Chord" means a straight line connecting the corner points of a curved parcel boundary.
- (10) "Commercial Facility" means a building or group of buildings intended for the use of customers for retail sale or repair of goods or services or for assembly and limited term visitor accommodation as part of a commercial enterprise. This includes but is not limited to retail store, visitor accommodation, restaurant and leisure entertainment facilities.

- (11) "Commercial Use in Support of the Principal Visitor Accommodation Use" means a use that is subordinate to and supports the principal visitor accommodation use and users; is located on the same site as the principal use and may include, a retail store, a service station a restaurant or other similar use.
- (12) "Confined feeding operation" means an activity on land that is fenced or enclosed or within buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing, but does not include seasonal feeding or bedding sites. Operations equal to or greater than the size shown in the following table require registration under the Agricultural Operation Practices Act:

Beef cows/finishers, bison, elk	150
Beef feeders (<900 lbs.), Deer, Sheep, Goats	200
Swine, (sows - farrow to finish)	30
Swine, (sows - farrow to wean)	50
Swine, (weaners, feeders)	500
Dairy	50
Horses, Wild Boar	100
Poultry(breeder hens), Turkeys	1000
For other animals, refer to Agricultural Operations Part 2 Matters Regulation	

- (13) "Corner Lot" means a lot having frontage on two or more streets at their intersection.
- (14) "Council" means the Municipal Council of Cypress County in the Province of Alberta.
- (15) "Country residence" means a dwelling or mobile home with or without accessory buildings and uses which is situated on a parcel used solely for private residential purposes within an otherwise rural area.
- (16) "Country Residential Subdivision" means two of more parcels having been subdivided from a larger, single parcel with each parcel having separate title. The parcels are situated in relatively close proximity to one another.
- (17) "County" means Cypress County in the Province of Alberta.
- (18) "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 in, on, over or under land of any of them
  - (c) a change of use or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

- (d) 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.
- (19) "Development Officer" means a person or persons appointed to the office of development officer pursuant to this Land Use By-law.
- (20) "Development Permit" means a document issued by the Development Officer or the Municipal Planning Commission, authorizing development in accordance with this By-law.
- (21) "Discretionary Use, Class I" means the use of land or buildings which is not a permitted use in terms of this By-law but for which there is provision for the Development Officer to exercise discretion in granting a development permit.
- (22) "Discretionary Use, Class II" means the use of land or buildings which is not a permitted use in terms of this By-law but for which there is provision for the Municipal Planning Commission to exercise its discretion in granting a development permit.
- (23) "District" means an area of land designated on the Land Use District Map as a Land Use District.
- (24) "Dwelling" means any building or structure used exclusively for human habitation, whether framed in place or assembled from factory built modules, which is supported on a permanent foundation or base extending below ground level, but does not include mobile homes of any kind.
  - (a) "Dwelling, single detached" means a detached building consisting of one dwelling unit as herein defined and occupied as the permanent home or residence of one household.
  - (b) "Dwelling, semi-detached" means development consisting of only two dwellings, each accommodating one household, situated side by side and sharing a common wall. Each dwelling shall have separate, individual and direct access to grade, with no interior access connections, and no common means of access with other dwellings.
  - (c) "Dwelling, multi-unit" means a grouping of three or more dwelling units within one structure and may be constructed as in an apartment style where entrance facilities are shared. or an attached style where each unit has a separate entrance at grade and is divided by a vertical party wall, or in a stacked dwelling style where units have separate entrances but may be located totally or partially above another.
- (25) "Family Care Facility" means a facility which provides resident service in a private residence to four or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, day care centres, group homes, and family homes. The residential character of the development shall be maintained.
- (26) "Farming" means the use of land or buildings for the raising or producing of crops and/or

livestock and does not include a confined feeding operation.

- (27) "Farmstead" means a dwelling or mobile home and other 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 mean a country residence.
- (28) "Farmstead separation" means the separation of a farmstead dwelling and associated yard from a previously unsubdivided quarter section resulting in a separate title. To qualify for a farmstead separation, the residence must have listed on the tax roll for a minimum of years.
- (29) "Farm Subsidiary Occupation" means an occupation or business which is carried out by the operator of the farm unit as a secondary and subordinate use of the farm and employing not more than two persons exclusive of family members.
- (30) "Garden Suite" means a one bedroom dwelling unit connected to utilities and services associated with the host residence and occupied by
  - a. either or both of the parents,
  - b. either or both of the parents-in-law,
  - c. a disabled adult child, or
  - d. dependent adult, as defined in the Dependent Adults Act, RSA 1980, cD-32, of an occupant of a single family detached dwelling located on the same site .
- (31) "Group Care Facility" means use of a building licensed by a public authority authorized to do so intended to provide room and board, self-help and/or professional guidance and supervision for more than four residents, excluding staff, for foster children, disabled persons, the elderly, or for persons with physical , mental, social or behavioural problems. The use class includes nursing homes, treatment facilities for drug and alcohol addiction, and juvenile detention centres.
- (32) "Hamlet" means an unincorporated urban settlement designated by Council as a hamlet pursuant to the Act.
- (33) "Hard Surfacing" means roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, and oiled surfaces which impede the natural infiltration of storm water. *(Amended 2009/01/06 by By-law 2008/33)*
- (34) "Home Occupation" means occupation, trade or craft carried on by the occupant(s) of a dwelling or mobile home as a use secondary to the residential use of a building or parcel.
- (35) "Kennel" means accommodation for the keeping, boarding and/or breeding of four or more small animals over three months of age and uses associated with the shelter and care of small animals such as grooming, training and exercising, whether by the owner or for remuneration.
- (36) "Land Use Amendment" means the change of the current land use district classification under the Land Use By-law to different land use classification (See Section 14).

- (37) "Livestock Manure Unit" means the number of livestock needed to produce sufficient manure to meet the nitrogen requirements of 1 acre of crop land. For many species, 454 kg. (1000 lbs) of live weight approximates a livestock manure unit.
- (38) "Mobile Home" means a residential structure that is designed to be transported to a site, placed on foundation supports and connected to utilities for year-round accommodation. Subject to the discretion of the Development Officer, the structure must meet the CSA Z 240 building standard.
- (39) "Mobile Home Park" means any parcel on which three or more mobile homes are located and used for human habitation without regard to whether a fee is charged for the use of the parcel.
- (40) "Move-in Building" means any mobile home, residence/dwelling, accessory building, and any other structure which is to be transported to a site.
- (41) "Municipal Planning Commission" means the Cypress County Municipal Planning Commission appointed by Council pursuant to the Act.
- (42) "Off-site Levy" means a one time payment by a developer to the County in accordance with an Off-site Levy By-law for the provision of the necessary utilities required to service a parcel of land that is to be developed or subdivided.
- (43) "Ornamental Trees" means a single row of coniferous or deciduous trees with a minimum spacing of 5 metres located in front of a country residence or farmstead extending for a maximum distance of 100 metres adjacent to a local road or road allowance.
- (44) "Owner" means the person shown as the owner of land on the assessment roll.
- (45) "Parking area or space" means a portion of land or part of a building set aside for the parking of motor vehicles.
- (46) "Permitted Use" means a use designated in the By-law as a permitted use and for which the Development Officer shall issue a development permit with or without conditions providing all other provisions relating to the application for a development permit have been complied with.
- (47) "Planning Advisor" means a person or persons appointed to the office of planning advisor pursuant to this Land Use By-law.
- (48) "Principal Building or Use" means the building or use of land or buildings which constitutes the dominant structure or activity of the lot.
- (49) "Recreation Vehicle" means a portable structure intended to be carried on a vehicle or to be transported on its own wheels to provide temporary living accommodation for travel and recreational purposes and includes such vehicles as a motor home, a camper, a travel trailer, a tent trailer and a boat but does not include a mobile home.



- (b) Blade Clearance In reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.
  - (c) Horizontal Axis Rotor A wind energy conversion system, typical of conventional or traditional windmills.
  - (d) Rotor's Arc The largest circumferential path travelled by a WEF blade.
  - (e) Total Height The height from grade to the highest vertical extension of a WEF. In the case of a WEF 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.
  - (f) Towers The structure which supports the rotor above grade
  - (g) Vertical Axis Rotor A wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface
  - (h) Wind Energy Facility A wind energy generator is one or more structures designed to convert wind energy into mechanical or electrical energy.
- (63) "Yard" means a part of a lot upon or over which no principal building is permitted to be.
- (64) "Yard, Flankage" means a yard extending along the full length of a corner lot, measured from the road right-of-way to the foundation wall of the principal building
- (65) "Yard, Front" means a yard extending across the full frontage width of a lot measured from the nearest wall of the principal building situated on the lot to the front line of the lot.
- (66) "Yard, Rear" means a yard extending across the full rear width of a lot measured from the rear wall of the principal building situated on the lot to the rear line of the lot.
- (67) "Yard, Side" means the land defined by the full length of the side of a principal and/or accessory building situated on a lot and any side boundary line of the same lot.

## PART II ADMINISTRATIVE DUTIES AND RESPONSIBILITIES

### 7. DEVELOPMENT OFFICER

- (1) The office of Development Officer is hereby established and shall be filled by a person or persons to be appointed by resolution of Council.
- (2) Pursuant to the Act, the Development Officer is hereby declared to be a development authority.
- (3) The Development Officer shall:
  - (a) assist and advise the Council and the public with respect to the requirements of the Land Use By-law and other pertinent legislation to the best of his ability;
  - (b) keep and maintain for the inspection of the public during office hours a copy of this By-law and any adopted statutory plans and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge set by Council from time to time;
  - (c) provide a list of all applications to the secretary of the Municipal Planning Commission prior to each meeting, including those which have been approved under subsection (4);
  - (d) keep on file in his office and make available for inspection by the general public during office hours a register of all applications for development including the decisions therein, for a minimum period of three years.
- (4) The Development Officer shall receive all completed applications for a Development Permit for development and shall:
  - (a) approve all applications which constitute a "Permitted Use" in a Land Use District and comply in all respects to the standards of that district. The Development Officer may approve such applications with or without conditions;
  - (b) consider and decide on all applications which constitute a "Class I Discretionary Use" in a Land Use District and comply in all respects to the standards of that district. The Development Officer may approve such applications with or without conditions or if desired, refer the application to the Municipal Planning Commission for consideration;
  - (c) consider and decide on renewal of time limited permits which comply in all respects to the conditions of the original permit. If in the opinion of the Development Officer the development does not meet the conditions of the original permit, then it shall be treated as a new application.
  - (d) refer, with his recommendations, to the Municipal Planning Commission all applications for development permits involving:
    - (i) Class II Discretionary uses,
    - (ii) variances from the relevant development standards,
    - (iii) those matters requiring the specific approval of the Municipal Planning Commission pursuant to this By-law,
    - (iv) any other matter which in the opinion of the Development Officer does not comply with the intent of the relevant provisions of this By-law;
  - (e) refuse all other applications, unless in the Development Officer's opinion, there is justification for an application to receive the Municipal Planning Commission's decision;

- (f) refer to the Councils of incorporated municipalities, copies of all applications for Class II Discretionary Uses within their respective Urban Fringe District as shown in Schedule A. If comments on the application are not received from the municipality concerned within five (5) days from the date of mailing, the Development Officer shall refer the application to the Municipal Planning Commission as though the municipality had no comments on the application;
  - (g) refer any application for Development Permits to any agency or person for comments as required by the Subdivision and Development Regulation or when deemed appropriate.
- (5) Subject to subsection (6), the Development Officer may consider and decide upon an application which constitutes a "Permitted Use" in a Land Use District, which does not comply with all respective standards of the district if in the opinion of the Development Officer,
- (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 or neighbouring properties, and
  - (b) the proposed development conforms with the use prescribed for that land or building in this By-law;
  - (c) the proposed development complies with any adopted statutory plans.
- (6) Pursuant to subsection (5), the Development Officer, unless otherwise stated in the by-law, is authorized to allow variances of the measurable standards of this By-law to a maximum of 1 metre or 10% of the standard, whichever is greater.

## **8. PLANNING ADVISOR**

- (1) The office of Planning Advisor is hereby established and shall be filled by a person or persons to be appointed by resolution of Council.
- (2) Pursuant to the Act, the Planning Advisor is hereby declared to be a subdivision authority.
- (3) The Planning Advisor shall:
  - (a) assist and advise the Council and the public with respect to the requirements of the Land Use By-law and other pertinent legislation to the best of his ability;
  - (b) keep and maintain for the inspection of the public during office hours a copy of this By-law and any adopted statutory plans and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge set by Council from time to time;
  - (c) provide a list of all complete subdivision applications to the secretary of the Municipal Planning Commission prior to each meeting, including those which have been approved under subsections (4)(c);
  - (d) keep on file in his office and make available for inspection by the general public during office hours a register of all subdivision applications including the decisions therein, for a minimum period of ten years.
- (4) The Planning Advisor shall receive all completed applications for subdivision and shall:
  - (a) refer for comments any application which meet the requirements of the land use by-

- law to any agency or person when deemed appropriate or as required under the Subdivision and Development Regulation;
- (b) refer to the Councils of incorporated municipalities, any applications for Discretionary Uses within their respective Urban Fringe District as shown in Schedule A. If comments on the application are not received from the municipality concerned within twenty one (21) days from the date of mailing, the Planning Advisor shall refer the application to the Municipal Planning Commission as though the municipality had no comments on the application;
  - (c) consider and decide upon all applications considered pursuant to section 652(4) of the Act. The Planning Advisor may approve such applications with or without conditions;
  - (d) refer, with a recommendation, to the Municipal Planning Commission all other completed applications for subdivision which meet the requirements of the land use by-law .

## **9. MUNICIPAL PLANNING COMMISSION**

- (1) The Municipal Planning Commission, with the assistance of the Development Officer and the Planning Advisor, shall administer this By-law.
- (2) Pursuant to the Act, the Municipal Planning Commission is hereby delegated the power to make decisions regarding subdivision applications and development permits.
- (3) The Municipal Planning Commission shall consider and decide upon all applications referred to it by the Development Officer and the Planning Advisor, and may,
  - (a) approve the application without conditions;
  - (b) approve the application subject to conditions considered appropriate, or
  - (c) refuse the application citing reasons for such refusal.
- (4) The Municipal Planning Commission is authorized to waive or vary development standards notwithstanding that the proposed development does not comply with this By-law if in the opinion of the Municipal Planning Commission
  - (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;
  - (b) the proposed development conforms with the use prescribed for that land or building in the Land Use By-law, and
  - (c) the proposed development complies with any adopted statutory plans.

## **10. SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- (1) The powers, duties and responsibilities of this board are established in the Subdivision and Development Appeal Board By-law.

## **11. ESTABLISHMENT OF FEES**

- (1) Council may from time to time establish by resolution such fees and application forms as may be required for the purpose of this By-law.

## **PART III PROCEDURE FOR DEVELOPMENT PERMITS**

### **12. PERMISSION FOR DEVELOPMENT**

- (1) Subject to Section 13, no development shall be commenced unless a development permit has been obtained from the Development Officer or the Municipal Planning Commission, as the case may be.

### **13. DEVELOPMENT DEEMED APPROVED**

- (1) The following developments shall not require a development permit provided that such development complies with setback provisions of Section 46 or any other applicable sections of this By-law.
  - (a) farm developments:
    - (i) the cultivation or grazing of land;
    - (ii) the development of haystacks, portable granaries, permanent farm buildings under 45 square metres (500 ft<sup>2</sup>);
  - (b) garden sheds located on skids, to a maximum of 8 m<sup>2</sup> (86.08 ft<sup>2</sup>) in area.
  - (c) shelter belts, hedges, reservoirs, dugouts, wells, sewage disposal fields;
  - (d) the development of non-wire fences, ornamental trees, corrals or other means of enclosure which comply with Section 49 of the By-law;
  - (e) the County's use of land which it either owns or has an equitable interest in for a purpose approved by Council in connection with any public utility;
  - (f) the carrying out of maintenance, renovations or repairs to any building, provided that such works do not include structural alterations or major works of renovation;
  - (g) a temporary building for construction of a Development "deemed approved" or approved by Development Permit, during the period of construction;
  - (h) all irrigation works as defined in the Irrigation Act. Any new irrigation works adjacent to public roads shall have prior approval of council;
  - (i) pipelines and ancillary facilities as defined in the Pipelines Act. Any new facilities adjacent to public roads shall have the prior approval of Council;
  - (j) public signs including signs approved pursuant to the Public Highways Development Act.
- (2) Wire fences shall be exempt from the setback provisions of the by-law.

