

# Municipal District of Peace No. 135

## LAND USE BYLAW No. 1/2012



**ADOPTED MAY 8, 2012  
CONSOLIDATED AUGUST 15, 2022**

Prepared by  
Municipal District of Peace No. 135 and  
Mackenzie Municipal Services Agency





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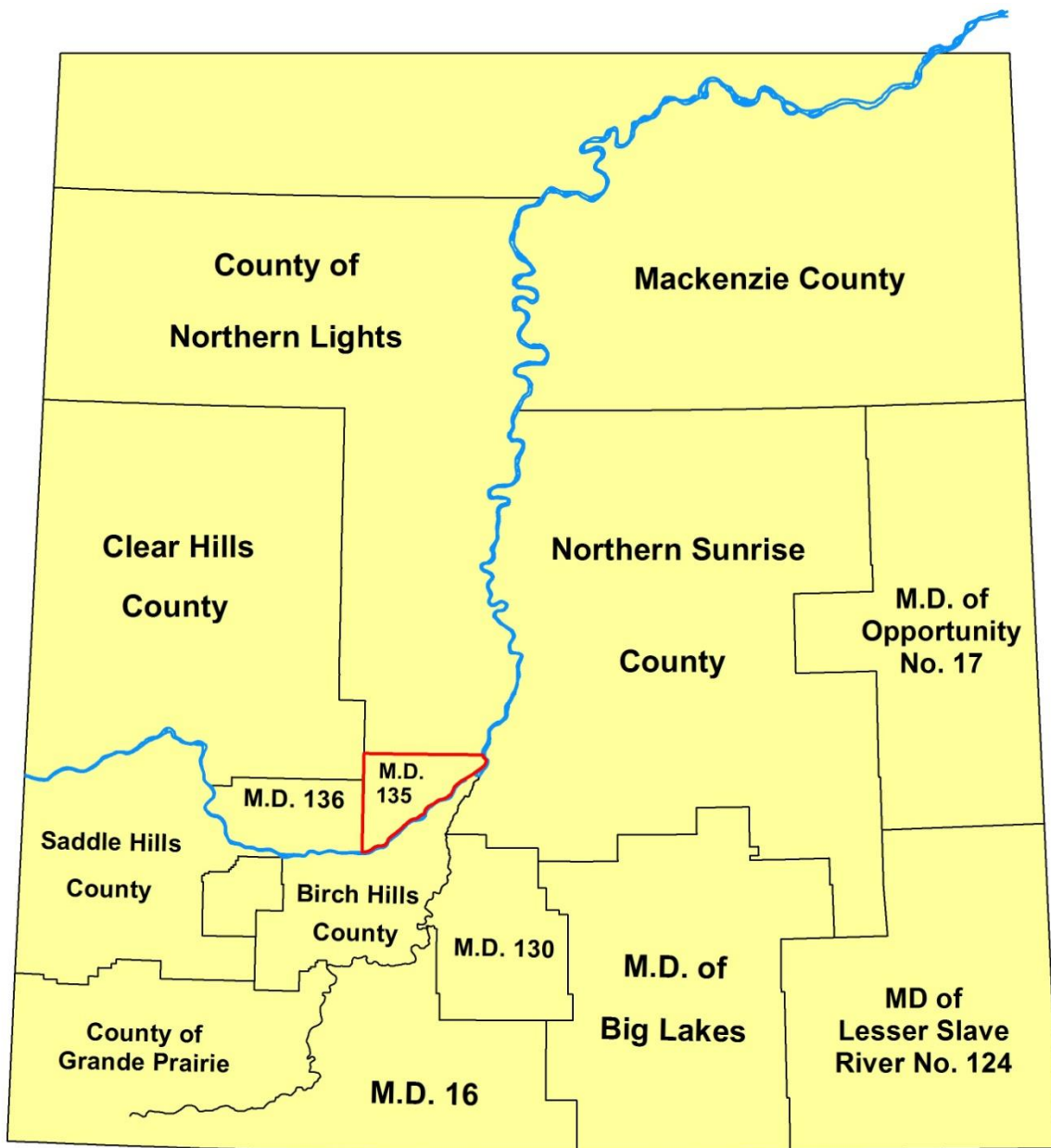
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# **PART ONE**

## **GENERAL**

## **PART ONE - GENERAL**

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### **1.1 GENERAL POLICY STATEMENT**

Agriculture and associated activities in all forms has priority in rural areas so long as the lifestyles of all of the residents of the Municipal District are respected. It is the Municipal District of Peace's intent to protect the agricultural land base and rural characteristic.

### **1.2 AGRICULTURAL OPERATION PRACTICES ACT**

- (a) In accordance with the Agricultural Operation Practices Act, as amended, the Municipal District of Peace No.135 will utilize a variety of means to notify residents and owners situated adjacent to agricultural operations.
- (b) Methods of notification under 1.2 (a) may include any or all of the following:
  - i. Official notifications on development, land use bylaw amendment applications and Development Permits, where applicable;
  - ii. Pamphlets, circulars, special notices in tax notice mailings, newsletters, local newspapers, radio and television stations and municipal websites, and other electronic media;
  - iii. Special notices to persons who have been issued a residential Development Permit;
  - iv. Requiring as a condition of subdivision approval, subdividers of country residential developments to provide new purchasers of lots, with a special notice or bulletin provided by the Municipality;
  - v. Periodic publications;
  - vi. In association with adjacent municipalities, Chamber of Commerce and other economic development agencies, and the Alberta Department of Agriculture and Rural Development, publishing a directory of agricultural operations;
  - vii. Presentations of materials at annual ratepayer meetings;
  - viii. Considering posting of signs on or adjacent to agricultural operations; and
  - ix. Other means of notice as deemed appropriate.

### **1.3 PURPOSE**

The purpose of this Bylaw is to encourage, regulate and control the use and development of land and buildings within the Municipal District of Peace No.135 to achieve orderly, efficient and economic development of land and for that purpose, amongst other things;

- (a) To divide the municipality into land use districts;
- (b) To prescribe and regulate for each district the purposes for which land and buildings may be used;



- (c) To establish a method of making decisions on applications for Development Permits and the issuance of Development Permits; and
- (d) To provide the manner in which notice of the issuance of a Development Permit is given.

## 1.4 DEFINITIONS

*Bylaw No. 4/2017*

**ACCESSORY BUILDING, STUCTURE AND/OR USE** when used to describe a use, building or structure, means a use, building or structure which is incidental, subordinate and exclusively devoted to the principal use or building and located on the same site but does not include a farm building.

**ACT** means the Province of Alberta *Municipal Government Act*, R.S.A. 2000, and amendments thereto.

**ADJACENT LAND** means land or a portion of land that is contiguous with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be contiguous if not for a public roadway, railway, river or stream, utility right-of-way, or reserve land.

**AGGREGATE** means or refers to many different types of minerals in the form of products like gravel, rocks, sand, clay, shale, stone, etc. Examples include but are not limited to sand, gravel, clay and marl above and below the land surface that are defined as part of a landowner's surface rights. Aggregate may be processed on site, or it may be hauled to another facility that does the secondary processing for off-site aggregate.

*Bylaw No. 9/2020*

**AGRICULTURAL INDUSTRY** means an industrial use related to agriculture involving the initial processing or storage of farm products and includes the following: grain elevator, seed cleaning, fertilizer storage, anhydrous ammonia storage, auction market, livestock holding and sales, alfalfa processing, and any other similar uses.

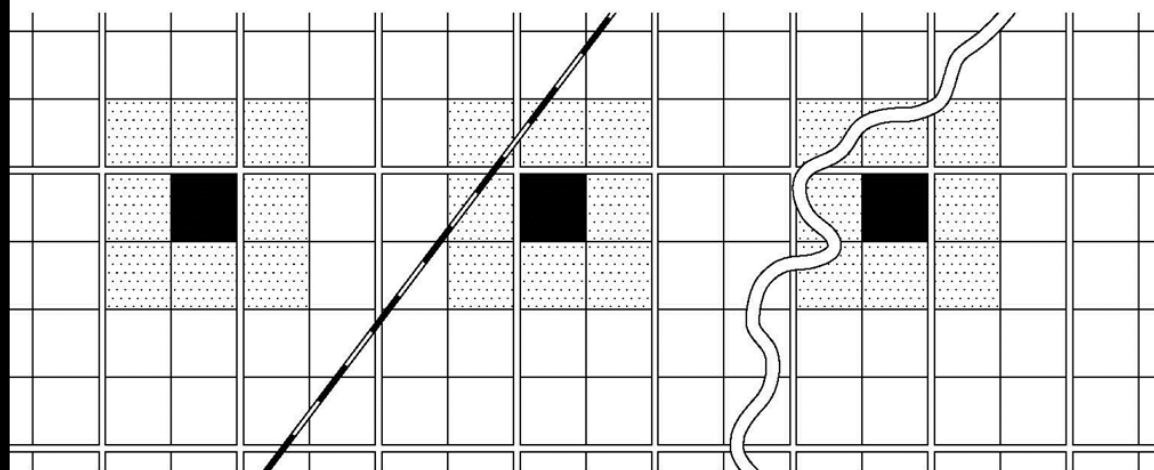
**AGRICULTURE, EXTENSIVE** means a system of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes buildings and other structures incidental to the operation at densities lower than that defined for livestock under Schedule 2, *Agricultural Operations Practices Act*, Agricultural Operations Part 2 Matters Regulation.

**AGRICULTURE, INTENSIVE** means a commercial agricultural operation, other than Confined Feeding Operations, which requires relatively small areas of land because of the concentrated nature of the operation.

## EXPLANATION NOTES

### Adjacent Land

**ADJACENT LAND** means land or a portion of land that is contiguous with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be contiguous adjacent if not for a public roadway, railway, river or stream, utility right-of-way, or reserve land.



 Adjacent Land

**AGRICULTURE, MINOR** means development for small-scale, non-commercial agricultural pursuit accessory to rural residential uses. - This use shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only.

**AIRPORT** means:

- (a) Any area of land or water, including the frozen surfaces thereof, or other supporting surface used or intended to be used either in whole or in part for the arrival and departure and servicing of aircraft; and
- (b) Includes any building, installation or equipment in connection therewith, operated by the Department of National Defense or for which an airport license has been issued by the Ministry of Transport.

**ANIMAL UNIT** means for the purposes of keeping livestock in residential land use districts, a horse or a cow, or a number of smaller animals (e.g., sheep, goats, pigs, and fowl) that are deemed to be the equivalent of one horse or one cow.

**ASPHALT PLANT** means a structure which is used to make asphalt from aggregate materials.  
*Bylaw No. 5/2016*

**AUCTION MART** means a place where objects like vehicles, farm equipment and other goods are offered for sale to persons who bid on the object in competition with each other.

**AUTO BODY AND REPAIR SHOP** means a use where the primary activity is the repairing and maintaining of vehicles, including auto body repair.

**BARELAND CONDOMINIUM** means land that is situated within a parcel and described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provisions of the *Surveys Act* respecting subdivision surveys, as defined by the *Condominium Property Act*.

**BASEMENT** means that portion of a building between two floor levels which is partially underground.

**BED AND BREAKFAST** means the use of part of a residential dwelling for overnight accommodation where the host lives on-site and breakfast is usually served as part of the accommodating service.  
*Bylaw 4/2021*

**BUFFER** means a row of trees or shrubs, a berm or a fence to provide visual screening and separation and/or a sound mitigation barrier between sites or districts.

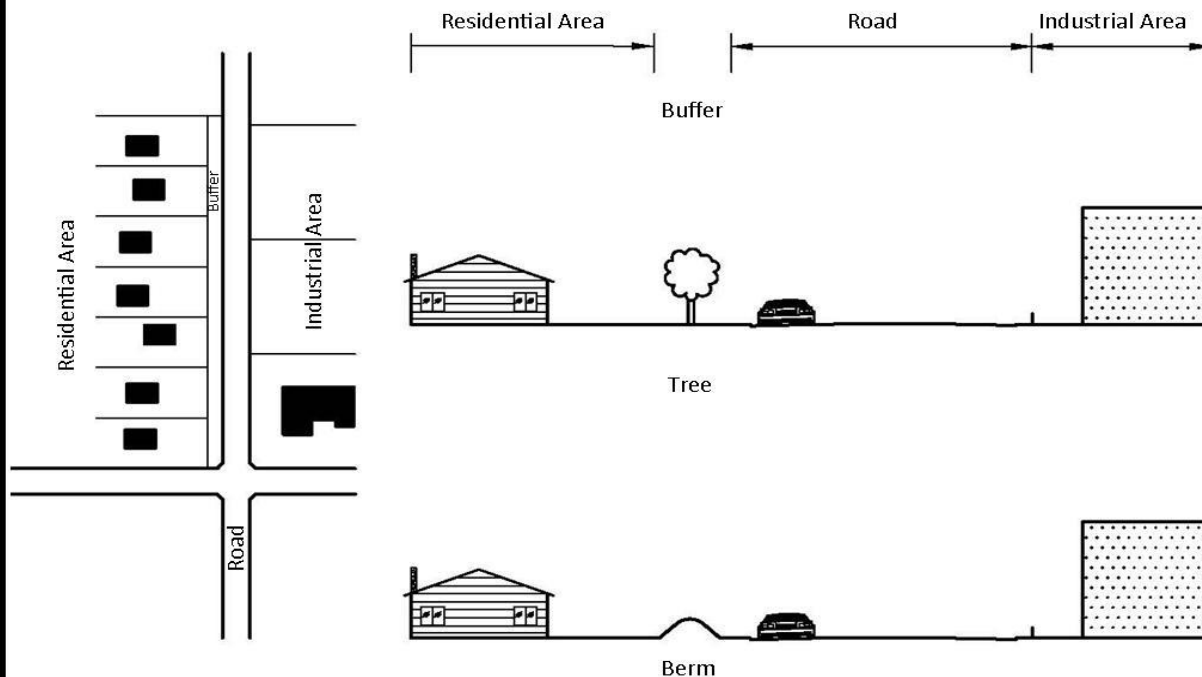
**BUILDING** means anything constructed or placed on, in, over, or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

**BUILDING HEIGHT** means the vertical distance between the average grade and the highest point of a building that is not: a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall or a parapet wall and a flagpole or similar device not structurally essential to the building.