### **14. DEVELOPMENT APPLICATION**

- (1) An application for a development permit required under this By-law shall be made to the Development Officer in writing in the prescribed form and shall be accompanied by a site plan and such other plans and specifications as may reasonably be necessary to consider the development proposal.

### **15. PLANS AND INFORMATION REQUIRED**

- (1) The Development Officer may request any of the following information to accompany the development application:
  - (a) a site plan, in duplicate, showing:
    - (i) the lot boundaries, with dimensions,
    - (ii) the location of all existing and proposed buildings or uses of the land,
    - (iii) floor plans, elevations, exterior views and sections of the proposed buildings,
    - (iv) statement of the present and proposed uses,

- (v) the existing and proposed access points to the site,
  - (vi) the location of all easements and/or rights-of-way,
  - (vii) color photographs of the Development
  - (viii) any additional information the Development Officer and/or Municipal Planning Commission consider necessary for processing and evaluating this application;
  - (b) proof of ownership or authority to apply for a development permit;
  - (c) the estimated commencement and completion dates;
- (2) The Development Officer or the Municipal Planning Commission may deal with an application and make a decision thereon without all of the information required by subsection (1) if in their opinion, the nature of the development is such that a decision on the application can be properly made without such information.
- (3) A non-refundable application fee to be established by Council from time to time shall accompany the development application.

**16. APPLICATION DEEMED REFUSED**

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision on the application is not made by the Development Officer or the Municipal Planning Commission, as the case may be, within 40 days of the receipt of the completed application and the applicant may appeal to the Appeal Board.

**17. PUBLIC NOTIFICATION - DEVELOPMENT PERMITS**

- (1) Immediately after a development permit for a Permitted Use or for a Discretionary Use is approved by the Development Officer or Municipal Planning Commission, as the case may be, the Development Officer shall publish in a local newspaper a notice stating the location of the property for which the application has been approved and the use to be made of the land, and
- (2) The applicant shall immediately be notified of the decision in writing.
- (3) Public notice is not required for renewal of an existing permit.

**18. RIGHT OF APPEAL**

- (1) A person may appeal to the Appeal Board where:
- (a) the Development Officer or Municipal Planning Commission,
    - (i) refuses or fails to issue a Development Permit, or
    - (ii) issues a Development Permit subject to conditions, or
    - (iii) issues an Order under the Act.
  - (b) no decision on a Development Application is made within 40 days of receipt of the completed application.
- (2) Any person affected by an order, decision or development permit made or issued by the Development Officer or Municipal Planning Commission, as the case may be, other than a person having a right of appeal under subsection (1) may appeal to the Appeal Board in accordance with the Act and this By-law.
- (3) An appeal to the Appeal Board shall be commenced by serving written notice of the appeal on the Appeal Board within 14 days after:
- (a) in the case of an appeal made by a person referred to in subsection (1)(a), the date on which:

- (i) the person is notified of the order, decision or the issuance of the development permit, or
- (ii) if no decision is made with respect to the application for a development permit, the 40 day period referred to in subsection 1(b);
- (b) in the case of an appeal referred to in subsection (2), the date on which the notice of the approval of the development permit is published in a newspaper circulating in the county.
- (c) A non-refundable appeal fee to be established by Council from time to time shall accompany the appeal notice.

**19. CERTAINTY OF USE**

- (1) Where an application is for a permitted use in the land use districts for which the parcel is designated, the application shall not be refused by the Development Officer or Municipal Planning Commission on the grounds of use only.
- (2) Notwithstanding subsection 18(2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

**20. DEVELOPMENT AGREEMENTS**

- (1) As a condition of a development permit being issued, the applicant may be required to enter into an agreement with Cypress 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
    - (i) a pedestrian walkway system to serve the development, or
    - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
  - (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
    - (i) off-street or other parking facilities, and
    - (ii) loading and unloading facilities;
  - (e) to pay an off-site levy or redevelopment levy;
  - (f) to give security to ensure that the terms of the agreement are carried out.
- (2) The Development Agreement pursuant to subsection (1) may, at the option of the County, be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.
- (3) A caveat registered pursuant to subsection (2) shall be discharged by the County when the requirements and conditions of the agreement have been met.

**21. VALIDITY OF DEVELOPMENT PERMITS**

- (1) When an application for a development permit has been approved by the Development Officer or the Municipal Planning Commission, as the case may be, the development permit shall not be valid unless and until:
  - (a) any conditions of approval, save those of a continuing nature, have been fulfilled; and
  - (b) no notice of appeal has been served on the Appeal Board within the time period specified in Section 18 of this By-law.

- (2) Unless a development permit is:
  - (a) specified by the Development Officer or the Municipal Planning Commission to remain in effect for less than 12 months; or
  - (b) suspended or cancelled;
 a development permit remains in effect for 12 months from the date of its issue.
- (3) All development must be completed within two years of the date of issuance of a Development Permit.
- (4) The validity of a development permit may be extended by the Municipal Planning Commission.

**22. DEVELOPMENT PERMIT TRANSFERS**

- (1) A development permit is not transferrable without the prior consent of:
  - (a) the Development Officer or the Municipal Planning Commission if the permit was issued by the Development Officer in the first instance; or
  - (b) the Municipal Planning Commission if the permit was issued by the Municipal Planning Commission in the first instance.

**23. RIGHT TO REVOKE DEVELOPMENT PERMIT**

- (1) The Development Officer or the Municipal Planning Commission may revoke a development permit if:
  - (a) there is a contravention of any condition under which such permit was issued;
  - (b) the said permit was issued in error;
  - (c) the said permit was issued on the basis of incorrect information.
- (2) A person whose development permit is suspended or cancelled under this Section may appeal to the appeal board in accordance with the provisions of this By-law and the Subdivision and Development appeal board By-law.

**24. SUBSEQUENT APPLICATIONS**

- (1) Subject to subsection (2), if an application for a development permit is refused, another application for a permit on the same lot of land and for the same or similar use of land by the same or any other applicant shall not be accepted for at least six months after the date of refusal, or, if an appeal is made, six months from the date of the final determination of the appeal.
- (2) An application referred to in subsection (1) may be accepted by the Development Officer if it is for a permitted use and complies in all respects with this By-law.

**25. ENFORCEMENT AND SUSPENSION OF A PERMIT**

- (1) If a development authority finds that a development, land use or use of a building is not in accordance with a development permit or subdivision approval, the development authority may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to
  - (a) stop the development or use of the land or building in whole or part as directed by the notice; or
  - (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 land use bylaw or development permit or a subdivision approval within the time set out in the notice.

- (2) A persons who receives an order referred to in subsection (1) may appeal to the Appeal Board.
- (3) The County may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order.
- (4) If a person fails or refuses to comply with an order directed to him under sub-section (1), or an order of the Appeal Board, the County may, in accordance with the Act, enter on the land or building and take any action necessary to carry out the order.
- (5) If a person refuses to allow the entry, inspection, or enforcement referred to in sub-section (4), the County may apply to the Court of Queen's Bench by way of originating notice, for an injunction or other order restraining a person from interfering with the entry, inspection, or any action necessary to carry out the order. A copy of the originating notice and a copy of each affidavit in support must be served at least 3 days before the day named in the notice for hearing the application.
- (6) Prosecution for non-compliance with this by-law may be commenced within two years of the occurrence of the offence. A person who is found guilty of an offence under the Act or this by-law is liable to a fine of not more than \$10,000 or imprisonment for not more than a year, or both fine and imprisonment.

## **26. AMENDING BY-LAWS**

- (1) A person may apply to have this By-law amended by applying to Council in writing, giving reasons in support of the amendment, and paying a fee as established by Council.
- (2) Council may at any time initiate an amendment to this By-law by directing the Development Officer to initiate an application.
- (3) All applications to amend the By-law shall be in a specified form, and shall include:
  - (a) an application fee;
  - (b) a duplicate certificate of title of the land;
  - (c) a drawing of the proposed area to be amended; and
  - (d) reasons for the proposed amendment.
- (4) Where the Council is of the opinion that an amendment is applicable to and for the benefit of the County at large, the council may direct that the fee be returned to the applicant.
- (5) All amendments to this By-law shall be made by Council by by-law and in conformance with the Act.
- (6) As a courtesy and without limitation on the Council, written notice of all applications to amend the Land Use District designation within an Urban Fringe District shall be given to the urban municipality to allow it an opportunity to make representation at the public hearing.

## **PART IV SUBDIVISION PROCEDURES**

### **27. REQUIREMENT FOR A SUBDIVISION**

- (1) Land Titles Office will not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land unless the subdivision has been approved by a subdivision authority.
- (2) Notwithstanding subsection (1) but subject to subsection (4), a subdivision is not required if registration of the instrument results in the issuing of one or more certificates of title and the parcel of land described in each certificate of title so issued would consist only of any or all of the following:
  - (a) a quarter section;
  - (b) a river lot shown on an official plan. as defined in *the Surveys Act*, that is filed or lodged in a land titles office;
  - (c) a lake lot shown on an official plan. as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
  - (d) a settlement lot shown on an official plan. as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
  - (e) a part of the parcel of land described in the existing title if the boundaries of the part are shown and delineated on a plan of subdivision;
  - (f) a parcel of land created pursuant to a bylaw passed by a municipality under section 665 of the Act.
- (3) For the purpose of subsection (2), a parcel of land is deemed to be a quarter section, river lot, lake lot, or settlement lot if the parcel of land would consist of a quarter section, river lot, lake lot or settlement lot except that land has been removed from the parcel of land by a subdivision effected only for a purpose referred to in the Act, or by a plan of subdivision, or any other instrument that effected a subdivision.
- (4) A subdivision is required for registration of a separation instrument or caveat that has the effect or may have the effect of subdividing a parcel of land
  - (a) if the parcel of land is described in a plan of subdivision that was registered in a land titles office before July 1, 1950; and
  - (b) if the parcel of land contains 2 or more lots one or more of which is less than 8.0 hectares in area.

### **28. SUBDIVISION APPLICATION**

- (1) A person may apply to the County for subdivision approval in accordance with the subdivision and development regulations by submitting a proposed plan of subdivision or other instrument that describes the subdivision.

### **29. PLANS AND INFORMATION REQUIRED**

- (1) One (1) copy of the completed and signed application form which includes a section in which the applicant for subdivision approval may or may not consent to the municipality or its delegate carrying out an inspection at a reasonable time of the land that is the subject of the application.
- (2) An application fee to be determined from time to time by resolution of Council.

- (3) One (1) copy of the current Duplicate Certificate of Title for the land proposed for subdivision.
- (4) In the case of a subdivision proposal with not more than one new lot, and no public roadways or reserve lots, a sketch plan consisting of the following is required:
  - (a) the location, dimensions and boundaries of the land to be subdivided;
  - (b) the location, dimensions and boundaries of each new lot to be created;
  - (c) the location and dimensions of buildings, utilities, underground storage tanks and other improvements on the land that is the subject of the application and specifying those buildings and improvements that are proposed to be demolished or moved; and
  - (d) the use proposed for the land that is the subject of the application;
  - (e) the method for provision of sewer and water to the proposed parcel.
- (5) In the case of a subdivision application involving more than two lots, a proposed plan of subdivision drawn by a Land Surveyor to a scale of not less than 1:2000, consisting of the following is required:
  - (a) the location, dimensions and boundaries of the land to be subdivided;
  - (b) the land which the applicant wishes to register in the Land Titles Office;
  - (c) the location, dimensions and boundaries of
    - (i) each new lot to be created;
    - (ii) the reserve land, if any;
    - (iii) all rights-of-way and easements;
  - (d) the location and dimensions of buildings and improvements on the land that is the subject of the application and specifying those buildings or improvements that are proposed to be demolished or moved;
  - (e) the location of any existing or proposed railway lines or spur tracks;
  - (f) the use or uses proposed for the land that is the subject of the application;
  - (g) the method for provision of sewer and water to the proposed parcel.

### **30. TIME PERIOD FOR MAKING DECISIONS**

- (1) A decision on an application for subdivision must be made within
  - (a) 21 days from the date of receipt of a completed application under section 27(4) of the By-law;
  - (b) 60 days from the date of receipt of all other applications;
 unless an agreement to extend the time has been entered into with the subdivision authority within 14 days of the time prescribed.
- (2) When an applicant refuses to enter into a time extension agreement, the application is deemed refused and the applicant may appeal to the Appeal Board.

### **31. PUBLIC NOTIFICATION - SUBDIVISION APPLICATIONS**

- (1) On receipt of an application for subdivision approval, the planning advisor must give a copy of the application to the Government departments, persons and local authorities required by the subdivision and development regulations.
- (2) On receipt of an application for subdivision approval, the planning advisor must give notice of the application to owners of land located adjacent to the land that is the subject of the application.

- (3) The notice under subsection (2) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made to the subdivision authority.
- (4) A subdivision authority when considering an application under this section,
  - (a) must consider the written submissions of those persons and local authorities to whom an application for subdivision approval or notice of application was given in accordance with this section but is not bound by the submissions unless required by the subdivision and development regulations; and
  - (b) is not required to hold a hearing.

### **32. CONDITIONS OF SUBDIVISION APPROVAL**

- (1) A subdivision authority may impose conditions to ensure that the requirements of the Act, the regulations, the statutory plans and the by-law are complied with.
- (2) As a condition of a subdivision approval, the subdivision authority may impose a condition to the developer to enter into a development agreement with Cypress 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
    - (1) a pedestrian walkway system to serve the development, or
    - (2) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
  - (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
    - (i) off-street or other parking facilities, and
    - (ii) loading and unloading facilities;
  - (e) to pay an off-site levy or redevelopment levy;
  - (f) to give security to ensure that the terms of the agreement are carried out.
- (3) The Development Agreement pursuant to subsection (2) may, at the option of the County, be registered in the Land Titles Office in the form of a caveat against the certificate of title for the land that is the subject of the development agreement.
- (4) A caveat registered pursuant to subsection (2) shall be discharged by the County when the requirements and conditions of the agreement have been met.

### **33. RIGHT OF APPEAL**

- (1) A decision of a subdivision authority must state
  - (a) whether an appeal lies to a subdivision and Appeal Board or to the Municipal Government Board; and
  - (b) if an application for subdivision approval is refused, the reasons for the refusal.
- (2) The decision of a subdivision authority may be appealed by:
  - (a) the applicant for the approval;
  - (b) a government department which is entitled to a referral under section 31(1) of the by-law;

- (c) a school authority with respect to the allocation, location, or amount of school reserve.
- (3) An appeal may be commenced by filing a notice of appeal with the appropriate appeal body within 14 days of receipt of the written decision of the subdivision authority (deemed to be 5 days from the date the decision is mailed), or the date that the application is deemed refused.

**34. SUBSEQUENT APPLICATIONS**

- (1) If an application for subdivision approval is refused, the subdivision authority may refuse to accept for consideration with respect to the same land or part of the same land, a further application for subdivision approval submitted to it within the 6-month period after the date of the subdivision authority's decision to refuse the application.