## **EXPLANATION NOTES**

### **Buffer**

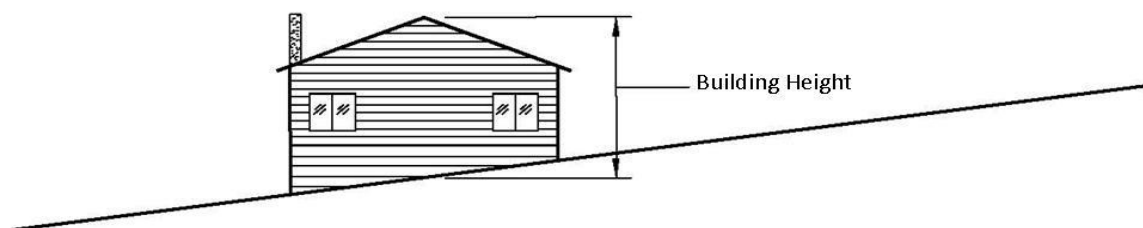
"Buffer" means a row of trees or shrubs, a berm or a fence to provide visual screening and separation and / or a sound mitigation barrier between sites or districts.



## **EXPLANATION NOTES**

### **Building Height**

"BUILDING HEIGHT" means the vertical distance between the average grade and the highest point of a building that is not: a roof stairway entrance; a ventilating fan; a skylight; a steeple; a chimney; a smoke stack; a fire wall; or a parapet wall; and a flagpole; or other similar device that is not structurally essential to the building.



**BULK FUEL FACILITY** means a facility used for the bulk storage and sale of oil and fuel products and may include key/card lock retail sales.

**CABIN, GUEST** means an accessory building used for short-term accommodation, and does not contain kitchen, bathroom or washroom facility. For the purpose of this Bylaw, a Guest Cabin is not a dwelling unit.  
*Bylaw No. 4/2021*

**CABIN, RECREATIONAL** means a structure designed and used for short-term accommodation in connection to a recreational activity, and may or may not contain kitchen, bathroom or washroom facility. For the purpose of this Bylaw, Recreational Cabin is not a dwelling unit.  
*Bylaw No. 4/2021*

**CANNABIS** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.  
*Bylaw No. 10/2018*

**CANNABIS PRODUCTION FACILITY** means a premise used for growing, producing, testing, destroying, storing, or distribution of cannabis authorized by a license issued by Health Canada.  
*Bylaw No. 10/2018*

**CANNABIS RETAIL SALES** means a retail store licensed by the Alberta Liquor and Gaming Commission (AGLC) where cannabis and cannabis accessories are sold to individuals who attend at the premises.  
*Bylaw No. 10/2018*

**CEMETERY** means a parcel of land that is used as burial grounds and is licensed by the appropriate provincial government departments.

**COMMUNICATION TOWER** means a structure that is used to convey communication, radio or television signals and may include other structures necessary for the carrying out of this function. A communication tower may be considered a Public Utility.

**COMMUNITY HALL** means a development used for the meeting, social or recreational activities of members of the public, social services, athletic, business or fraternal organizations, without onsite residences. Community halls may include but are not limited to rooms for eating, drinking, and assembly.

**CONFINED FEEDING OPERATIONS or “CFO”** means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing, and any other structure directly related to that purpose but does not include residences, livestock seasonal feeding and breeding sites, equestrian stables, auction markets, race tracks or exhibition grounds.

**CONFINEMENT LIVESTOCK FACILITY** means any facility or mode of operation which confines 10 or more animal units in an enclosure or unenclosed area for the purpose of feeding and rearing livestock.

**CONSTRUCT** means to build, reconstruct, or relocate, and without limiting generality of the word, also includes:

- (a) Any preliminary operation such as excavation, filling or draining;



- (b) Altering an existing building or structure by an addition, enlargement, extension or other structural change; and
- (c) Any work which requires a Development Permit under the Land Use Bylaw of the Municipal District of Peace No.135.

**CONTRACTOR'S BUSINESS** means a development used for commercial and industrial service support and construction. Typical uses include oilfield support services, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, mobile equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

**CONVENIENCE STORE** means a retail operation that specializes in convenience type items such as groceries, soft drinks and other similar goods.

**CORNER LOT** means a lot at the intersection of two abutting streets.

**COUNCIL** means the Council of the Municipal District of Peace No. 135.

**CRUSHING** means the operation of an industrial crusher designed to process raw aggregate into finer materials.

*Bylaw No. 5/2016*

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

**DEVELOPMENT APPEAL BOARD** *Deleted*

*Bylaw No. 10/2019*

**DEVELOPMENT OFFICER** means the Chief Administrative Officer or a person delegated by the Chief Administrative Officer exercising development powers and duties on behalf of the Municipal District of Peace No. 135.

*Bylaw No. 15/2018*

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

**DISCRETIONARY USE** means a use of land or of buildings which is listed in the column captioned "discretionary uses" in the table of uses for certain districts in this Bylaw, and for which, subject to the provisions of this Bylaw a Development Permit may be issued.

**DRIVE-THRU RESTAURANT** means development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-thru food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.

**DWELLING UNIT** means a self-contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A dwelling is used permanently or semi-permanently as a residence for a single household.

**DWELLING UNIT, APARTMENT** means development consisting of one or more dwellings contained within a building in which the dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.

**DWELLING UNIT, CARETAKER'S RESIDENCE** means a dwelling that is secondary or accessory to the principal industrial, commercial or recreational use, located on the same lot and is used for the purpose of providing living accommodation for the individual who is primarily responsible for the maintenance and security of the principal use on that lot.

**DWELLING UNIT, DUPLEX** means development consisting of a building containing only two dwellings, with one dwelling placed over the other in whole or in part. Each dwelling has separate and individual access, not necessarily directly to grade. This type of development is designed and constructed as two dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Semi-detached Housing.

**DWELLING UNIT, GARAGE SUITE** means an Accessory Dwelling located above a detached Garage (above Grade); or a single-storey Accessory Dwelling attached to the side or rear of, a detached Garage (at Grade). A Garage Suite is Accessory to a building in which the principal use is Single Detached Dwelling Unit. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling located on the Site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. This Use Class does not include Secondary Suites or Garden Suites.

**DWELLING UNIT, GARDEN SUITE** means a single-storey Accessory Dwelling, which is located in a building separate from the principal use which is Single Detached Dwelling Unit. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal dwelling located on the Site. In the Agricultural District (A), the Country Residential District (CR) a garden suite may be a Manufactured Home. This Use Class does not include Secondary Suites or Garage Suites.

**DWELLING UNIT, GROUP CARE FACILITY** means the use of a dwelling unit as a facility that is authorized, licensed or certified by a provincial authority to provide living accommodation for four (4) residents or fewer, exclusive of staff, and to provide for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. This includes supervised facilities such as group homes, halfway houses, resident schools, resident facilities, boarding homes, and psychiatric care facilities, but does not include foster homes. A Group Care Facility may provide professional care, rehabilitation, guidance and/or supervision for physically, mentally, socially or behaviourally challenged persons on a permanent or temporary basis, depending on need. The residential character of the development shall be maintained with the

occupants living together as a single housekeeping group using shared kitchen facilities. A group care facility may incorporate accommodation for resident staff as an accessory use.

**DWELLING UNIT, MANUFACTURED HOME** means a development of a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a steel chassis and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections of utilities, ready for year round occupancy. This definition does not apply to recreational vehicles or industrial camp trailers. A manufactured home meets any one of the following design criteria:

- 1) is supported by a longitudinal steel frame
- 2) the width to length ratio of the unit is more than 3:1.

This definition does not apply to recreational vehicles or industrial trailers.

**DWELLING UNIT, RESIDENTIAL CARE FACILITY** means a private or publicly funded seniors lodge, nursing home, extended or congregate care facility, or a group care facility with five (5) or more occupants. GROUP CARE FACILITY IS DEFINED AS FOUR (4) OR LESS RESIDENTS.

**DWELLING UNIT, RESIDENTIAL SUPPORT HOME TYPE 1** means a development within a dwelling unit authorized, licensed or certified by a public authority where support staff provides care, guidance or supervision for four (4) or fewer persons with mental or physical disabilities in a residential setting. This use is not a boarding house, group care facility or half-way house.

**DWELLING UNIT, RESIDENTIAL SUPPORT HOME TYPE 2** means a development within a dwelling unit authorized, licensed or certified by a public authority where support staff provides care, guidance or supervision for five (5) or more persons with mental or physical disabilities in a residential setting. This use is not a boarding house, group care facility or half-way house.

**DWELLING UNIT, ROW HOUSING** means development consisting of a building containing a row of three or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Individual Dwellings are separated from one another by a Party Wall. Each Dwelling has separate, individual, and direct access to Grade.

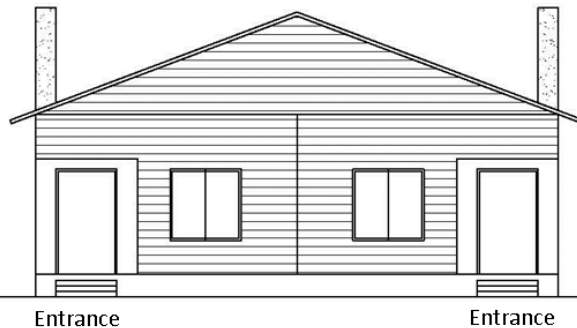
**DWELLING UNIT, SECONDARY SUITE** means development consisting of a Dwelling located within, and Accessory to, a structure in which the principal use is Single Detached Dwelling Unit. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Duplex Housing, Semi-detached Housing, or Apartment Housing, and does not include Garage Suites, Garden Suites, or Lodging Houses.

**DWELLING UNIT, SEMI-DETACHED** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

## EXPLANATION NOTES

### Semi-Detached

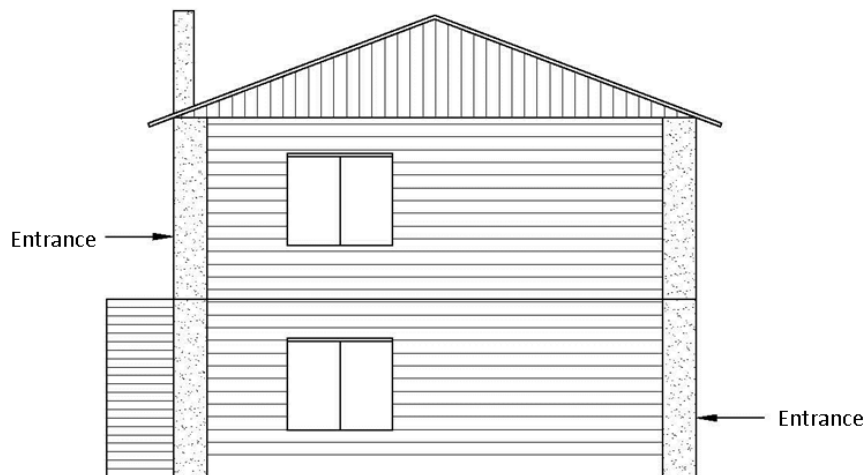
**Dwelling Unit, Semi-Detached** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes



## EXPLANATION NOTES

### Duplex

**Dwelling Unit, Duplex** means development consisting of a building containing only two dwellings, with one dwelling placed over the other in whole or in part. Each dwelling has separate and individual access, not necessarily directly to grade. This type of development is designed and constructed as two dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Semi-detached Housing.



**DWELLING UNIT, SINGLE-DETACHED** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use in a district, a building which contains Single Detached Housing may also contain a Secondary Suite. This use includes modular homes but does not include manufactured homes.

**ENVIRONMENTAL AUDIT** means a comprehensive site analysis to determine:

- (a) If there are any hazardous substances above, on or below the surface of the subject property that may pose a threat to the environment and/or health of humans, wildlife, and/or vegetation;
- (b) If there are any breaches of federal, provincial and/or municipal environmental standards;
- (c) The level of risk that a contaminated site poses to the environmental and/or health of humans, wildlife, and/or vegetation; and
- (d) What remedial actions may be required to reduce the level of risk posed by a contaminated site to an acceptable level.

**ENVIRONMENTAL AUDIT REPORT** means a document containing the result of an Environmental Audit.

**ENVIRONMENTAL IMPACT ASSESSMENT** means a comprehensive site analysis to determine:

- (a) The potential impact of the proposed development;
- (b) The potential environmental impact of the proposed development upon the adjacent properties or land uses; and
- (c) The potential environmental impact of the proposed development upon the future land use potential of the property.

The findings are to be placed into an Environmental Impact Assessment Report.

**ENVIRONMENTAL IMPACT ASSESSMENT REPORT** means a written document containing the result of an Environmental Impact Assessment.

**ENVIRONMENTAL RESERVE** means the land designated as environmental reserve by a subdivision authority municipality under Part 17, Division 8 of the Municipal Government Act, R.S.A. 2000.

**ENVIRONMENTAL RESERVE EASEMENT** means an easement created under Part 17, Division 8 of the Municipal Government Act, R.S.A. 2000.

**ENVIRONMENTALLY SENSITIVE AREA** means:

- (a) Significant ravines, valleys, streams, corridors, lakeshores, swamps, wetlands and any other unique landscape area.
- (b) Areas prone to flooding, steep slopes, erosion by wind, water and ice, landslides, subsidence or wildfire.



- (c) Aquifers, reservoirs, canals, lagoons, ditches and similar natural or man-made features that require environmental protection. (See Map 5 – Environmentally Sensitive Areas)

**EQUIPMENT/VEHICLE SALES AND REPAIR** – means a development used for the retail sale or rental of new or used motor vehicles, farm equipment, recreational vehicles and equipment, and manufactured homes, together with maintenance services and sale of parts for the same;

**EXTRACTION** means the act of mining or digging to remove minerals from the earth where a seam of deposits is naturally present. This is also referred to as primary processing. Generally, most aggregate operations involve primary processing unless they are a specialized facility that focusses only on secondary processing.