**35. ENDORSEMENT OF FINAL PLANS AND SEPARATION DOCUMENTS**

- (1) An applicant for subdivision approval must submit to the planning advisor the plan of subdivision or other instrument that effects the subdivision within one year of the latest of the following dates:
- (a) the date on which the subdivision approval is given to the application;
  - (b) if there is an appeal to the Appeal Board or the Municipal Government Board, the date of that board's decision or the date on which the appeal is discontinued;
  - (c) if there is an appeal to the Court of Appeal under the Act, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued.
- (2) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions imposed have been met or will be met, the planning advisor must endorse the plan or other instrument in accordance with the subdivision and development regulations.

**36. VALIDITY OF SUBDIVISION APPROVALS**

- (1) If the plan of subdivision or other instrument is not submitted to the subdivision authority within one year or any longer period authorized by the subdivision authority, the subdivision approval is void.
- (2) If the plan of subdivision or other instrument is not registered in land titles office within one year after the date on which it is endorsed or any longer period authorized by the subdivision authority, the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.

## **PART V GENERAL LAND USE REGULATIONS**

### **37. USE OF LAND**

- (1) On receipt of a development permit, a person may develop land for the purposes approved subject to meeting the regulations and any conditions imposed and shall not develop land otherwise.

### **38. COMPLIANCE WITH OTHER LEGISLATION**

- (1) Nothing in this By-law affects the duty or obligation of a person:
  - (a) to obtain any other permit, license or other authorization required by any act or regulation, or under any other By-law; or
  - (b) to comply with the conditions of any easement, covenant, or agreement affecting the building or land.

### **39. SUB-STANDARD LOTS**

- (1) Development of existing lots which are contained in an existing Certificate of Title and do not meet the minimum size requirements or any other requirements of this By-law will be considered by the Municipal Planning Commission as a Discretionary Use.

### **40. RECLASSIFICATION OF LAND**

- (1) No development permit may be issued on any land within any Agricultural Land Use District which would result in more than one Discretionary Use per quarter which would be more appropriately located within another Land Use District unless the parcel has been reclassified.

### **41. DWELLING UNITS ALLOWED ON A PARCEL**

- (1) A development permit may be issued for a second or additional dwelling unit on a parcel if the dwelling unit
  - (a) is to be occupied by a person who will be solely, or mainly, employed in the farming or intensive livestock operation being conducted on the site, and the residence is located at the existing building site containing the first residence, unless otherwise approved by the Municipal Planning Commission; or
  - (b) is contained in a building that is designed for or divided into two or more dwelling units, and is located in a land use district which permits semi-detached dwellings or multi-unit dwellings; or
  - (c) results in three or more mobile homes forming part of a mobile home park for which a development permit has been issued.
  - (d) is an approved garden suite.

### **42. DRAINAGE AND SITE COVERAGE IN HAMLETS**

- (1) Each parcel in a hamlet shall be graded so that storm water does not drain onto adjoining property unless permitted by prior agreement or past precedent.
- (2) Within hamlets, the Development Officer may specify an elevation at which any new development may be constructed in order to facilitate proper site drainage and attachment to any existing or proposed sewer system.
- (3) To ensure that the storm drainage system is not overloaded, the percentage of site coverage of a lot for all buildings and hard surfacing should not exceed the percentage specified for the Land Use District.

- (4) A Development Permit will be required for all hard surfacing. *(Amended 2009/01/06 by By-law 2008/33)*
- (5) Consideration will be given to increasing site coverage beyond the stated maximum where the application is supported by a drainage plan prepared by a qualified individual which retains storm run-off from the additional site coverage on the lot by means of on-site storage or infiltration from a 1:100 year rain event.
- (6) To ensure that the storm drainage system is not impeded, a Development Permit will be required for all new approaches or culverts that are installed on a lot. The application must be accompanied by the appropriate deposit and a survey to verify that the approach was installed at the proper height.

#### **43. LANDSCAPING**

- (1) Within hamlets and country residential districts, undeveloped lots shall be seeded to a cover crop within the first year after development, then sprayed and mowed periodically to minimize weed growth.
- (2) Once development proceeds, landscaping of lots within hamlets and country residential districts shall be carried out within two years of the date a Development Permit is issued.
- (3) Within Recreational/Residential Resort Districts, the type, quantity, and quality of landscaping shall be set out in a development agreement between the developer and the County.
- (4) All sites required to be landscaped shall be contoured so that surface drainage is not directed onto an adjoining lot unless there is a pre-existing drainage course, or the right-of-way is protected by a drainage easement agreement.
- (5) Any portion of a residential site not used for buildings, parking or loading areas, driveways or approved storage shall be properly constructed and maintained as a landscaped area, and such area shall not be less than that prescribed by land use district regulations.
- (6) Within residential districts, the banks of reservoirs and dugouts shall be contoured and landscaped to the satisfaction of the Development Officer.
- (7) In addition to any other provisions of this By-law, landfill sites, gravel pits, sewage lagoons, and sewage treatment plants, industrial storage yards, intensive livestock operations, and other similar forms of development may be required to be screened from view by a vegetated buffer strip or some other form of screening.

#### **44. BUILDING DESIGN, CHARACTER AND APPEARANCE**

- (1) The Development Officer or Municipal Planning Commission may impose conditions to ensure:
  - (a) that the design, character and appearance of a building is compatible with other buildings in the vicinity unless it is setting a new standard of design, character and appearance for the land use district or a particular locality of it;
  - (b) that the design, character and appearance of the building is consistent with the purpose of the land use district in which the building is located;
  - (c) that a development complies with any provision of a statutory plan applicable to the design, character and appearance of the building in the district.

#### **45. GARDEN SUITE REGULATIONS** *(Amended 01/12/09 By-law 2009/30)*

- (1) The Development Authority shall not approve a development permit for a garden suite unless, in its opinion, it is satisfied that the garden suite is suitable, harmonious, appropriate and compatible with the physical characteristics/capability of the parcel and the existing residential quality of life in the neighbourhood and/or multi-parcel residential subdivision.

- (2) Notwithstanding the provisions of Section 45 but in accordance with Section 41, the Development Authority shall, in its opinion, be satisfied that there exists on the hosting parcel, a suitable development site upon which to site the garden suite. The Development Authority shall be satisfied that the garden suite can and will be properly connected to services (e.g.: gas, power, water, sewage disposal) associated with the existing host residence without jeopardizing existing services associated with either the hosting parcel or adjacent and neighbouring parcels.
- (3) A garden suite shall be designed, sited, constructed, finished and sided in a manner that is visually compatible, in the opinion of the Development Authority, with the residential character of adjacent and neighbouring lands and the neighbourhood in general.
- (4) The following siting guidelines may be considered by the Development Authority:
  - (a) The suite should not be placed in the front yard;
  - (b) The suite should not be placed on any easements and shall not be placed on a utility line;
  - (c) the suite should not be placed in a manner which could obstruct the view from a house on an adjacent property;
  - (d) the suite shall be sited in accordance with all setback regulations;
  - (e) the site should be graded to avoid ponding under or around the suite.
- (5) A garden suite shall adhere to the following requirements to be considered by the Development Authority:
  - (a) the maximum floor area for the suite shall not exceed 79 m<sup>2</sup> (850 ft<sup>2</sup>);
  - (b) the suite shall be limited to a single storey;
  - (c) the suite shall be in compliance with all other regulations contained within this Bylaw, including site coverage within hamlets.
- (6) Any permit issued for a garden suite shall be issued on a time limited permit basis, for a period of time not to exceed 5 years. Applications for renewal of a time limited permit shall be for a period not to exceed 5 years. Upon expiry of the permit, the structure shall be removed or converted to a non-residential use to the satisfaction of the County.
- (7) Development permit applications for a garden suite shall be accompanied by a sworn affidavit verifying the identity and age of the occupants of the garden suite along with their family relationship to the supporting host family currently residing on the parcel.
- (8) It shall be required as a condition of issuing a development permit approval that the applicant enter into a development agreement with the County to ensure compliance with the occupancy requirements associated with the garden suite.

#### **46. GENERAL MAINTENANCE**

- (1) All sites at all times shall be maintained clean and free from waste and debris.
- (2) All doors and windows shall open within the bounds of the site.
- (3) All roof drainage shall be directed onto the lot or as required by the Municipal Planning Commission.

#### **47. MINIMUM SETBACK REQUIREMENTS**

Unless otherwise specified in this By-law, the following setbacks from roads shall apply:

- (1) No part of a building or structure shall be located within:
  - (a) 40 metres (130 feet) of the centre line of any public roadway which is not designated as a Secondary Road or Primary Highway;
  - (b) 60 metres (200 feet) from the centre line of any road designated as a Secondary Road under the Public Highways Development Act and Township Road 122;
  - (c) 40 metres (130 feet) from the right-of-way of a Primary Highway;
  - (d) Notwithstanding the above requirements, a minimum of 10 metres (30 feet) from the right-of-way of a service road constructed adjacent to a public roadway.
- (2) Where any parcel or part of a parcel which has frontage on a primary highway or secondary road, special standards for setbacks, access, and service roadways may be required by Alberta Transportation.

**NOTE: Pursuant to Highway Development Control Regulation 242/90, all development within 300 metres of a primary highway right-of-way or 800 metres from the centre of a primary highway intersection with a road requires a permit from Alberta Transportation.**

**48. ACCESS AND SIGHT DISTANCES FOR ROAD APPROACHES**

- (1) In the rural areas the number of approaches from either side of local or secondary roads shall be restricted to not more than 2 per half mile.
- (2) Access points adjacent to blind corners, hills, ridges, railway crossings, and any other obstructions shall be positioned so as to provide a reasonably unobstructed view in either direction of 150 metres (500 feet) on Secondary Roads and 100 metres (328 feet) on a public road not designated as a secondary road or primary highway.
- (3) The requirement of a service road or subdivision street to provide access may be imposed as a condition of approval for any new development other than those deemed approved.
- (4) Construction and survey costs for a service road shall be the responsibility of the applicant.

**49. KEEPING OF LIVESTOCK ON COUNTRY RESIDENTIAL AND AGRICULTURAL PARCELS**

- (1) On country residential and agricultural parcels containing less than 40 acres, the number of livestock permitted without a development permit shall not exceed 1 livestock manure equivalent per acre. The number of animals equivalent to 1 livestock manure equivalent shall be in accordance with the following table:

<b>Kind of Animal</b>	<b>Number of Animals</b>
Cattle:	
Dairy Cows	0.8
Cows or bulls	1.0
Feeder Cattle	1.5
Replacement heifers	2.0
Calves	5.0
Swine:	
Sows-farrow to weaning (includes gilts suckling 18 kg (40 lbs.))	3.0
Feeder hogs 54 kg (120lbs.)	5.0
Weiner hogs less than 20 kg (40 lbs.)	15.0
Sow, farrow to finish	0.5
Poultry:	
Hens, cockerels	125.0
Chicks, broilers	250.0
Turkey hens, heavies	75.0
Turkey toms, heavies	50.0
Turkey broilers	100.0

Kind of Animal		Number of Animals
Sheep:	Rams or ewes plus lambs	5.0
Horse		1.0
Mink		80.0
Rabbits		40.0
Ostriches		5.0
Llamas		2.0
Elk		1.5
Bison		1.0

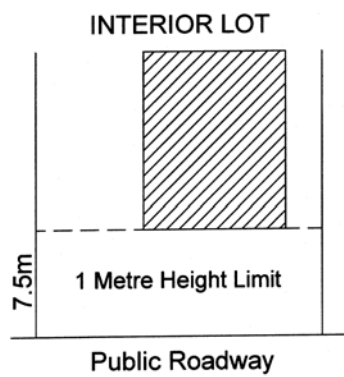
Livestock Manure Unit equivalency for other species will be calculated on the basis of live weight.

- (2) The enclosure of more than 5 animal units in confinement for more than 30 days at a density higher than 90 m<sup>2</sup> per animal unit shall not be permitted within 300 metres of a Country Residential District containing 6 or more lots.
- (3) The keeping of livestock not in accordance with sub-section 49(1) or 49(2) shall only be allowed upon issuance of a development permit, where the applicant has made adequate arrangements for the maintenance of the animals and the disposal of manure in an acceptable manner.

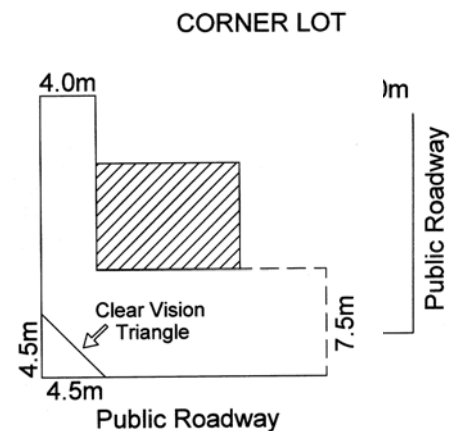
## 50. FENCES

### IN HAMLETS

- (1) The maximum height of any fence in a residential area shall be 2 metres (6.6 feet). No continuous fence, wall, vegetation, or any combination thereof which might restrict vision shall extend more than 1 metre above the ground within a front or flankage yard without a special permit issued by the Municipal Planning Commission. Chain link fences and ornamental trees arranged in a single mass not exceeding 5 metres in width, or individual trees spaced a minimum of 5 metres apart are not subject to this requirement but are subject to the requirements of subsection (2).



- (2) At the intersection of two streets, no fence, wall, tree, bush or structure more than 1 metre (3.3 feet) in



height shall be erected, placed or maintained within the triangular area formed by the corner of the property and points 4.5 metres (15 feet) along the property line from the corner.

- (3) In a residential area, wooden fences shall be constructed of painted lumber sawn on four sides.

#### IN RURAL AREAS

- (4) In rural areas along local and secondary roads, no fence, hedge or shelter belt shall be constructed which would unduly restrict the vision of approaching traffic or an oncoming train.

#### 51. PROJECTION OVER YARDS

- (1) Except as provided in this part, no portion of the principal building shall project onto the minimum setbacks required by the land use district regulations.
- (2) Those portions of a principal building which may project onto a minimum setback on a lot in a residential district are:
  - (a) a cornice, a sill, a canopy, fireplace, eaves, or chimney which projects not more than one half of the minimum side setback required for the lot;
  - (b) an unenclosed verandah, porch, balcony, fireplace, or chimney which projects not more than 1.5 metres (5 feet) over or on a minimum front or rear setback;
  - (c) unenclosed steps with or without a landing and above the surface of the setback if they do not project more than 2.5 metres (8 feet).

#### 52. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) No person shall allow a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain or be parked on a parcel in a residential district, or within 30 metres (100 feet) of a public roadway in an agricultural district unless it is suitably housed or screened to the satisfaction of the Development Officer.
- (2) No person shall keep or permit in any Hamlet Residential, Country Residential, or Recreation/Residential Resort District:
  - (a) any dismantled or wrecked vehicle for more than 14 successive days;
  - (b) any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the District;
  - (c) the storage of materials used in the construction of a development beyond the period which in the opinion of the Development Officer is necessary for the completion of a particular stage of construction work.
- (3) One recreational vehicle may be parked on a lot in a Hamlet Residential or Recreation/Residential Resort District.

- (3) Not more than two holiday trailers shall be stored or parked on a parcel unless otherwise approved by the Municipal Planning Commission.
- (4) A recreational vehicle parked on a lot in any district shall not be used for permanent living or sleeping accommodation.
- (5) Within Country Residential Districts, solid wall fenced storage compounds will be allowed, provided that the location is behind the principle building, the enclosed area does not exceed 400 square metres, and construction consists of painted lumber sawn on four sides or pre-finished panels a minimum of 2 metres high.

**53. DEVELOPMENT PERMIT FOR TEMPORARY BUILDINGS**

- (1) Notwithstanding anything in this By-law, the Municipal Planning Commission may conditionally approve a temporary building to be constructed or located in any land use district subject to the owner agreeing to remove such a building in accordance with the terms and conditions affixed by the Municipal Planning Commission.