*Bylaw No. 09/2020*

**FARM BUILDING** means a building used in connection with the raising or production of crops livestock or other primary agricultural products and situated on land used in connection with such farming operations, but does not include a dwelling unit or a confined feeding operation. Farm buildings include granaries, barns, sheds, hay storage structures, garages and shops. Buildings used for conducting non-farming business operations are not considered to be farm buildings.

**FARMSTEAD** means a parcel of land on which is located a developed residence and/or related improvements, which are normally associated with a farm operation on an un-subdivided quarter section or river lot.

**FARMSTEAD SEPARATION** means the subdivision of an existing developed farmstead from the remainder of an un-subdivided quarter section or river lot.

**FENCE** means a vertical physical barrier constructed out of typical building materials used for purposes of containment or to prevent unauthorized access or to serve as a visual screen.

**FLOOR AREA** means the gross floor area of all rooms in a building, including all corridors and common areas, but does not include the floor areas of basements, attached garages, sheds, open porches or breezeways.

**FRAGMENTED PARCEL** means a parcel of land that is separated from the balance of a quarter-section or river lot by a watercourse, railway, or public roadway, a natural embankment or other physical features that makes the parcel impractical to farm or graze, as defined by Alberta Subdivision and Development Regulations and Alberta Environment guidelines.

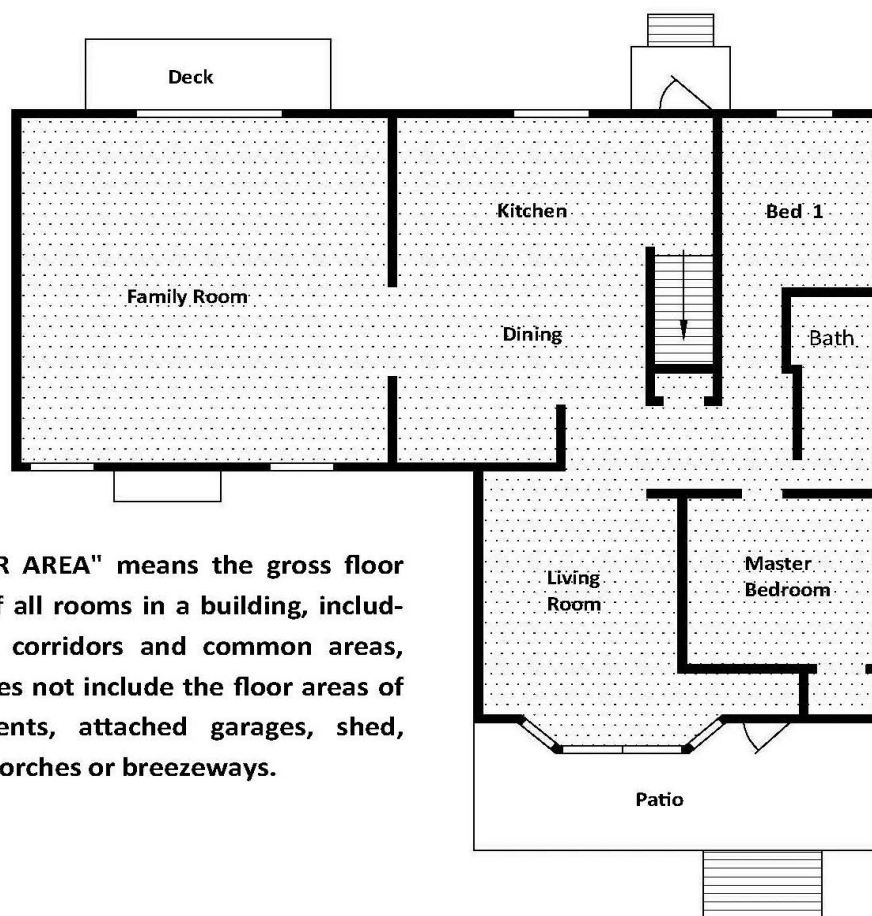
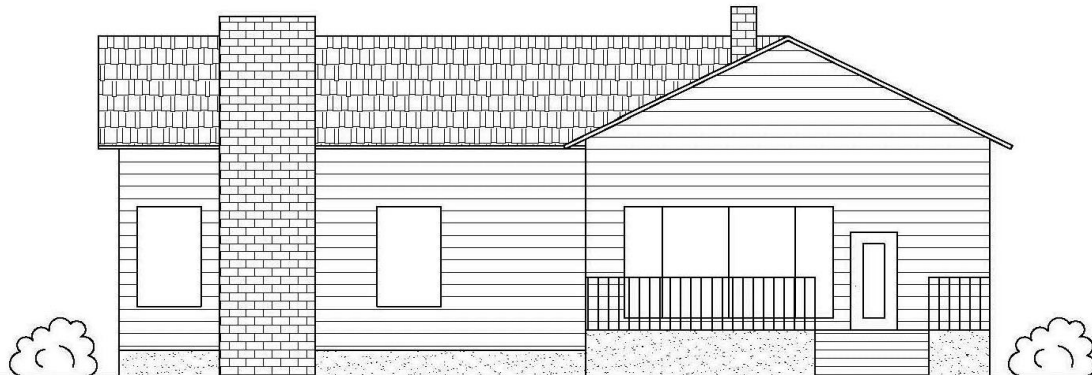
**FUNERAL HOME** means a business establishment where the bodies of the deceased are prepared for burial or cremation, and where funeral services can be held.

**GARAGE** means an accessory building or portion of a main building including a carport, used or intended to be used in conjunction with a dwelling principally for the private parking or storage of motor vehicles for personal transportation.

**GAS STATION** means a development used for the retail dispensing or sales of vehicular fuels. This use includes a gas bar, service station and/or truck stop. The development may include the sale of automotive parts and accessories, a car wash, a repair or towing service, a retail store, and/or a restaurant, as a secondary use to the principal fuel sale use. The development may also include overnight accommodations for the use of truck crews but does not include a hotel or motel.

## EXPLANATION NOTES

### Floor Area



**"FLOOR AREA"** means the gross floor area of all rooms in a building, including all corridors and common areas, but does not include the floor areas of basements, attached garages, shed, open porches or breezeways.

**GRAVEL AND/OR SAND PIT** means development for the removal, extraction, processing and transmission of sand, gravel and clay for commercial purposes. *Bylaw No. 5/2016*

**GRAVEL AND/OR SAND PIT, QUICK EXTRACTION** means development of a gravel and/or sand pit between 400 metres and 800 metres from a property (unless the property is owned by the gravel pit operator), for the removal, extraction and transmission of sand, gravel and clay for commercial purposes. A quick extraction gravel pit development permit must be renewed annually, for a period of time not to exceed 5 years from the date of first development permit approval. *Bylaw No. 5/2016*

**GREENHOUSE AND PLANT NURSERY** means a development used for the growing (either in a greenhouse or garden), storage, basic processing, and sale of vegetables, landscaping plants and their products or by-products, and for the storage and sale of related gardening and nursery goods and equipment and landscaping supplies and materials.