**54. NON-CONFORMING USES AND BUILDINGS**

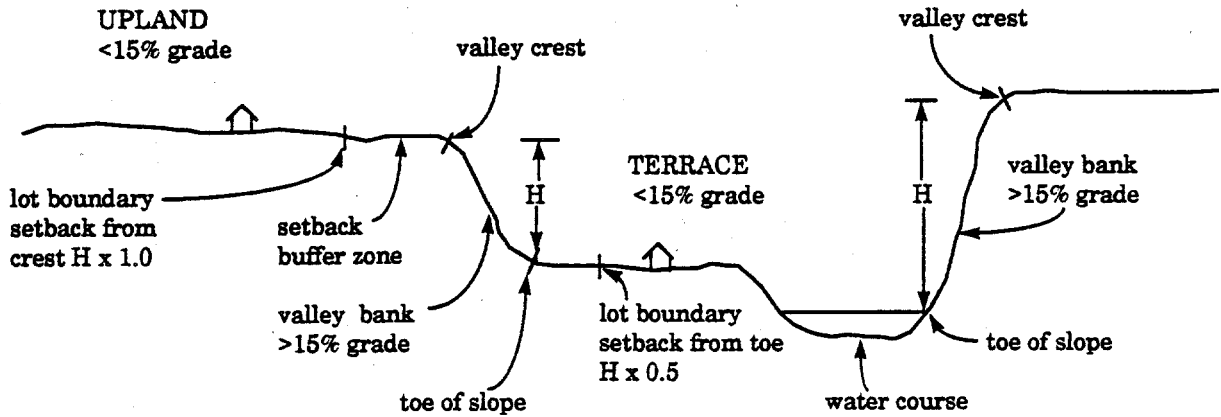
- (1) A non-conforming use of land or non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or buildings must conform with the provisions of this By-law.
- (2) A non-conforming use of part of a lot shall not be extended or transferred in whole or part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (3) A non-conforming use of part of a building may be extended throughout the building, whether or not it is a non-conforming building.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
  - (a) as may be necessary to make it a conforming building; or
  - (b) as the Development Officer or the Municipal Planning Commission, as the case may be, considers necessary for the routine maintenance of the building; or
  - (c) as the Municipal Planning Commission approves for minor alterations up to a maximum of 10% of the value of the building.
- (5) 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 shall not be repaired or rebuilt except in accordance with the provisions of this By-law.
- (6) The status of a non-conforming use of land or the nonconforming use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

**55. SETBACKS FROM RIVER VALLEYS AND COULEES**

- (1) In all land use districts, development which occurs on and bordering a coulee or ravine shall be regulated.

- (2) For purposes of this section, the term "coulee" is defined as any hill side or escarpment having an average slope of greater than 30% between upper and lower coulee breaks. The term "coulee break" is defined as those points located at the top and bottom of a slope where the angle of depression or the angle of elevation begins to exceed 15%. (See Figure 4)

**Figure 4  
Idealized Cross Section of a Coulee**



- (3) All coulee and river valley setbacks will be determined in accordance with the following guidelines:

**General Guidelines for the  
Setback of Lot Boundaries from a Coulee Crest or River Valley  
where the Grade of the Adjacent Valley Bank Exceeds 15%**

**LOT BOUNDARY SETBACK**

SLOPE FACTOR	H <sup>1</sup> x 1.0	H x 1.5	H x 2.0
LATERAL RIVER EROSION OF TOE OF SLOPE	No Erosion <sup>2</sup>	Minor Active Erosion	Major Active Erosion <sup>3</sup>
SLOPE STEEPNESS	>15 to 50% (>8.5 to 26.6degrees)	51 to 100% (27.0 to 45 degrees)	More than 100%
SLOPE FAILURE ON BANK	No Failure, Minor <sup>4</sup> Active	Minor Active, Major <sup>5</sup> Inactive	Major Active Failure
PAST & EXISTING ANTHROPOGENIC DISTURBANCE	No Disturbance to Moderate	Major Disturbance	
PROPOSED ANTHROPOGENIC DISTURBANCE	Minor to Moderate Disturbance	Major Disturbance	

1 The valley bank height (H) is defined as the vertical distance from the valley crest to the toe of slope. The toe  
2 of slope may be found either where the valley bank meets a terrace or where it directly enters the water course.  
3 an abandoned slope with the toe protected by a terrace.  
4 occurs on an outside bend of a river meander or opposite an island.  
5 minor refers to shallow slope failures, minor sloughing.  
6 major refers to deep seated slope failures involving the entire valley bank  
man-induced disturbance such as excavating, filling, recontouring, drainage works, reservoirs, mining and  
tunnelling, utilities and roads.

- (4) A shorter setback may be permitted when it is supported by a site investigation by a qualified geotechnical engineer.

## **56. SETBACKS FROM WATER BODIES**

- (1) For purposes of this section, the term water body refers to any lake, pond, reservoir creek or canal whether natural or man-made. All setbacks are to be measured from the normal high water mark of the water body.
- (2) In all land use districts, development which occurs on land bordering a water body shall be regulated . Where the water body:
- (a) is less than 16 hectares (40 acres), development shall be set back from the shoreline 30 metres (100 feet);
  - (b) is greater than 16 hectares (40 acres), development shall be set back from the shoreline 60 metres (200 feet);
- (3) In all land use districts, no permanent buildings or structures shall be built within the 1:100 year floodplain.
- (4) Development adjacent to an S.M.R.I.D. canal must not interfere with proposed plans for future canal upgrading.

## **57. SETBACKS FROM GAS AND OIL WELLS**

- (1) An application for subdivision or development must not be approved if it would result in development within 100 metres of an active gas or oil well unless the development would be within a lesser distance approved in writing by the Alberta Energy and Utility Board.
- (2) For purposes of this section, distances are measured from the well head to the building or proposed building site.

## **58. SHELTERBELTS AND ORNAMENTAL TREES**

- (1) "Shelterbelt" means one or more rows of trees planted in such a manner as to provide shelter from the wind and to prevent soil erosion. They are commonly planted around the edges of fields on farms. If designed properly, windbreaks around a home can reduce the cost of heating and cooling and save energy.
- (2) Shelterbelts shall conform to the normal setback requirements of the County.
- (3) "Ornamental Trees" means a single row of coniferous or deciduous trees with a minimum spacing of 5 metres located in front of a country residence or farmstead extending for a maximum distance of 100 metres adjacent to a local road or road allowance.

- (4) To allow for future road widening, ornamental trees shall be set back a minimum of 20 metres from the centre of a rural road allowance or secondary highway.

**59. SMALL SCALE WIND ENERGY FACILITY(SWEF)**

- (1) An application for a SWEF shall be accompanied by:
  - (a) manufacturers information on power generation and the tower;
  - (b) appropriate letter or approval of Navigation Canada;
  - (c) in land use districts where the use is discretionary, noise data;
  - (d) provide an analysis for noise to any residences that may be located on adjacent properties;
  - (e) other information that may be required by the Development Authority.
- (2) A SWEF shall have a minimum setback of 4 times the total height of the system from any adjacent residence.

**60. THE LAND USE DISTRICT MAP**

- (1) Cypress County is divided into those land use districts shown on the Land Use District Map contained in Schedule "A".
- (2) For the purpose of this Land Use By-law, the County is divided into the following Districts:

(a)	Agricultural District 1 (Urban Fringe)	A-1
(b)	Agricultural District 2	A-2
(c)	Agricultural District 3 (Horticulture)	A-3
(d)	Wind Energy Facility District	WEF
(e)	Cypress Hills Fringe District	CHF
(f)	Country Residence District	CR
(g)	Country Residential 2 District	CR-2
(h)	Seasonal Residence District	SR
(l)	Recreation Residential Resort District	RRR
(j)	Recreation Facility District	RF
(k)	Public and Semi-public Service District	PS
(l)	Industrial District	I
(m)	Light Industrial District	LI
(n)	Highway Commercial District	HWY-C
(o)	Hamlet Commercial District	HC
(p)	Hamlet Industrial District	HI
(q)	Hamlet General District	HG
(r)	Hamlet Residential District (Single Family)	HSR
(s)	Hamlet Residential District	HR
(t)	Direct Control	DC

(u) Airport Protection\*

AP

\* See the separate document entitled Medicine Hat Airport Vicinity Protection Area

## **PART VI LAND USE DISTRICTS AND REGULATIONS**



## **AGRICULTURAL DISTRICT 1 (A-1 URBAN FRINGE)**

THIS IS AN AGRICULTURAL DISTRICT, THE GENERAL PURPOSE BEING THE REGULATION AND CONTROL OF URBAN, NON-AGRICULTURAL LAND USES IN THE IMMEDIATE VICINITY OF URBAN CENTRES. ALL DEVELOPMENT WITHIN THE MEDICINE HAT-REDCLIFF DISTRICT IS SUBJECT TO THE REQUIREMENTS OF THE MUNICIPAL DISTRICT OF CYPRESS - CITY OF MEDICINE HAT - TOWN OF REDCLIFF RURAL-URBAN FRINGE PLAN AS WELL AS THIS BY-LAW AND ANY OTHER STATUTORY PLANS THAT MAY BE IN EFFECT.

### **1. PERMITTED USES**

- (1) Accessory buildings and uses
- (2) Dwelling unit or mobile home
- (3) Farmstead buildings and uses

### **2. CLASS I DISCRETIONARY USES**

- (1) Compressor and metering stations
- (2) Family Care Home
- (3) Home occupation(Office use only)
- (4) Move-in buildings (includes residences/dwellings, and accessory buildings)
- (5) Private signs
- (6) Public utilities
- (7) Second dwelling or mobile home for agricultural use on a parcel of 32.376 hectares (80 acres) or more

### **3. CLASS II DISCRETIONARY USES**

- (1) Additional dwelling units(s) or mobile home(s)
- (2) Farm subsidiary occupation /home occupation
- (3) Greenhouse/market garden/plant nursery
- (4) Kennels
- (5) Public and quasi-public buildings and uses
- (6) Single country residence (to a maximum of 1 per quarter)
- (7) Sand, gravel and surface mineral extraction
- (8) Veterinary clinic
- (9) Waste disposal site
- (10) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### **4. MINIMUM LOT AREA**

- (1) Farm Use - existing title or an unsubdivided quarter section
- (2) Other Uses - existing title or as permitted by the General Municipal Plan

### **5. MINIMUM YARD REQUIREMENTS FOR PRINCIPLE AND ACCESSORY BUILDINGS**

Front	Side	Flankage	Rear
See Section 46	3 metres (10feet)	See Section 46	3 metres (10 feet)

6. **SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following Regulations shall apply:

- (1) Compressor stations shall not be permitted within 750 metres (2,500 feet) of residential developments.
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from a principal building.

## **AGRICULTURAL DISTRICT 2 (A-2 GENERAL AGRICULTURE)**

THE GENERAL PURPOSE OF THIS DISTRICT IS TO PERMIT ACTIVITIES ASSOCIATED WITH PRIMARY PRODUCTION OF AGRICULTURAL GOODS AND SERVICES AND TO STRENGTHEN THE AGRICULTURAL CHARACTER OF THIS DISTRICT.

### **1. PERMITTED USES**

- (1) Accessory buildings and uses
- (2) Dwelling unit or mobile home
- (3) Farmstead buildings and uses

### **2. CLASS I DISCRETIONARY USES**

- (1) Compressor and metering stations
- (2) Family Care Home
- (3) Greenhouse/market garden/plant nursery
- (4) Home occupation
- (5) Kennels
- (6) Move-in buildings (includes residences/dwellings, and accessory buildings)
- (7) Private signs
- (8) Public and quasi public buildings and uses
- (9) Second dwelling or mobile home for agricultural use on a parcel of 32.376 hectares (80 acres) or more
- (10) Veterinary clinic

### **3. CLASS II DISCRETIONARY USES**

- (1) Additional dwelling unit(s) or mobile home(s)
- (2) Agricultural processing plants
- (3) Farm subsidiary occupation
- (4) Livestock saleyard
- (5) Sand, gravel and surface mineral extraction
- (6) Single country residence (to a maximum of 1 per quarter)
- (7) Top soil stripping
- (8) Waste disposal sites
- (9) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### **4. MINIMUM LOT AREA**

- (1) Farm Use - existing title, or an unsubdivided quarter section
- (2) Other Uses - existing title or as permitted by the General Municipal Plan

### **5. MINIMUM YARD REQUIREMENTS**

Front	Side	Flankage	Rear
See Section 46	3 metres (10 feet)	See Section 46	3 metres (10 feet)

### **6. SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following Regulations shall apply:

- (1) Compressor stations shall not be permitted within 750 metres (2,500 feet) of residential developments.
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from a principal

building.

## **AGRICULTURAL DISTRICT 3 (A-3 HORTICULTURE)**

THE GENERAL PURPOSE OF THIS DISTRICT IS TO PERMIT ACTIVITIES ASSOCIATED WITH HORTICULTURE AND GREENHOUSE PRODUCTION AND TO STRENGTHEN THE AGRICULTURAL CHARACTER OF THIS DISTRICT.

### **1. PERMITTED USES**

- (1) Accessory Dwelling unit (upon completion of greenhouse)
- (2) Accessory buildings and uses
- (3) Greenhouse (more than 185 m<sup>2</sup>)

### **2. CLASS I DISCRETIONARY USES**

- (1) Home occupation
- (2) Family Care Home
- (c) Move-in accessory buildings
- (d) Private signs
- (e) Public and quasi-public buildings and uses

### **4. CLASS II DISCRETIONARY USES**

- (1) Additional dwelling units(s) or mobile home(s) or move-in residences
- (2) Agricultural processing plants
- (3) Farm subsidiary occupation
- (4) Market garden
- (5) Plant nursery
- (6) Top soil stripping
- (7) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### **5. MINIMUM LOT AREA**

2 hectares (5 acres) or as required by the Municipal Planning Commission

### **6. MINIMUM YARD REQUIREMENTS**

Front	Side	Flankage	Rear
See Section 46	3 metres (10feet)	See Section 46	3 metres (10 feet)

### **7. SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following Regulations shall apply:

- (1) All developments must have access to an assured supply of water.
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from a principal building.

# WIND ENERGY FACILITY DISTRICT (WEF)

## PURPOSE

The purpose of this district is to provide for the development of wind power generators which feed power into the provincial grid. It shall take the form of an overlay district in which the requirements of the existing Land use District will continue in effect for all uses other than Wind Energy Facilities and associated uses. In addition to the requirements of the General Land Use Regulations and Schedules, the following Regulations shall apply to any Wind Energy Facility Application.

### 1. PERMITTED USES

- (1) Accessory buildings and uses
- (2) Small Scale Wind Energy Facilities

### 2. CLASS 1 DISCRETIONARY USES

None

### 3. CLASS II DISCRETIONARY USES

- (1) Wind Energy Facilities
- (2) Transformers and Transmission towers
- (3) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### 4. MINIMUM LOT AREA

Existing title, or an unsubdivided quarter section

### 5. MINIMUM YARD REQUIREMENTS

Front	Side	Flankage	Rear
See Section 46	7.5 metres (25 feet)	See Section 46	7.5 metres (25 feet)

### 6. SETBACKS

- (1) Where, in the opinion of the Development Authority, the setbacks referred to in section 5 are not sufficient to reduce the impact of a WEF from a public roadway or a primary highway, the Development Authority may increase the required setback.
- (2) A WEF should not be located less than four times the height of the WEF, as measured from the ground to the highest point of the rotor's arc, from a residential dwelling unit; but in all instances, the minimum setback applied shall be in accordance with AEUB (Alberta Energy and Utilities Board) stipulations or standards.

### 7. INFORMATION REQUIREMENTS

- (1) All development applications for a WEF shall be accompanied by:
  - (a) an accurate site plan showing and labeling the information including the location of overhead utilities 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 WEF showing total height, tower height, rotor diameter, colour and the landscape;
  - (c) the manufacturer's specifications indicating:
    - (i) the WEF rated output in kilowatts,

- (ii) safety features and sound characteristics,
- (iii) type of material used in tower, blade, and/or rotor construction;
- (d) an analysis of the potential for noise at:
  - (e) the site of the installation,
  - (f) the boundary of the parcel containing development,
  - (g) at any habitable residence within a 2 km (1.2 miles) distance;
- (2) a report regarding any public information meetings or other process conducted by the developer;
- (3) any impacts to the local road system including required approaches from public roads having regard to County standards;
- (4) preliminary reclamation/decommissioning plans.