**GROCERY STORE** means the use of that portion of a building for sale of food and convenience goods.

**HAMLET** means:

- (a) An area of land shown on a registered plan which has been subdivided into lots and blocks as a town site and;
- (b) Is designated as such by the Municipal District or;
- (c) An area declared by an order of the Minister of Municipal Affairs to be a Hamlet.

**HAULING** means the transportation of aggregate materials off-site through the local road and/or provincial highway network. *Bylaw No. 5/2016*

**HISTORIC SITE** means a building, structure or zone designated by a local authority, provincial or federal government to be historically or architecturally significant.

**HOTEL** means a building designed for the accommodation of the travelling or vacationing public containing guest rooms and served by a common entrance as well as general kitchen and dining or other public rooms.

**INDOOR PARTICIPANT RECREATION SERVICES** means development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include: athletic clubs, gymnastics clubs, health and fitness clubs, curling, roller-skating and hockey rinks, swimming pools, rifle and pistol ranges, bowling alleys and racquet clubs.

**INDUSTRIAL CAMP** means a self-contained residential complex used to house workers on a temporary basis away from their permanent place of residence. An industrial camp may consist of a number of mobile units which provide sleeping, eating, recreational and other basic living facilities and is constructed so that they may be dismantled and moved from the site.

**INDUSTRY, RURAL** means an industry not directly related to agriculture involving:

- (a) The processing of raw or finished materials;
- (b) The manufacturing or assembly of goods, products or equipment;
- (c) The storage or transshipping of materials, goods and equipment;
- (d) The training of personnel in general industrial operations;
- (e) The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair of goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts or
- (f) industrial operations which, due to noise, inherent safety hazards or noxious or toxic emissions, require large tracts of land or a rural location away from concentrations of people.

It may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the industrial uses.

**INERT WASTE** means a solid waste that, when disposed of in a landfill or re-used, is not reasonably expected to undergo physical, chemical or biological changes to such an extent as to produce substances that may cause an adverse effect and includes without limitation, demolition debris, concrete, asphalt, glass, ceramic materials, scrap metal and dry timber or wood that has not been chemically treated.

**KENNEL** means a premises in which four or more dogs and/or cats over six months in age are maintained, boarded, bred, trained or cared for in return for remuneration or kept for the purposes of sale.

**LANDFILL** means a site used to store and manage inert waste, municipal solid waste and recycling processes and which is approved or licensed by the appropriate public agencies.

**LANDSCAPING** means the modification and enhancement of land through the use of any, or all of the following elements:

- (a) “soft landscaping” consisting of vegetation such as trees, shrubs, hedges, grass and ground cover;
- (b) “hard landscaping” consisting of non-vegetative materials such as brick, stone, concrete, tile and wood.

**LANE** means a public right-of-way which provides a secondary means of access to a parcel of land and which is registered in the Land Titles Office in the Province of Alberta.

**LIVESTOCK** means poultry, bees, donkeys, mules, oxen, birds, horses, cattle, sheep, swine, goats, bison, specialty livestock, and/or fur-bearing animals raised in captivity, sheep, elk, deer, wild boar, turkeys, ducks, geese, and game production animals within the meaning of *Livestock Industry Diversification Act*.

**LOT** means:

- (a) A quarter section,

- (b) A river lot or settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office,
- (c) A part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
- (d) A part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

**LOT COVERAGE** means that percent of the area of any lot which is covered by all buildings on the lot excluding balconies, canopies and the like.

**LOT DEPTH** means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

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

**LOT LINE, FRONT** means, in the case of an interior lot, a lot line separating the lot from the road; or in the case of a corner lot, a line separating the narrowest road frontage of the lot from the road not including a corner rounding or corner cut; or in the case of a double fronting lot, the front lot line shall be determined by a Development Officer based on the location of permitted access and the orientation of other Development in the block. In the case of a lot abutting a watercourse, the front lot line is the lot line abutting the road. (See Explanation Notes for Yard & Lot Line Definitions)

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

**LOT LINE, SIDE** means any lot line other than a front or rear lot line.

**LOT LINE, THROUGH** means any lot other than a corner lot having access on two abutting streets. For setback purposes, the lot frontage is the line which provides the principal means of access.

**LOT WIDTH** means the horizontal measurement between the side lot lines measured at a point 15.2 metres (50 feet) perpendicularly distant from the front lot line.

**MAIN BUILDING** means a building where the main or principal use of the site is conducted.

**MANURE** means livestock excreta, associated feed losses, bedding, litter, soil and wash water, but does not include manure to which the *Fertilizer Act* (Canada) applies.

**MINIMUM STANDARDS** means minimum requirements relating to parcel or lot area, floor area, yards, landscaping, design, character and appearance of building, etc. in relation to the development of land and/or buildings as stipulated in the Land Use Bylaw

**MANUFACTURED HOME PARK** means a parcel under single ownership, which is managed by an operator and which has been designed for the placement of manufactured homes on manufactured home park lots for non-transient use.



**MANUFACTURED HOME PARK LOT** means a leasable or rentable portion of land located within a manufactured home park reserved for the placement of a manufactured home for non-transient use

**MANUFACTURED SUBDIVISION** – see residential subdivision

**MANUFACTURED PARK LOT** means a leasable or rentable portion of land located within a manufactured home park reserved for the placement of a manufactured home for transient use for up to six months at any one time.

**MANUFACTURED PARK** means a parcel under single ownership, which is managed by an operator and which has been designed for the placement of manufactured homes on mobile park lots for transient use.

**MODULAR BUILDING** means finished section (s) for a complete building built in a factory for transport to the site for installation. For the purpose of this bylaw, modular construction includes single or multiple dwellings, including single, semi-detached, row, townhomes, duplexes, and apartments, but not a manufactured home. Modular construction can also include commercial, industrial and institutional buildings.

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

**MOVED IN BUILDING** means any building moved-in or relocated from jurisdictions outside or within the corporate boundary of the municipality to a parcel within the municipality.

**MUNICIPALITY** means the Municipal District of Peace No. 135.

**MUNICIPAL SERVICES** means all water, sewer and road infrastructure owned and operated by the Municipal District.

**NATURAL RESOURCE EXTRACTION INDUSTRY** means development for the on-site removal, extraction, storage and primary processing of raw materials found on or under the site, such as timber, clay, limestone, shale, coal and other minerals including petroleum and natural gas. This definition does not apply to “gravel pit and/or sand pit” or “gravel pit and/or sand pit, quick extraction”.

**NON-TRANSIENT USE** means the continuous lease contract or rental agreement of space including a lot, building or structure on a specified property.

**NUISANCE** means activity that

- (a) arises from unreasonable, unwarranted or unlawful use by a person of the person's own property that causes obstruction or injury to the right of another person or to the public and produces such material, annoyance, inconvenience and discomfort that damage will result,
- (b) creates smoke, odour, noise or vibration that interferes with the reasonable and comfortable use of a person's property or,

(c) is found to be a nuisance at common law.

**OCCUPATION, FARM** means any occupation, trade, craft or profession carried out on a farm yard that is secondary and subordinate to an existing agricultural use of the land and/or building(s) and which does not limit continued agricultural operations.

**OCCUPATION, HOME** means any occupation, trade, craft or profession carried out by a resident of a dwelling as a use secondary to the residential use of the land or building and which does not change the residential character of the dwelling. Home Occupations are further classified as follows:

1) Home Occupation – Type I means an office for a person who occupies the dwelling as a principal residence. Typical uses include self-employed persons providing professional, financial and office support services, telephone, mail order or other sales services not involving the production, manufacturing and repairs, or parking of a commercial vehicle on site.

2) Home Occupation – Type II means an occupation, trade or craft for gain or support, conducted primarily within the dwelling or accessory buildings. It may include client visits, and/or the parking of commercial vehicles. Typical uses include dressmaking, millinery, home crafts and handicrafts, delivery services, mobile food vendors or caterers, the manufacture of novelties and souvenirs, individual instruction to students, mobile repairs and installation, landscaping/snow removal, janitorial services, mobile entertainment services, the carrying out of minor household appliance repairs, and babysitting of no more than six (6) children.

**OFFICE** means a building that has within it a number of offices that are used to accommodate professional services such as doctors, lawyers, accountants, planners, etc.

**OILFIELD EQUIPMENT STORAGE** means the use of land for the storage of equipment and supplies used in the exploration for and development of hydrocarbon resources.

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

**PARK** means development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and manmade landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, and water features.

**PERMITTED USE** means the use of a building or land listed in a specific district as a permitted use for which a Development Permit shall be issued upon application having been made, subject to compliance with other requirements of law and this Bylaw.

**PETROLEUM FACILITY** means petroleum infrastructure such as oil and gas pipelines, gas plants, refineries, wells, batteries, compressor stations and metering stations.

*Bylaw No. 11/2013*

**PIEZOMETER** means an instrument for measuring the change of pressure of material subjected to hydrostatic pressure.

**PRIMARY PROCESSING** means the activities that are undertaken to extract aggregate from the earth, including but not limited to site preparation. Typical uses include but are not limited to quarries, borrow areas, and gravel pits. Primary processing does not include the processing of raw materials transported to the site. Sometimes, both the excavation of resources ("extraction" or "primary processing") and processing activities, such as washing, and crushing ("secondary processing") are located on the same parcel, but in other situations, the secondary processing is completed at another location.

*Bylaw No. 09/2020*

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

**PROVINCIAL HIGHWAY** means a highway or proposed highway designated as a provincial highway under the *Highways Development and Protection Act* and containing one to three numbers within its title.

**PUBLIC USE** means a use of land or a building by any government agency, not for profit organizations or public utility for the express purpose of providing public services to the community. Examples include, but are not limited to, parks and roadways.

**PUBLIC UTILITY** means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) water or steam;
- (b) sewage disposal;
- (c) public transportation operated by or on behalf of the municipality;
- (d) irrigation;
- (e) stormwater drainage;
- (f) fuel;
- (g) electric power;
- (h) heat;
- (i) waste management, including waste transfer stations, but does not include a landfill;
- (j) telecommunications;

and includes the goods and services provided for public consumption, benefit, convenience or use.

**RECLAMATION** means the restoration of the site in a manner that will accommodate other future land uses and includes but is not limited to, replacing the topsoil and establishing vegetation.

*Bylaw No. 5/2016*

**RECREATIONAL, EXTENSIVE** means a development on large tracts of land providing recreational activities such as skiing, hiking, trail riding, golf courses, combat games and other similar activities. A clubhouse, ski chalet or the like may be allowed as an accessory use.

**RECREATIONAL, INTENSIVE** means a development providing predominantly outdoor facilities for recreational activities such as campgrounds, recreational vehicle parks, fishing lodges, beach areas, marinas and boat docks, riding stables, race tracks, sports fields, arenas, swimming pools, tennis courts, amusement parks, mini-golf and other similar activities.

**RECREATIONAL VEHICLE** means a portable structure intended as temporary accommodation for travel, vacation or recreational use. Such structures may include a motor home, fold-down camping trailer, truck camper or fifth wheel travel trailer. Conventional or converted manufactured homes are not recreation vehicles.

**RELIGIOUS USE FACILITY** means a building or structure primarily intended for the conducting of organized religious services, and may include as accessory uses, social, recreational and community activities such as group meetings, banquets and child care.

**RENEWABLE ENERGY** means a development whose principal use is the generation of energy for commercial or residential use, from wind, solar, geothermal or other sources that do not depend on finite, non-renewable resources such as fossil fuels.

**RESTAURANT** means the use of a building as a public eating place and may include a licensed dining lounge and other associated facilities.

**RETAIL STORE** means the use of a building for the purpose of selling and/or repairing goods to (for) consumers and may include, but is not limited to, the following: clothing store, department store, rental shop, video store, etc.

**ROAD** means land:

- (a) shown as a road on a plan of survey that has been filed or registered in a land titles office, or
- (b) used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road.

**ROAD USE AGREEMENT** means an agreement between the Municipal District of Peace No.135 and a user that outlines the terms and conditions of road usage by the user to support the operation of the proposed development. This agreement may include, but is not limited to, road restrictions, road development costs, maintenance costs, or damage cost recovery measures.

**RUNOFF** means natural drainage of water away from an area including precipitation that flows overland before entering a defined stream channel.

**SALVAGE YARD** means a facility for the storage, processing or trans-shipment of derelict vehicles, machinery, scrap metal and similar materials for the purpose of wholesale or retail trade.

**SATELLITE DISH AND ANTENNAE** means a combination of:

- (a) antennae or dish antennae whose purpose is to receive communication or other signals from orbiting satellites; or

- (b) a low noise amplifier which is situated at the focal point to the receiving component and whose purpose is to magnify and transfer signals; or
- (c) a coaxial cable whose purpose is to carry the signals into the interior of the building.

**SCREENING** means a fence, berm or hedge used to visually separate areas or functions, which in the opinion of the Development Officer, detract from the street or neighbouring land uses.

**SECONDARY PROCESSING** means the activities following the extraction of minerals from the pit. These activities prepare the product for market, and include crushing, screening and washing. Secondary processing creates more impacts (noise, dust, etc.) than extraction or primary processing does.

*Bylaw No. 09/2020*

**SETBACK** means the distance that a development or a specified portion of it, must be set back from a property line. A setback is not a yard, amenity space, or separation space.

**SHORT-TERM RENTAL ACCOMODATION** means the use of all or part of a residential dwelling to provide temporary rental accommodation to guests for a period of thirty (30) consecutive days or less.

*Bylaw No. 4/2021*

**SHOUSE** means a building containing a residence that is connected to a shop or storage space by a common or connect roofing system. A Shouse typically has a roll-formed steel-sheet exterior and features residential style doors and windows along the primary frontage. In addition, the residence portion of building shall meet the definition of a Dwelling Unit in this Bylaw.

*Bylaw No. 4/2021*

**SIGHT TRIANGLE** means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site, 6.1 metres (20 feet) from the point where they intersect.