#### 8. REFERRALS

- (1) As a condition of approval on a development application for a WEF, the developer:
- (2) shall be responsible for providing the appropriate reports and/or obtaining the approvals from the following:
  - (a) Alberta Energy and Utilities Board,
  - (b) Transport Canada,
  - (c) Navigation Canada,
  - (d) Alberta Community Development;
- (3) may be required to obtain approval from Alberta Environment if the proposal is on crown land or located on or in close proximity to lands identified as environmentally sensitive areas.

#### 9. DECOMMISSIONING

- (1) Should a WEF discontinue producing power for a minimum of two years, the WEF operator shall be required to provide a status report. A review of the status report by the Development Authority may result in a request for the WEF 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.

#### 10. MINIMUM BLADE CLEARANCE

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

#### 11. TOWER ACCESS AND SAFETY

- (1) To ensure public safety, the Development Authority may require that:
  - (a) a security fence with a lockable gate shall surround a WEF tower not less than 1.8 m (5.9 ft.) in height if the tower is climbable or subject to vandalism that could threaten tower integrity;
  - (b) no ladder or permanent tower access device shall be located less than 3.7 m (12.1 ft.) from grade;
  - (c) a locked device shall be installed on the tower to preclude access to the top of the tower;
- (2) all of the above be provided or such additional safety mechanisms or procedures be provided as the Development Authority considers reasonable and appropriate;
- (3) the use of tubular towers, with locked door access, will preclude the above requirements.

12. DISTRIBUTION LINES

- (1) All power lines from the approved WEF up to the point of interconnection of the grid should be underground except where the Development Authority approves overhead installations.

13. COLOUR AND FINISH

- (1) Unless otherwise required by the Development Authority, a WEF shall be finished in a nonreflective matte and in a colour which minimizes the obtrusive impact of a WEF to the satisfaction of the Development Authority.
- (2) No lettering or advertising shall appear on the towers or blades. In other parts of the WEF, the only lettering will be the manufacturer's and/or owner's identification or municipal symbol

14. DECISION CRITERIA

- (1) The Development Authority may apply any standards that are provided for in the underlying district.
- (2) As WEF are categorized as a discretionary use, the Development Authority may approve WEF 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 WEF approved or proposed in the immediate area,
  - (d) underlying utilities,
  - (e) information received from the circulation of the application and the public.

15. TIME EXTENSIONS FOR APPROVALS

- (1) Any portion of a project not completed within two years of approval shall require an application for a time extension. The time extension application shall be considered by the MPC and may be granted in one year increments.

## COUNTRY RESIDENTIAL DISTRICT (CR)

THIS DISTRICT IS ESTABLISHED FOR COUNTRY RESIDENTIAL DEVELOPMENT OF TWO OR MORE PARCELS PER QUARTER SECTION. THE GENERAL PURPOSE OF THIS DISTRICT IS TO REGULATE THE DEVELOPMENT OF COUNTRY RESIDENCES.

### 1. PERMITTED USES

- (1) Accessory buildings and uses (Maximum 5)
- (2) Dwelling unit
- (3) Public parks and playgrounds

### 2. CLASS I DISCRETIONARY USES

- (1) Home occupation
- (2) Public and quasi-public buildings and uses
- (c) Move-in buildings (including mobile homes, residence/dwelling, and accessory buildings)

### 3. CLASS II DISCRETIONARY USES

- (1) Additional Dwelling Unit(s)
- (2) Family Care Home
- (3) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission
- (4) Additional Accessory Buildings

### 4. MINIMUM LOT AREA

½ hectare (1 acre), or all the land which is contained within an existing certificate of title

### 5. MAXIMUM LOT AREA

4 hectares (10 acres).

### 6. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
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*10 metres (30 feet)	6 metres (20feet)	*10 metres (30 feet)	8 metres (25 feet)
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\* Minimum yard distance from subdivision streets or service roads. Setbacks from County roads shall be in compliance with Section 46 of the General Land Use Regulations

### 7. MAIN BUILDING RESTRICTIONS

Maximum building height - 10 metres (30 feet)

### 8. ACCESSORY BUILDING RESTRICTIONS

- (1) An accessory building shall have the same yard requirement as the principal building.
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from a principal building.
- (3) An accessory building shall not exceed 6 metres (20 feet) in height.
- (4) An accessory building shall not exceed 110 m<sup>2</sup> (1,200 ft<sup>2</sup>) in area. The maximum floor area of accessory buildings shall be 223 m<sup>2</sup> (2400 ft<sup>2</sup>). No Development Officer Discretion permitted.
- (5) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (6) Unless approved for a Home Occupation, an accessory building shall not be used for

conducting of a commercial or business operation.

9. **SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

- (1) For number of livestock allowed, see Section 48. Any off-spring over the maximum number of approved animals shall be removed from the site within six months.
- (2) A development permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the adjacent landowners.
- (3) Not more than three dogs, excluding unweaned pups, shall be kept on a site.
- (4) Any dogs, cats and other domestic animals kept on a site must be controlled so that they do not create a nuisance.

## COUNTRY RESIDENTIAL DISTRICT 2 (CR-2)

THE GENERAL PURPOSE OF THIS DISTRICT IS TO REGULATE THE DEVELOPMENT OF LOW DENSITY COUNTRY RESIDENCES AND MINOR AGRICULTURAL PURSUITS.

### 1. PERMITTED USES

- (1) Accessory buildings and uses (Maximum 5)
- (2) Dwelling unit
- (3) Public parks and playgrounds

### 2. CLASS I DISCRETIONARY USES

- (1) Bed and breakfast facility
- (2) Greenhouse, nursery garden
- (3) Public and quasi-public buildings and uses
- (4) Home occupation
- (5) Move-in Buildings (mobile home, residence/dwelling, and accessory buildings)

### 3. CLASS II DISCRETIONARY USES

- (1) Additional Accessory buildings and uses
- (2) Family Care Home
- (3) Public buildings or uses and public utility buildings or uses required to serve the district
- (4) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### 4. MINIMUM LOT AREA

2 hectares (5 acres), or all the land which is contained within an existing certificate of title

### 5. MAXIMUM LOT AREA

6 hectares (15 acres).

### 6. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
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*20 metres (60 feet)	20 metres (60feet)	*20 metres (60 feet)	20 metres (60 feet)
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\* Minimum yard distance from subdivision streets or service roads. Setbacks from County roads shall be in compliance with Section 46 of the General Land Use Regulations

### 7. MAIN BUILDING RESTRICTIONS

Maximum building height - 10 metres (30 feet)

### 8. ACCESSORY BUILDING RESTRICTIONS

- (1) An accessory building shall have the same yard requirement as the principal building.
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from a principal building.
- (3) An accessory building shall not exceed 7 metres (23 feet) in height.
- (4) An accessory building shall not exceed 185 m<sup>2</sup> (2,000 ft<sup>2</sup>) in area. The maximum floor area of accessory buildings shall be 392 m<sup>2</sup> (4000 ft<sup>2</sup>). No Development Officer Discretion permitted.

- (5) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (6) Unless approved for a home occupation, an accessory building shall not be used for a commercial or business operation.

9. **SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

- (1) For number of livestock allowed, see Section 48. Any off-spring over the maximum number of approved animals shall be removed from the site within six months.
- (2) A development permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the adjacent landowners.
- (3) Not more than three dogs excluding unweaned pups, shall be kept on a site.
- (4) Any dogs must be controlled so that they comply with the Dog Control By-law.

## CYPRESS HILLS FRINGE DISTRICT (CHF)

The purpose of this District is to Regulate the subdivision and development of clustered country residential in conformity with the policies, spirit and intent of the Cypress hills fringe Area structure plan.

1. **Permitted Uses**

- (1) Accessory buildings and uses (Maximum 5)
- (2) Public parks and playgrounds
- (3) Single dwelling unit

2. **Class 1 Discretionary Uses**

- (1) Private signs
- (2) Public and quasi public buildings and uses
- (3) Move-in buildings (including mobile homes, residence/dwelling, and accessory buildings)

3. **Class 2 Discretionary Uses**

- (1) Additional accessory buildings and uses
- (2) Bed and Breakfast facility
- (3) Commercial uses in support of the principal residential use
- (4) Family Care Home
- (5) Home occupations

4. **Minimum yard requirements**

Front	Side	Flankage	Rear
*10 metres (33 feet)	5 metres (16 feet)	*10 metres (33 feet)	7 metres (23 feet)

\* Minimum yard distance from subdivision streets or service roads. Setbacks from County roads shall be in compliance with Section 46 of the General Land Use Regulations.

5. **Maximum building height**

All uses - 10 metres (30 ft)

6. **Minimum PARCEL area**

0.202 ha. (0.5 ac.)

7. **Maximum Parcel Size and Subdivision Density**

Parcels containing 0.404 ha. (1 ac.) or less recommended. Larger parcel sizes may be considered but the total development shall not occupy an area greater than 10 ha. (40 acres) or 25% of the original undeveloped parcel, whichever is less.

8. **Accessory Building Restrictions**

- (1) An accessory building shall have the same yard requirement as the principal building.
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from a principal building.
- (3) An accessory building shall not exceed 6 metres (20 feet) in height.
- (4) An accessory building shall not exceed 110 m<sup>2</sup> (1,200 ft<sup>2</sup>) in area. The maximum floor area of accessory buildings shall be 223 m<sup>2</sup> (2400 ft<sup>2</sup>).
- (5) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (6) Unless approved for a home occupation, an accessory building shall not be used for

a commercial or business operation.

9. **Site Restrictions**

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

- (1) For number of livestock allowed, see Section 48. Any offspring over the maximum number of approved animals shall be removed from the site within six months.
- (2) A development permit may be issued for the keeping of additional animals if the Council is of the opinion that it will not affect the amenities of the adjacent landowners.
- (3) Not more than three dogs excluding unweaned pups, shall be kept on a site. D. Any dogs must be controlled so that they comply with the Dog Control By-law.

10. **On-site Water Supply**

Sufficient on-site water supply capacity to service proposed parcels will be required to be provided with assurance of supply.

11. **On-site Sewage Disposal**

Piped sewage disposal systems required in accordance with Alberta Environment requirements.

12. **Subdivision Design**

- (1) Clustering of parcels shall be required in accordance with the requirements of Cypress Hills Fringe Area Structure Plan.
- (2) Site suitability criteria respecting subdivision design and parcel layout shall be in accordance with the Cypress Hills Fringe Area Structure Plan.
- (3) In addition to the regulations of this District, the County shall adhere to the policies and guidelines contained in the Cypress Hills Fringe Area Structure Plan.

## SEASONAL RESIDENCE DISTRICT (SR)

THIS DISTRICT IS ESTABLISHED FOR SMALLER LOT DEVELOPMENTS WHICH ARE INTENDED FOR SEASONAL RESIDENCES. THE GENERAL PURPOSE OF THIS DISTRICT IS TO REGULATE THE DEVELOPMENT OF SUCH SEASONAL RESIDENCES.

### 1. PERMITTED USES

- (1) Accessory buildings and uses
- (2) Cottage or seasonal residence
- (3) Dwelling unit
- (4) Public parks and playgrounds

### 2. CLASS II DISCRETIONARY USES

- (1) Private parks and playgrounds
- (2) Recreation facilities (public and private)
- (3) Other similar buildings and uses as approved by the Municipal Planning Commission
- (d) Move-in buildings (including mobile homes, residence/dwelling, and accessory buildings)

### 3. LOT SIZES

- (1) Maximum Size: 1 hectare (2 ½ acres)
- (2) Minimum Size:
  - (a) No sewage collection system - 1,800 m<sup>2</sup> (19,375 sq.ft.) with a minimum width of 30 metres (100 feet)
  - (b) Water distribution and sewage collection systems - 465 m<sup>2</sup> (5,000 sq.ft.) with a minimum width of 15 metres (50 feet)

### 4. MINIMUM YARD REQUIREMENTS

Front	Side	Flankage	Rear
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\*7.5 metres (25 feet)    1.5 metres (5 feet)    \*4.5 metres (15 feet)    6 metres (20 feet)

\* Minimum yard distances from subdivision streets or service road only. Setbacks from County roads shall be in compliance with Section 46 of the General Land Use Regulations

### 5. BUILDING RESTRICTIONS

- (1) Maximum site coverage for all structures and hard surfacing - 30 % of total lot area.
- (2) Building separation - 1.5 metres (5 feet)
- (3) Maximum floor area of a single accessory building - 100 m<sup>2</sup> (1,000 ft<sup>2</sup>). Maximum floor area of all accessory buildings - 139 m<sup>2</sup> (1500 ft<sup>2</sup>) or 15% of total lot area, whichever is less. No Development Officer Discretion permitted
- (4) Maximum height of an accessory building - 5 metres (16 feet)
- (5) Maximum number of accessory buildings per lot - 2
- (6) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (7) Unless approved for a home occupation, an accessory building shall not be used for a commercial or business operation

### 6. SITE RESTRICTIONS

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

- (1) Livestock shall not be kept nor kennels allowed within this District. Animals permitted to be kept on any parcel shall be limited to household pets, such as dogs, cats or other small animals.
- (2) Not more than three dogs excluding unweaned pups, shall be kept on a site.
- (3) Any dogs, cats and other domestic animals kept on a site must be controlled so that they do not create a nuisance.
- (4) A development permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the adjacent landowners.

## RECREATION/RESIDENTIAL RESORT DISTRICT (RRR)

*(Amended 2008/04/15 by By-law 2008/07)*

THE PURPOSE OF THIS DISTRICT IS TO PERMIT THE DEVELOPMENT OF COMPREHENSIVELY PLANNED RECREATIONAL AND RESIDENTIAL RESORT DEVELOPMENT IN THE RURAL SETTING. UTILITY SERVICES AND HIGH QUALITY DEVELOPMENT STANDARDS WILL BE REQUIRED.

### 1. PERMITTED USES

- (1) Accessory buildings and uses
- (2) Dwellings, detached
- (3) Dwellings, semi-detached
- (4) Public parks and playgrounds
- (5) Utility systems

### 2. CLASS I DISCRETIONARY USES

- (1) Home occupations
- (2) Parking of motor vehicles
- (3) Stripping or stockpiling of soil, construction of utilities or grading of a site

### 3. CLASS II DISCRETIONARY USES

- (1) Dwellings, multi-unit
- (2) Golf courses and associated facilities
- (3) Move-in buildings (mobile homes, residence/dwelling, and accessory buildings)
- (4) Public and quasi-public buildings and uses

### 4. MINIMUM LOT REQUIREMENT

- (1) Single family detached dwellings - 600 square metres (6459 square feet) with a minimum frontage of 15 metres (49.2 feet) measured at the required front yard.
- (2) Semi-detached dwellings - 500 square metres (5382 square feet) per unit with a minimum frontage for each unit of 13.0 metres (42.7 feet) measured at the required front yard.
- (3) Multi-unit dwellings - 400 square metres (4305 square feet) per unit.

### 5. MINIMUM YARD REQUIREMENTS

From internal subdivision streets or roads serving the development:

Front	Side	Flankage	Rear
7.5 metres (25 feet)	1.5 metres (5 feet)	3 metres (10 feet)	7.5 metres (25 feet)

No part of a building or structure shall be located within 25 metres (82 feet) of the centre line of any external County road.

### 6. MAIN BUILDING(S) RESTRICTIONS *(Amended 2008/08/19 by By-law 2008/24)*

- (1) Maximum building height - 10 metres (30 feet)
- (2) Maximum site coverage for all structures and hard surfacing, including landscaping, is not to exceed 45 % of the total lot area. The maximum site coverage for the dwelling, attached garage, and driveway combined is not to exceed 40% of the total lot area. *(Amended 2008/04/15 by By-law 2008/07)*

7. **ACCESSORY BUILDING RESTRICTIONS**

- (1) An accessory building shall not exceed 93 m<sup>2</sup> (1000 ft<sup>2</sup>) in area. The maximum floor area dedicated to accessory buildings shall be 139 m<sup>2</sup> (1500 ft<sup>2</sup>) or 15% of total lot area, whichever is less. No Development Officer Discretion permitted.
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from a principal building.
- (3) An accessory building shall not exceed 5 metres (16 feet) in height.
- (4) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (5) Unless approved for a home occupation, an accessory building shall not be used for a commercial or business operation.

8. **PARKING OF MOTOR AND RECREATION VEHICLES**

- (1) Each residential unit shall have a minimum of two on-site parking spaces provided either on the lot or within a structure.
- (2) No more than one recreation vehicle for each residential unit shall be parked on the parcel if it is outside of a garage unless adequate screening is provided to the satisfaction of the Development Officer.
- (3) Parking requirements for recreational activities and uses shall be to the satisfaction of the Development Officer.

9. **SITE RESTRICTIONS**

- (1) In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:
- (2) Livestock shall not be kept nor kennels allowed within this District. Animals permitted to be kept on any parcel shall be limited to household pets, such as dogs, cats or other small animals.

## RECREATION FACILITY DISTRICT (RF)

THE GENERAL PURPOSE OF THIS DISTRICT IS TO REGULATE THE DEVELOPMENT OF INSTITUTIONAL CAMPS AND PUBLIC OR QUASI-PUBLIC FACILITIES. PRIOR TO DEVELOPMENT OF MAJOR FACILITIES, THE APPLICANT SHOULD PRODUCE A MASTER PLAN SHOWING THE BUILDINGS LAYOUT, SERVICING ARRANGEMENTS, AN EMERGENCY EVACUATION PLAN, AND THE PROJECTED CAPACITY OF THE TOTAL DEVELOPMENT

### 1. PERMITTED USES

- (1) Accessory buildings and uses
- (2) Seasonal cabins or dormitories under 100 m<sup>2</sup>
- (3) Public utility buildings or uses required to serve the district
- (4) Recreation Facilities

### 2. CLASS I DISCRETIONARY USES

- (1) Bed and breakfast facility
- (2) Commercial Facilities
- (3) Home occupation

### 3. CLASS II DISCRETIONARY USES

- (1) Move-in building
- (2) Permanent Dwelling Unit(s)
- (3) Public Assembly Buildings
- (4) Seasonal cabins or dormitories over 100 m<sup>2</sup>
- (5) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### 4. LOT AREA

As required by the Approving Authority

### 5. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
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\*10 metres(30 feet)    10 metres (30 feet)    10 metres (30 feet)    10 metres (30 feet)

\* Minimum yard distance from internal streets or service roads. Setbacks from County roads outside of the District shall be in compliance with Section 46 of the General Land Use Regulations

### 6. MAIN BUILDING RESTRICTIONS

- (1) Maximum building height - 10 metres (30 feet)
- (2) Building separation - 10 metres (30 feet)
- (3) Exterior finish - Unless protected by a fire hydrant system supported by an adequate water supply as determined by the Alberta Building Code, precoloured stucco, brick vinyl siding, or other approved fire retardant material;
- (4) Roof - Unless protected by a fire hydrant system supported by an adequate water supply as determined by the Alberta Building Code, pitch not to be less than 4:12 and roofing material to be clay tile, concrete, tile, fibreglass composition singles or metal roofing complementary to the colour of the building.
- (5) Foundation - Foundation to extend to the ground around the perimeter of the building with cement parging to be applied to the above -grade portion.

**7. ACCESSORY BUILDING RESTRICTIONS**

- (1) Maximum building height - 6 metres (19 feet)
- (2) Maximum building area - 185 m<sup>2</sup> (1200 ft<sup>2</sup>)
- (3) Building separation - 3 metres (10 feet)
- (4) Exterior finish - Unless protected by a fire hydrant system supported by an adequate water supply as determined by the Alberta Building Code, precoloured stucco, brick vinyl siding, or other approved fire retardant material;
- (5) Roof - Unless protected by a fire hydrant system supported by an adequate water supply as determined by the Alberta Building Code, pitch of not less than 4:12; roofing material to be clay tile, concrete, tile, fibreglass composition singles or metal roofing complementary to the colour of the building.
- (6) Foundation - Foundation to extend to the ground around the perimeter of the building with cement parging to be applied to the above -grade portion.
- (7) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (8) Unless approved for a home occupation, an accessory building shall not be used for a commercial or business operation

**8. SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

- (1) For number of livestock allowed, see Section 48. Any off-spring over the maximum number of approved animals shall be removed from the site within six months. A development permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the adjacent landowners.
- (2) Not more than three dogs excluding unweaned pups, shall be kept on a site. Any dogs must be controlled so that they comply with the Dog Control By-law.
- (3) Fencing shall be barbed wire, page wire, or chain link and shall not be permitted to fall into disrepair.
- (4) An adequate water supply for both domestic purposes and for fire prevention shall be available.
- (5) All dead fall, downed trees, and other vegetative debris within the site shall be removed and all grasses within 10 m (33 feet) of any building shall be watered and trimmed to less than 10 cm (4 inches).
- (6) To minimize the spread of wildfires, large upper story trees shall be thinned to reduce crown cover to less than 40 % of total area within 10 m (33 feet) of any structure. The minimum separation distance between crowns of adjoining trees shall be 3 metres (10 feet). The branches on all remaining trees within 1.5 metres (5 feet) of the ground shall be removed. All understory trees and shrubs within 10 m (33 feet) of any structure shall be removed.
- (7) Within a forested area, a perimeter fire protection border a minimum of 20 metres (66 feet) wide, free and clear of all vegetation other than grasses trimmed to less than 10 cm (4 inches) shall be maintained around any major building site. A 10 metre wide all weather access lane for fire equipment must be provided to a minimum of 2 points on the perimeter border.

## **PUBLIC AND SEMI-PUBLIC SERVICE DISTRICT (PS)**

The purpose of this district is to provide for the development of social, educational, governmental and other public and semi-public buildings and uses.

### **1. PERMITTED USES**

- (1) Dwelling
- (2) Public Community centre
- (3) Public Education facility
- (4) Parks and playgrounds

### **2. CLASS I DISCRETIONARY USES**

- (1) Accessory buildings and uses
- (2) Government service
- (3) Religious assembly

### **3. CLASS II DISCRETIONARY USES**

- (1) Group care facility
- (2) Move-in buildings (mobile homes, residence/dwelling, and accessory buildings)
- (3) Recreation facility
- (4) Senior citizen's housing
- (5) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### **4. MINIMUM LOT AREA**

- (1) No sewage collection systems - 1,800 m<sup>2</sup> (19,375 ft<sup>2</sup>) with a minimum width of 30 metres (100 feet)
- (2) Water distribution and sewage collection system - 465 m<sup>2</sup> (5,000 sq.ft.) with a minimum width of 15 metres (50 feet)

### **5. MINIMUM YARD REQUIREMENT**

- |     | Front  | Side | Flankage | Rear |
|-----|--|------|----------|------|
| (1) | Subject to sub-clause (2), as required by the Development Officer or the Municipal Planning Commission.  |      |          |      |
| (2) | Where a site in a public and semi-public service district abuts a residential district, whether or not there is an intervening public roadway, the side yard abutting the residential district shall have a minimum side yard setback equal to or greater than the minimum side yard setback required for the abutting residential site. |      |          |      |

### **6. OFF-STREET PARKING**

As required by the Development Officer or the Municipal Planning Commission

### **7. BUILDING HEIGHT**

As required by the Development Officer or the Municipal Planning Commission

### **8. SCREENING ADJACENT TO RESIDENTIAL DISTRICTS**

Any side yard or rear yard that abuts a residential district, whether or not there is an intervening public roadway, shall be screened to a minimum height of 1.8 m by a fence, privacy wall, gate or landscaping satisfactory to the Commission or the Development Officer.

9. **ENTRANCES AND EXITS**

The design and location of entrances and exits for vehicles shall be approved by the Commission or the Development Officer.

## **INDUSTRIAL DISTRICT (I)**

1. THE GENERAL PURPOSE OF THIS DISTRICT IS TO REGULATE RURAL INDUSTRIAL DEVELOPMENT.

2. **PERMITTED USES**

(1) None

3. **CLASS I DISCRETIONARY USES**

- (1) Accessory buildings and uses (excluding residences)
- (2) Bulk oil and fertilizer storage (excluding ammonia)
- (3) Farming
- (4) Farm equipment sales, repairs and assembly
- (5) Lumber sales
- (6) Manufacturing operations
- (7) Move-in buildings
- (8) Private signs
- (9) Storage and maintenance yards and facilities
- (10) Trucking and freight terminals
- (11) Warehouses
- (12) Welding and repair shops
- (13) Well servicing operations

4. **CLASS II DISCRETIONARY USES**

- (1) Accessory dwelling or accessory mobile home or move-in residence/dwelling
- (2) Agricultural processing plants
- (3) Auction yard
- (4) Auto wrecking and salvage yards
- (5) Livestock sales yards
- (6) Petro chemical refining and processing facilities
- (7) Sand, gravel and asphalt operations
- (8) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

5. **MINIMUM LOT AREA:** ½ hectare (1 acre).

6. **MINIMUM YARD REQUIREMENT**

Front	Side	Flankage	Rear
*10 metres(30 feet)	6 metres (20 feet)	10 metres (30 feet)	8 metres (25 feet)

\* Minimum yard distances from subdivision streets or service roads only.

Setbacks from County roads shall be in compliance with Section 46 of the General Land Use Regulations.

7. **SITE RESTRICTIONS**

- (1) In addition to the requirements of the General Land Use Regulations and Schedules, the following regulation shall apply:
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from the principal building.

## **LIGHT INDUSTRIAL DISTRICT (LI)**

THE GENERAL PURPOSE OF THIS DISTRICT IS TO REGULATE RURAL INDUSTRIAL DEVELOPMENT.

1. **PERMITTED USES**

None

2. **CLASS I DISCRETIONARY USES**

- (1) Accessory buildings and uses (excluding residences)
- (2) Home occupation
- (3) Move-in buildings
- (4) Private signs
- (5) Storage or Warehouse building
- (6) Truck storage (maximum 1 commercial vehicle)

3. **CLASS II DISCRETIONARY USES**

- (1) Accessory dwellin
- (2) Autobody and paint shops
- (3) Building supply sales (wholesale)
- (4) Contractor services
- (5) Farm equipment sales and services
- (6) Manufacturing, light
- (7) Welding and repair shops
- (8) Well servicing operations
- (9) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

4. **MINIMUM LOT AREA:** ½ hectare (1 acre), or all the land which is contained within an existing certificate of title

5. **MINIMUM YARD REQUIREMENT**

Front	Side	Flankage	Rear
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*10 metres(30 feet)	6 metres (20 feet)	10 metres (30 feet)	8 metres (25 feet)
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\* Minimum yard distances from subdivision streets or service roads only

Setbacks from County roads shall be in compliance with Section 45 of the General Land Use Regulations

6. **BUILDING RESTRICTIONS**

- (1) Maximum building height - 10 metres (30 feet)
- (2) Maximum site coverage for all structures - 30% of total lot area to a maximum of 1200 m<sup>2</sup> (subject to all other setbacks being met).
- (3) With the exception of driveways and private signs, all front and flankage yards shall be landscaped.
- (4) Any long term storage of material outside of a building shall be screened from public view and may require a Development Permit if considered by the Development Officer to be a separate development from the main use of the land.

7. **SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the

following regulation shall apply:

- (1) An accessory building shall be located at least 1.5 metres (5 feet) from the principal building.

## HIGHWAY COMMERCIAL (HWY-C)

THE GENERAL PURPOSE OF THIS DISTRICT IS TO PROVIDE GOODS AND SERVICES TO THE TRAVELLING PUBLIC; RETAILERS REQUIRING LARGE SALES AREAS (eg. automobile and farm equipment dealers); AND RETAIL/WHOLESALE OUTLETS THAT SERVE THE AGRICULTURAL COMMUNITY. *(Amended 2008/05/06 by By-law 2008/11)*

1. **PERMITTED USES**

None

2. **CLASS I DISCRETIONARY USES**

- (1) Accessory buildings and uses (excluding residences)
- (2) Motels and hotels
- (3) Private signs
- (4) Restaurants and cafes
- (5) Service Stations
- (6) Move-in buildings (accessory buildings)

3. **CLASS II DISCRETIONARY USES**

- (1) Accessory dwelling or accessory mobile home, or move-in residence/dwelling
- (2) Campgrounds
- (3) Car and equipment sales
- (4) Liquor stores, pubs, and other licensed premises.
- (5) Retail sales and storage for mobile homes and modular homes. *(Amended 2008/05/06 by By-law 2008/11)*
- (6) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

4. **MINIMUM LOT SIZE :**        ½ hectare (1 acre).

5. **MINIMUM YARD REQUIREMENT**

Front	Side	Flankage	Rear
See Section 46	6 metres (20 feet)	See Section 46	7.5 metres (25 feet)

6. **ACCESS AND EGRESS**

As approved by Alberta Transportation

7. **OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the type of development proposed and shall be determined by the Development officer or the Municipal planning Commission having regard to the following:

- (1) Motels and hotels: 1 stall per guest room
- (2) Restaurants, cafes, and other licensed premises: 1 stall per 3 seats

8. **LANDSCAPING**

In addition to any landscaping requirements in this By-law, all outdoor storage and garbage containers shall be screened from the public roadways and highways.

9. **SITE RESTRICTIONS**

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulation shall apply:

- (1) An accessory building may be used as a residence in a commercial or industrial district for security or fire protection of the main building or use of the site.
- (2) An accessory building shall have the same minimum yard requirements as the principal building.

## HAMLET COMMERCIAL DISTRICT (HC)

### 1. PERMITTED USES

None

### 2. CLASS I DISCRETIONARY USES

- (1) Accessory buildings and uses (excluding residences)
- (2) Hotel
- (3) Motel
- (4) Move-in buildings
- (5) Offices
- (6) Personal services
- (7) Private Sign
- (8) Pool Hall
- (9) Post office
- (10) Restaurant
- (11) Retail store
- (12) Service station

### 3. CLASS II DISCRETIONARY USES

- (1) Accessory dwelling or mobile home or move-in residence/dwelling
- (2) Automobile sales
- (3) Liquor stores, pubs, and other licensed premises
- (4) Public building and uses
- (5) Quasi-public buildings and uses
- (6) Repair shops
- (7) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### 4. MINIMUM LOT AREA

- (1) No sewage collection system - 1,800 m<sup>2</sup> (19,375 ft<sup>2</sup>) with a minimum width of 31 metres (100 feet)
- (2) Water distribution and sewage collection system - 465 metres<sup>2</sup>(5,000 ft<sup>2</sup>) with a minimum width of 15 metres (50 feet)

### 5. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
3 metres(10 feet)	0*	3 metres (10 feet)	6 metres (10 feet)

\* where no lane exists, one side yard shall be extended to 4.5 metres (15 feet).

### 6. OFF-STREET PARKING

Off-street parking shall be provided in accordance with the type of development proposed and shall be determined by the Development officer or the Municipal Planning Commission having regard to the following:

- (1) Motels and hotels: 1 stall per guest room
- (2) Restaurants, cafes, pubs, and other licensed premises: 1 stall per 3 seats

### 7. SITE RESTRICTIONS

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulation shall apply:

- (1) An accessory building may be used as a residence in a commercial or industrial

- district for security or fire protection of the main building or use of the site.
- (2) An accessory building shall have the same minimum yard requirements as the principal building.

## HAMLET INDUSTRIAL DISTRICT (HI)

### 1. PERMITTED USES

None

### 2. CLASS I DISCRETIONARY USES

- (1) Accessory buildings and uses (excluding residences)
- (2) Bulk oil and fertilizer storage (excluding ammonia)
- (3) Farm equipment sales, repair and assembly
- (4) Grain elevators
- (5) Lumber sales
- (6) Move-in buildings
- (7) Private signs
- (8) Welding and repair shops
- (9) Warehouses

### 3. CLASS II DISCRETIONARY USES

- (1) Accessory dwelling or accessory mobile home or move-in residence/dwelling
- (2) Concrete manufacturing
- (3) Manufacturing operations
- (4) Salvage yards
- (5) Storage and maintenance yards and facilities
- (6) Trucking and freight terminals
- (7) Retail sales and storage for mobile homes and modular homes *(Amended 2008/05/06 by By-law 2008/11)*
- (8) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### 4. MINIMUM LOT AREA:      ½ hectare (1 acre)

### 5. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
7.5 metres(25 feet)	3 metres (10 feet)	7.5 metres (25 feet)	3 metres (10 feet)

\* The front yard requirement shall be increased to 15 metres (50 feet) if parking is provided at the front of the building.

### 6. OFF-STREET PARKING

- (1) As required by the Development Officer or the Municipal Planning Commission

### 7. SITE RESTRICTIONS

- (1) In addition to the requirements of the General Land Use Regulations and Schedules, the following regulation shall apply:
- (2) All unenclosed storage shall be securely fenced or screened from view so as not to detract from surrounding areas.
- (3) An accessory building may be used as a residence in a commercial or industrial district for security or fire protection of the main building or use of the site.
- (4) An accessory building shall have the same minimum yard requirements as the principal building.

## HAMLET GENERAL DISTRICT (HG)

This district is established for residential development and the keeping of a limited number of animals within a designated hamlet.

### 1. PERMITTED USES

- (1) Accessory building or uses
- (2) Dwelling or mobile home (newer than 15 years)
- (3) Parks and playgrounds

### 2. CLASS I DISCRETIONARY USES

- (1) Home occupation (Office Use Only)
- (2) Move-in buildings (including mobile homes older than 15 years, residence/dwelling, and accessory buildings)
- (3) Public and quasi-public uses

### 3. CLASS II DISCRETIONARY USES

- (1) Additional Dwelling Unit(s)
- (2) Family Care Home
- (3) Home occupation
- (4) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### 4. MINIMUM LOT AREA

- (1) Water but no sewage collection system - 1,800 m<sup>2</sup> (20,000 ft<sup>2</sup>) with a minimum width of 30 metres (100 feet)
- (2) Water distribution and sewage collection system - 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) with a minimum width of 15 metres (50 feet)

### 5. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
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7.5 metres (25 feet)	*1.5 metres (5 feet)	3 metres (10 feet)	3 metres (10 feet)
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\*For mobile homes, the side yard shall be increased to 4.5 metres (15 feet) on the side which the main entrance door is located

### 6. OFF - STREET PARKING

- (1) As required by the Development Officer or the Municipal Planning Commission

### 7. ACCESSORY BUILDINGS

- (1) An accessory building shall not be constructed within the front flankage yard of any parcel.
- (2) An accessory building shall be located at least 1.5 metres (5 feet) from the principal building.
- (3) An accessory building shall be located at least 1 metre (3 feet) from the side property line and 1.5 metres (5 feet) from the rear property line, except where a rear vehicular entrance is located, in which case the distance to the lane will be extended to 5.5 metres (18 feet).
- (4) An accessory building shall not exceed 5 metres (16 feet) in height.
- (5) Maximum site coverage for all structures and hard surfacing - 30 % of total lot area.
- (6) An accessory building shall not exceed 93 m<sup>2</sup> (1000 ft<sup>2</sup>) in area. The maximum floor area dedicated to accessory buildings shall be 139 m<sup>2</sup> (1500 ft<sup>2</sup>) or 15% of total lot

- area, whichever is less. No Development Officer Discretion permitted.
- (7) Unless otherwise approved, an accessory building shall not be used for living purposes.
  - (8) Unless approved for a home occupation, an accessory building shall not be used for a commercial or business operation.

8. **SITE RESTRICTIONS**

- (1) In addition to the requirements of the General Land Use Regulations and Schedules, the following regulation shall apply:
  - (a) Skirting of mobile homes, including finishing, must be completed within 30 days of the date a mobile home is placed on a site.
  - (b) Appearance, design, and construction of accessory structures or additions must complement the design of the mobile home.
  - (c) All mobile homes shall conform to the CSA Z240 Standard.
  - (d) Each parcel within a Hamlet General District with a minimum area of 1800 m<sup>2</sup> is allowed to keep 2 horses or 2 cows. Equivalencies for other types of animals may be based on the formula outlined in Section 48 of the land use by-law. Any off-spring of the approved animals must be removed from the site within a maximum of six months.
  - (e) A development permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the adjacent landowners.

## HAMLET RESIDENTIAL (SINGLE FAMILY) DISTRICT (HSR)

### 1. PERMITTED USES

- (1) Accessory buildings and uses
- (2) Dwelling
- (3) Parks and playgrounds

### 2. CLASS I DISCRETIONARY USES

- (1) Home occupation (Office Use Only)
- (2) Public and quasi-public buildings and uses

### 3. CLASS II DISCRETIONARY USES

- (1) Family Care Home
- (2) Home occupation
- (3) Move-in buildings
- (4) Semi-detached dwelling
- (5) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### 4. MINIMUM LOT AREA

- (1) No sewage collection system - 1,800 m<sup>2</sup> (19,375 ft<sup>2</sup>) with a minimum width of 30 metres (100 feet)
- (2) Water distribution and sewage collection system - 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) with a minimum width of 15 metres (50 feet)

### 5. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
7.5 metres (25 feet)	1.5 metres (5 feet)	3 metres (10 feet)	3 metres (10 feet)

### 6. OFF-STREET PARKING

- (1) As required by the Development Officer or the Municipal Planning Commission

### 7. SITE RESTRICTIONS

- (1) In addition to the requirements of the General Land Use Regulations and Schedules, the following regulation shall apply:
- (2) An accessory building shall not be constructed within the front or flankage yard of any parcel.
- (3) An accessory building shall be located at least 1.5 metres (5 feet) from the principal building.
- (4) An accessory building shall be located at least 1 metre (3 feet) from the side property line and 1.5 metres (5 feet) from the rear property line, except where a vehicular entrance is located, in which case the distance will be extended to 5.5 metres (18 feet).
- (5) An accessory building shall not exceed 5 metres (16 feet) in height.
- (6) Maximum site coverage for all structures and hard surfacing - 30 % of total lot area.
- (7) An accessory building shall not exceed 93 m<sup>2</sup> (1000 ft<sup>2</sup>) in area. The maximum floor area dedicated to accessory buildings shall be 139 m<sup>2</sup> (1500 ft<sup>2</sup>) or 15% of total lot area, whichever is less. No Development Officer Discretion permitted.

- (8) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (9) Unless approved for a home occupation, an accessory building shall not be used for a commercial or business operation.

## HAMLET RESIDENTIAL DISTRICT (HR)

### 1. PERMITTED USES

- (1) Accessory buildings and uses
- (2) Dwelling or mobile home
- (3) Parks and playgrounds

### 2. CLASS I DISCRETIONARY USES

- (1) Dwelling, semi-detached
- (2) Home occupation (Office Use Only)
- (3) Move-in buildings

### 2. CLASS II DISCRETIONARY USES

- (1) Dwelling, multi-unit
- (2) Family Care Home
- (3) Home occupation
- (4) Post office
- (5) Public and quasi public buildings and uses
- (6) Other Uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission

### 3. MINIMUM LOT AREA

- (1) No sewage collection systems - 1,800 m<sup>2</sup> (19,375 ft<sup>2</sup>) with a minimum width of 30 metres (100 feet).
- (2) Water distribution and sewage collection system - 465 m<sup>2</sup> (5,000 sq.ft.) with a minimum width of 15 metres (50 feet).

### 4. MINIMUM YARD REQUIREMENT

Front	Side	Flankage	Rear
7.5 metres (25 feet)	*1.5 metres (5 feet)	3 metres (10 feet)	3 metres (10 feet)

\* For mobile homes, the side yard shall be increased to 4.5 metres (15 feet) on the side which the main entrance door is located.

### 5. OFF-STREET PARKING

As required by the Development Officer or the Municipal Planning Commission

### 6. SITE RESTRICTIONS

- (1) In addition to the requirements of the General Land Use Regulations and Schedules, the following regulation shall apply:
- (2) An accessory building shall not be constructed within the front or flankage yard of any parcel.
- (3) An accessory building shall be located at least 1.5 metres (5 feet) from the principal building.
- (4) An accessory building shall be located at least 1 metre (3 feet) from the side property line and 1.5 metres (5 feet) from the rear property line, except where a rear vehicular entrance is located, in which case the distance to the lane will be extended to 5.5 metres (18 feet).
- (5) An accessory building shall not exceed 5 metres (16 feet) in height.

- (6) Maximum site coverage for all structures and hard surfacing - 30 % of total lot area.
- (7) An accessory building shall not exceed 93 m<sup>2</sup> (1000 ft<sup>2</sup>) in area. The maximum floor area dedicated to accessory buildings shall be 139 m<sup>2</sup> (1500 ft<sup>2</sup>) or 15% of total lot area, whichever is less. No Development Officer Discretion permitted.
- (8) Unless otherwise approved, an accessory building shall not be used for living purposes.
- (9) Unless approved for a home occupation, an accessory building shall not be used for a commercial or business operation.

8. **SPECIAL REGULATION: MOBILE HOMES**

- (1) Skirting of mobile homes, including finishing, must be completed within 30 days of the date a mobile home is placed on a site.
- (2) Appearance, design and construction of accessory structures or additions must complement the design of the mobile home.
- (3) All mobile homes shall conform to the CSA Z 240 Standards.

## **DIRECT CONTROL DISTRICT (DC)**

THIS DISTRICT IS ESTABLISHED TO ENABLE COUNCIL TO EXERCISE PARTICULAR CONTROL OVER THE USE AND DEVELOPMENT OF LAND OR BUILDINGS WITHIN DESIGNATED AREAS OF THE COUNTY.

### **1. DIRECT CONTROL USE PROVISIONS**

- (1) In those areas shown as Direct Control on the Land Use District Maps, Council may, subject to the Municipal Development Plan, regulate and control the use or development of land or buildings in any manner it considers necessary.
- (2) The District shall only be applied to a site to regulate a specific proposed development under the following circumstances:
  - (a) the proposed development exceeds the development provisions of the closest equivalent conventional District;
  - (b) the proposed development requires specific comprehensive regulations to ensure land use conflicts with neighbouring properties are minimized;
  - (c) the site for the proposed development has unique characteristics that require specific regulations; or
  - (d) the ongoing operation of the proposed development requires specific regulations.

### **2. LAND USE AMENDMENT APPLICATIONS AND STANDARDS**

- (1) The applicant shall submit a Site Plan and a written description explaining why the Direct Control District is warranted. The Site Plan shall be appended to the Direct Control Bylaw, and development shall generally conform to the Plan.
- (2) A Public Hearing on the application will be held to hear comments from the applicant and affected landowners.
- (3) All Land Use Bylaw Regulations of general application shall apply to the Direct Control District, unless such Regulations are specifically excluded or modified.

### **3. DEVELOPMENT APPLICATION DECISIONS**

- (1) All Development Applications within a Direct Control District shall be referred to Council for a decision.
- (2) If the Development Application is minor in nature and does not change the intent of the original Land Use Amendment Application, Council may waive the Public Hearing requirement.
- (3) The Development Officer shall issue a Development Permit in accordance with the Council decision as if it were a Permitted Use.
- (4) There is no appeal of a Development Permit within a Direct Control District unless the Permit was issued in error.

## **SCHEDULE A DEVELOPMENT STANDARDS FOR MOVE-IN BUILDINGS**

1. Any application for a "move-in" building is subject to all conditions and regulations specified under the appropriate district, and in addition, the Development Officer or the Municipal Planning Commission may require:
  - (1) recent colour photographs of the structure;
  - (2) a non-refundable fee, as set by Council, in addition to the processing fee;
  - (3) an indication whether the building will meet the requirements of the Alberta Uniform Building Standards Act, and if it does not, how the building will be brought up to these standards within the time limit established by the Municipal Planning Commission;
  - (4) the applicant to be responsible for any pre-moving inspection travel costs of the Development Officer or members of the Municipal Planning Commission;
  - (5) security as set by resolution of the Municipal Planning Commission.
2. The standards to which the building shall comply shall be established by the Development Officer or the Municipal Planning Commission at the time of the approval of the application and shall be such that the standard of construction of the building is at least equal to or better than the average condition of other buildings in the area, prior to being moved.
3. All renovations to a "moved-in" building shall be completed within six months of the issuance of the development permit, or at the discretion of the Municipal Planning Commission.
4. Move-in buildings shall include mobile homes, move-in residences/dwellings, move-in accessory buildings, and any other move-in structure.
5. Modular homes, as defined as dwelling in the By-Law, shall not be considered as a move-in building.
6. The Development Officer has the authority to refer any "move-in building" application, deemed as a Class 1 Discretionary Use, to the Municipal Planning Commission for approval purposes if necessary.

## **SCHEDULE B HOME OCCUPATION**

A home occupation shall not be permitted unless it is in conformity with the following regulations:

1. Home occupation does not undermine livability standards of the residential use of the property, the adjacent properties and the area;
2. The nature and extent of the home occupation, as determined by the Development Officer or Municipal Planning Commission, makes it uneconomical and unreasonable to locate the occupation in a commercial or light industrial area;
3. When the total number of off-site employees, not including the occupants of the residence, involved with the said occupation exceeds five (5), a permit issued under the provisions of this By-law shall not be extended beyond a period of 12 months;
4. No advertising or display of produce shall be permitted on the property except for one indirectly illuminated sign of 1 square metre (10 square feet) placed flat against the building or fence;
5. The Municipal Planning Commission, if it deems appropriate, may allow goods to be stored on the site provided the storage of such is contained entirely within the dwelling or accessory building and is not a fire or health hazard;
6. Only one commercial vehicle shall be allowed in connection with a home occupation proposal and one off-street parking stall to be used exclusively for the home occupation shall be provided for the same;
7. A commercial vehicle to be parked or maintained on the property shall be subject to the Municipal Planning Commission approval in terms of size and appearance;
8. Subject to the other provisions of this part of the By-law every 1 ton capacity commercial vehicle and also any other smaller commercial vehicle which in the opinion of the Municipal Planning Commission would not be complementary to the residential character of the area shall not be parked or maintained between the front property line and the rear building line. The Commission may at its discretion relax this requirement in a situation where it is not possible to park the vehicle in the backyard because of access problems;
9. No such home occupation which creates noise vibration, smoke, dust or odours shall be permitted;
10. The Development Officer may approve home occupations for "office use only" in any District. "Office use only" to involve members of the immediate household and to include telephone, mail, and minor storage activities within the residence only;

## **SCHEDULE C EXTRACTION OF SAND, GRAVEL AND SURFACE MINERAL**

1. Any application for sand, gravel or other surface mineral operation is subject to all conditions and regulations specified under the appropriate district and in addition, the Municipal Planning Commission may require plans of the proposed site showing:
  - (1) the area to be excavated;
  - (2) the roads and access points to the site;
  - (3) the phasing of the development and estimated operation time frame;
  - (4) reclamation proposals; and
  - (5) any other information considered necessary by the Municipal Planning Commission.
2. In any sand, gravel or other surface mineral extraction operation, the operator or lessee shall only be required to obtain one such permit to develop the site area as described within the Site Plan during the life of each site location.
3. In such operations, topsoil shall be stripped and stockpiled prior to commencing operations. On termination of the operation of the pit, slopes shall be back sloped to not less than a 2 to 1 slope, topsoil shall be spread, and the excavation shall be seeded to grass or legume mixture.
4. In a commercial soil stripping operation, the area stripped shall be seeded to a grass or legume mixture within a reasonable period of time.
5. The Municipal Planning Commission may require a letter of credit from a financial institution to guarantee that these requirements are carried out.

## **SCHEDULE D**

### **PROTECTION OF EXISTING CONFINED FEEDING OPERATIONS**

1. The Municipal Planning Commission shall restrict the development of incompatible land uses adjacent to confined feeding operations and shall ensure that an appropriate setback based on the Minimum Distance Separation (MDS) formula is maintained.
  
2. Upon receipt of a development or subdivision application for a non-intensive agricultural use or a non-agricultural use within an Agricultural District, the Development Officer shall:
  - (1) Plot the location of the proposed development on the most recent available land use map showing the location of known confined feeding operations;
  - (2) Determine whether there are any existing confined feeding operations within 1,000 metres (3,280 feet) of the proposed development;
  - (3) Where an apparent conflict is present, make verbal contact with the operator of the confined feeding operation to determine the current operational status of the facility and to advise of the proposed development;
  - (4) Where potential conflict appears likely, undertake a site inspection to determine the capacity of the confined feeding operation and the separation distance from the proposed development in accordance with procedures established pursuant to the current version of the Agricultural Operations, Part 2 Matters Regulation;
  - (5) Calculate the Minimum Distance Separation (MDS) for Non-Agricultural Development;
  - (6) Where the proposed non-agricultural development falls within the established Minimum Distance Separation from an existing confined feeding operation, the Development Officer shall refer the proposal to the Municipal Planning Commission for a decision on the application.

## SCHEDULE E PRIVATE SIGN REGULATION

1. The purpose of this schedule is to regulate the location, size, design and character of signs within Cypress County which are not under the direct control of Alberta Transportation. Specifically, a Development Permit is required for any sign within the corporate limits of a hamlet or further than 300 metres from primary highways and 800 metres from primary highway intersections. Signs not requiring a permit from the county will require a permit from Alberta Infrastructure.
2. **DEFINITIONS**
  - (1) **Advertisement** means any word, letter, model, picture, symbol, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.
  - (2) **Official Sign** means any sign placed pursuant to government legislation and includes signs approved pursuant to the Highway Development Act.
  - (3) **Off-site Sign** means a sign which directs attention to a business, commodity, service or entertainment, not exclusively related to the premises on which the sign is located, or to a business, commodity, service or entertainment which is conducted, sold or offered elsewhere than on the premises on which the sign is located.
  - (4) **Portable Sign** means a sign which may be illuminated and is easily moveable and normally has a message which may be readily modified. Such signs are typically operated by a business which leases these signs to other businesses.
  - (5) **Trailer** means a trailer as defined in the Highway Traffic Act R.S.A. 1980 c H-7, as amended or replaced from time to time.
2. **EXEMPTIONS**
  - (1) The following shall be considered exempted from the provisions of this part of the By-law:
  - (2) Advertisement displayed within a building.
  - (3) Advertisement displayed in or on an operational vehicle provided that it is not displayed in a conspicuous position adjacent to a highway for more than fourteen days.
  - (4) Advertisements displayed on door plates, door bars, or kick plates.
3. **SIGNS DEEMED APPROVED**
  - (1) The following signs shall be deemed approved for the purpose of this By-law:
  - (2) Official signs.
  - (3) Traffic, directional signs and any informational signs authorized by the county.
  - (4) Notice relating to a sale, lease, or rental of the building, or the land to which it is attached, provided that it is not illuminated and is not larger than 1.5 square metres (16 square feet) in area.
  - (5) Posters relating specifically to a municipal, provincial or federal elections provided that such posters shall be removed within 14 days after the election.
  - (6) Notices on land or buildings involving quasi-public purposes such as religious, educational, cultural, recreational or medical.
  - (7) Advertisements of building contractors relating to construction work in progress on the land on which such advertisements are erected, provided that such advertisements shall be removed after the completion of the work.

- (8) Advertisements at service stations relating to specials and gasoline prices. Up to two signs not exceeding a maximum size of 1.5 metres (16 square feet) may be allowed.

#### 4. **APPLICATION REQUIREMENTS**

- (1) Application for a development permit pertaining to a sign shall be made on a prescribed form together with the following information:
- (2) Two copies of drawings drawn to scale. In the case of a building the scale shall not be smaller than 1:100. The scale may be increased to 1:500 in case of a plot plan,
- (3) the drawing shall indicate:
  - (a) the location and elevation of the sign,
  - (b) the overall dimensions of the sign,
  - (c) the size of the letter(s),
  - (d) the amount of projection from the face of the building if any,
  - (e) the amount of projection over county property if any,
  - (f) the height of the sign above the average ground level of the face of the building,
  - (g) the manner of illuminating the sign and any form of animated or intermittent lights involved with the sign,
  - (h) the distance from any road intersection together with any traffic control device which may be located in the proximity of the sign,
  - (i) an appropriate fee and,
  - (j) any other information which the Development Officer may deem relevant.
- (4) In the case of a development proposal for a off-site sign, excluding a freestanding portable sign, the following additional information will be required:
  - (a) a copy of the Certificate of Title or a letter of authorization from the owner of the property on which the sign is to be placed or his authorized agent,
  - (b) at least two colour photographs taken from an angle that adequately show:
    - (i) the proposed site,
    - (ii) adjoining properties and physical features.

#### 5. **ISSUANCE OF A PERMIT**

- (1) The Development Officer shall issue the permit for which an application is made where:
  - (a) the proposed sign conforms with this by-law and all other applicable by-laws of the county,
  - (b) the applicant has paid to the fees prescribed by the county.
  - (c) The permit shall expire if the work or activity authorized therein is not completed within a period of ninety (90) days from the date of the issuance of the permit.
  - (d) Any person erecting, altering, or re-locating a permanent sign for which a development permit has been issued shall supply to the Development Officer at least two photographs of the sign upon completion of the work.

#### 6. **GENERAL REQUIREMENTS FOR SIGNS**

- (1) No person shall erect, construct, enlarge, re-locate, maintain or alter any sign, except as otherwise provided for in sections 3 and 4 of the By-law without first obtaining a Permit.
- (2) Where a sign cannot be clearly categorized as any one of the sign types defined in this By-law, the Municipal Planning Commission shall determine applicable controls.

- (3) All signs shall maintain the required distance from overhead power lines as prescribed in the Electrical Protection Act of Alberta.

## 7. **DEVELOPMENT STANDARDS FOR SIGNS**

- (1) A sign shall not conflict with the general character of the surrounding countryside or the architecture of nearby buildings.
- (2) Where a sign projects over public property, a minimum height clearance of 2.4 metres (8 feet) shall be maintained between the underside of the sign and the grade below.
- (3) Where a sign is located in or projects into or over a driveway, a lane or an alley, a clearance of 5.5 metres (18 feet) shall be maintained between the underside of the sign and the grade below.
- (4) No sign or sign structure shall be located closer than 1.5 metres (5 feet) from the existing or future road right-of-way.
- (5) No sign or sign structure shall be located closer than 3 metres (10 feet) from an adjacent property line.
- (6) No sign or sign structure shall obstruct the sight lines from a highway of an adjoining private sign.
- (7) No sign shall be erected, operated, used or maintained which, in the opinion of the Development Officer, due to its position, shape, colour, format or illumination,
- (8) obstructs the view of, or may be confused with an official traffic sign, signal or device, or other official sign, or
  - (a) obstructs the view of, or otherwise poses a potential hazard to traffic, or
  - (b) displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, ambulance or other emergency vehicles.
  - (c) Freestanding signs shall not be permitted in residential land use districts except:
- (9) real estate advertising signs,
  - (a) construction signs, or
  - (b) signs confined to the name or address of the premises or the activity carried on, where such activity relates to a use such as school, library, church, museum or similar institution,
  - (c) and in no case shall such a sign exceed 1 square metre (10 square feet) in area.
  - (d) Only one sign per commercial street frontage shall be permitted for each commercial business for the purpose of identifying the business.

## 8. **ROOF SIGNS**

- (1) Roof signs shall be architecturally integrated with the buildings upon which they may be located.
- (2) Roof signs adjacent to residential areas shall not employ:
- (3) any flashing or intermittent lights,
  - (a) devices or means to create the impression of flashing lights, or
  - (b) means or devices to rotate the sign.

## 9. **PORTABLE SIGNS** (Amended 2009/09/15 by By-Law 2009/26)

- (1) Unless otherwise approved through a development permit issued by the Municipal Planning Commission as Class 2 Discretionary Use, all portable signs must adhere to the following restrictions regardless of their intended use or purpose;

- (a) the sign is not to be located on Cypress County property, including road allowances, parks, utility lots and rights-of-way, municipal reserve, etc.,
  - (b) the overall height of the sign shall not exceed 2.5 metres (8.2 feet) above the ground, and the overall maximum area of the sign shall not exceed 4.6 square metres (50 square feet);
  - (c) the sign must maintain a separation distance of 35 metres (114.8 feet) from another approved portable sign, is to be at least 25 metres (82 feet) from an approved permanent sign, and is to be placed no closer than 15 metres (49.2 feet) from a neighbouring adjacent property line;
  - (d) the sign shall not be located in such a manner so as to restrict the view of a traveller on any street from obtaining a clear view of approaching vehicles or pedestrians for a distance of 45 metres (147.6 feet) along a street;
  - (e) the sign shall be setback a minimum distance of 1.5 metres (4.9 feet) inside the property line, and shall be placed at least 20 metres (65.6 feet) from any intersection and/or access approach;
  - (f) if the sign is illuminated, and is located or placed within a residential district or adjacent to a residential district, the light of the sign shall be turned off at 11:00 p.m., and shall not be turned on any earlier than 7:00 a.m..
- (2) A Portable Sign does not require a development permit provided that it meets the following conditions;
- (a) the sign is not to be used as an off-site advertising sign, or for any type of commercial/industrial advertising;
  - (b) the use of the sign on the property does not exceed 30 days, and therefore the sign is to be removed immediately after the expiration of the 30 days;
  - (c) the use of the sign is intended for a one-time special event such as a community, sporting, or agricultural activity and/or event, or for weddings, family reunions, or for birthdays/anniversaries for private citizens.
- (3) The Development Officer may issue a development permit as a Class 1 Discretionary Use for a portable sign provided that there is only one portable sign on the property at any one time, and that it meets the following conditions;
- (a) the sign is intended for a special event of a commercial/retail/industrial business such as a grand opening, anniversary sale, or special offer/promotion, is limited to one permit per year, is time limited to a maximum of 30 days, and is to be placed on the property that it relates to; OR,
  - (b) the sign is to be used strictly for real estate sales purposes, and is to be located on the property that is for sale, and is to be removed within 21 days of the completion of the sale of the property.
- (4) Portable signs that require a development permit and are to be issued under the authority of the Municipal Planning Commission, as a Class 2 Discretionary Use are as follows;
- (a) a portable sign, used for the purposes of a directional sign only, may be approved where traffic volumes warrant it, and may be time limited as a condition of approval;
  - (b) a portable off-site sign shall be limited to a maximum of one per property, and

may be time limited as a condition of approval.

10. **DEVELOPMENT STANDARDS FOR OFF-SITE SIGNS**

- (1) Off-site signs shall be subject to the following regulations.
- (2) there shall be a minimum distance of 600 m between any two off-site signs located on the same side of a Highway as defined by the Highway Traffic Act.
  - (a) there shall be a minimum distance of 200 m between any two off-site signs located on opposite sides of a Highway as defined by the Highway Traffic Act.
  - (b) Notwithstanding the above restrictions, consideration may be given for approval of a maximum of two off-site signs to advertise the location of any business located in Cypress County which does not have exposure to a major road or highway.
- (3) Off-site signs shall meet the following standards shown in **Figure 1 - Off-site Sign Standards:**
- (4) Quality -
  - (a) Must be manufactured by a qualified sign painter or be of equivalent standard.
  - (b) Angle - 15° from a line drawn perpendicular to the roadway.
  - (c) Shape Formula - (width = 2 x height) with a permitted variation for width of 25%
  - (d) Minimum Size - 3 m<sup>2</sup> (32 ft<sup>2</sup>)
  - (e) Maximum Size - 18 m<sup>2</sup> (200 ft<sup>2</sup>)
  - (f) In the case of double faced off-site signs, the side shall be enclosed to the satisfaction of the Development Officer.
- (5) The owner of a sign shall properly maintain the structure at all times so that:
  - (a) it does not present a safety hazard to anyone,
  - (b) painting and copy are not allowed to weather or peel,
  - (c) any metal parts do not become rusted.

11. **TRAILER SIGNS**

- (1) Notwithstanding any other provision in this section, no person shall place a motor vehicle, a trailer or any other object, building or structure whatsoever displaying an Off-site sign or advertisement on a site visible from a primary highway. For purposes of this clause, "trailer" shall not include a trailer that is designed exclusively for the purpose of displaying and transporting a portable sign.

## SCHEDULE F - DOG BREEDING AND BOARDING KENNELS

1. The keeping of more than three dogs on a property shall constitute the existence or operation of a kennel, for which a Development Permit is required. In determining the number of dogs, pups less than four months of age shall not be included.
2. Dog breeding and boarding kennels shall not be permitted closer than 200 m (650 ft.) from another residence or within 50 metres (160 ft.) of an adjacent property line. Exceptions may be made when a primary highway or secondary road bisects the 200 m separation distance.
3. The Development Officer/Municipal Planning Commission may regulate the hours that dogs are allowed outdoors.
4. Pens, rooms, exercise runs and holding stalls may be soundproofed to the satisfaction of the Development Officer/Municipal Planning Commission.
5. A minimum amount of exercise area shall be provided with each dog, as follows. All exterior exercise areas (runs) shall be enclosed with a perimeter fence of sufficient height to accommodate the chosen breed. The fence shall be imbedded in the ground or in concrete a sufficient depth to prevent animals from tunnelling underneath.

Size of Breed	Area per Dog	Fence Height
7 kg (15 lb. or less) (e.g. Chihuahua, Papillon, Pekinese, Pomeranian, Poodle, Shih-Tzu)	1.1 m <sup>2</sup> (12ft <sup>2</sup> )	1 metre (3 feet)
8 - 20 kg (18 - 44 lb.) (e.g. Sheltie, Terrier, Corgi, Welsh Springer)	2.3 m <sup>2</sup> (25ft <sup>2</sup> )	1.3 metre (4 feet)
21 - 36 kg (45 - 79 lb.) (e.g. Pointer, Samoyed, Siberian Husky)	4.6 m <sup>2</sup> (50 ft <sup>2</sup> )	1.8 metre (6 feet)
Over 37 kg (80 lb.) (e.g. Great Dane, Mastiff, Rottweiler)	5.6 m <sup>2</sup> (60 ft <sup>2</sup> )	1.8 metre (6 feet)

6. All facilities shall meet public health regulations and be kept in a manner satisfactory to the health regulatory authority.
7. All permits issued by the Development Officer or the Commission shall be time limited permits valid for a period not exceeding twelve (12) months from the date of issue. Upon expiry of the permit, if the Development Officer has evidence that the development does not meet the conditions of the original permit, then for purposes of renewal the development shall be considered as a new application.

**SCHEDULE G LAND USE DISTRICT MAPS**

**MEDICINE HAT - REDCLIFF URBAN FRINGE LAND USE DISTRICT MAP**

## **GENERAL LAND USE DISTRICT MAP**

## **HAMLET LAND USE DISTRICT MAPS**

Note: While not part of this By-law, Registered Plan Index Maps for all hamlets (including Elkwater) have been included within the document for reference purposes.

Desert Blume  
Dunmore  
Elkwater  
Hilda  
Irvine  
Schuler  
Seven Persons  
Suffield  
Veinerville  
Walsh