**SIGN** means anything that serves to indicate the presence or the existence of something, including but not limited to a lettered board, a structure, or a trademark displayed, erected or otherwise developed and used or serving or intended to serve to identify, to advertise, or to give direction.

**SITE** means a parcel, lot or group of lots used for or proposed to be used for the undertaking of a development.

**STORAGE FACILITY** means a development that is used to store goods, products or equipment and is usually associated with a commercial and/or industrial operation.

**STORAGE TANKS, ABOVEGROUND CRUDE OIL** means a tank that sits on or above the ground and whose top and complete external sides can be visually inspected and whose use is for the storage of Crude Oil.

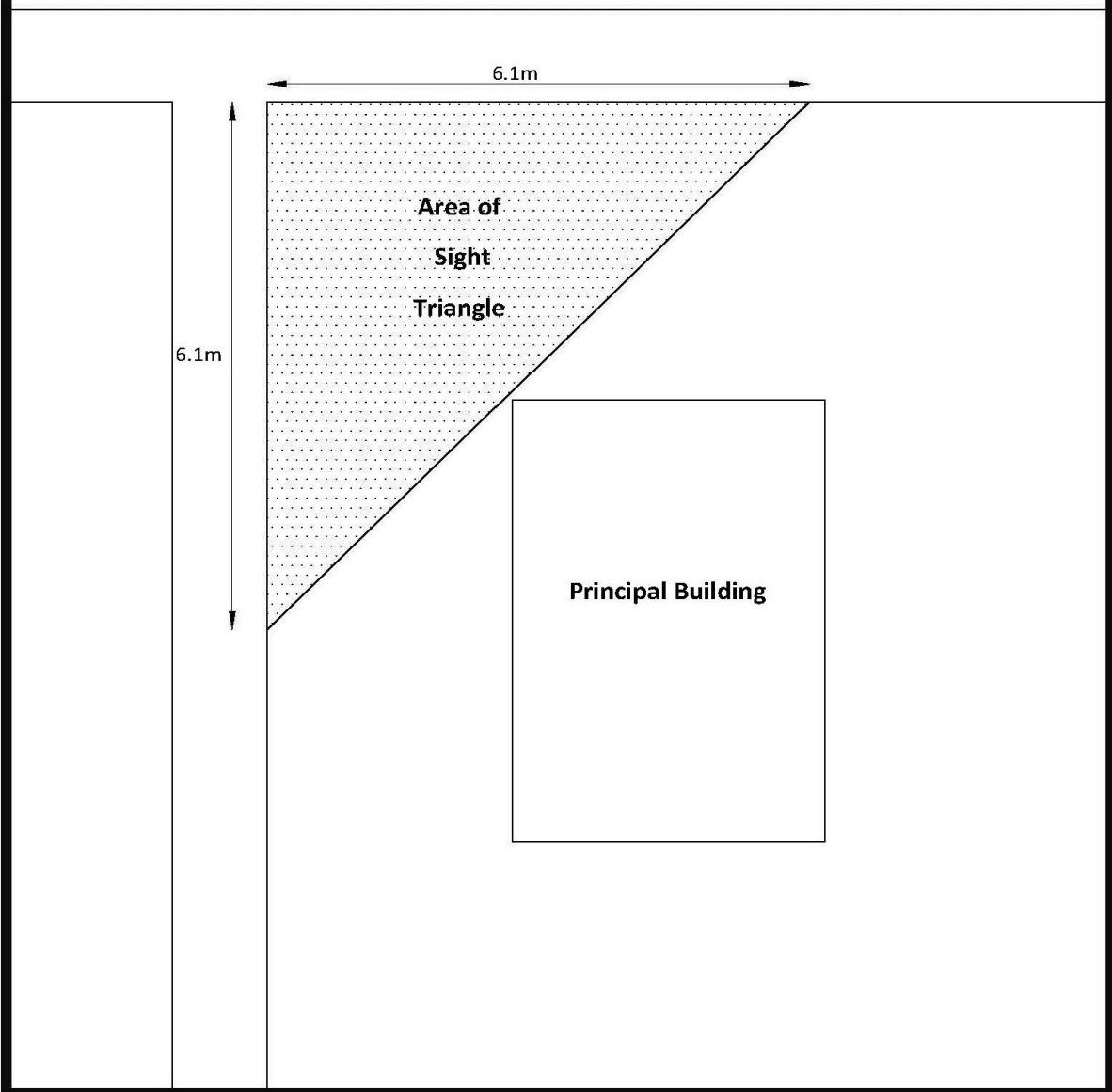
*Bylaw No. 11/2013*

**STOREY** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. If the finished floor level directly above grade is more than 1.8 metres (6 feet) above such grade then the portion of the building below finished floor level shall be considered a storey in calculating the height of any building.

## EXPLANATION NOTES

### Sight Triangle

A "SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 metres from the point where they intersect.



**SUBDIVISION** means the division of a parcel of land by an instrument and “subdivide” has a corresponding meaning.

**SUBDIVISION AUTHORITY** means a subdivision authority established under Part 17, Division 3 of the Municipal Government Act, R.S.A. 2000, c.M-26, as amended.

**SUBDIVISION APPEAL BOARD** *Deleted*

*Bylaw No. 10/2019*

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD** means an Appeal Board established pursuant to the *Act*.

*Bylaw No. 10/2019*

**SUBDIVISION AND DEVELOPMENT REGULATIONS** means regulations made by the Lieutenant Governor in Council under Section 649 (1) of the Municipal Government Act, R.S.A. 2000, c.M-26, as amended.

**SUBSTANDARD LOT** means a lot which does not meet the minimal length, width or area requirements of the district in which it is located in this Bylaw.

**TEMPORARY DEVELOPMENT** means a development for which a Development Permit has been issued for a limited time only.

**TEMPORARY** means a use which occurs for a maximum of three (3) months from date of Development Permit approval with the possibility for a three (3) months extension by the Development Officer.

**TOPSOIL** means that depth of soil containing the major portion of organic matter, generally the depth to which that the land is plowed.

**TRANSLOADING FACILITY, CRUDE OIL** means a facility used for the process of transferring crude oil from one form of transport (i.e. truck or pipeline) to another form of transport (i.e. rail or truck). Short term temporary storage of the crude oil shall only be allowed if there are approved storage tanks on site.

*Bylaw No. 11/2013*

**VETERINARY CLINIC** means the use of a building for the medical care and treatment of animals.

**WASH PLANT** means a structure which is used to clean and remove sediments from aggregate materials.

*Bylaw No. 5/2016*

**WATER RESERVOIR OR DUGOUT** means the use of land for the collection and distribution of water usually for the purpose of serving a community or private residence or related to an industrial operation.

**WATERBODIES** means a significant accumulation of water such as lakes, swamps, sloughs, reservoirs, lagoons, marshes, wetlands and includes such bodies of water that are intermittent seasonal or perennial.

**WATERCOURSE** means:

- (a) the bed and shore of a river, stream, creek or other natural body of water; or



- (b) a canal, ditch or other man-made surface feature whether it contains water continuously or intermittently.

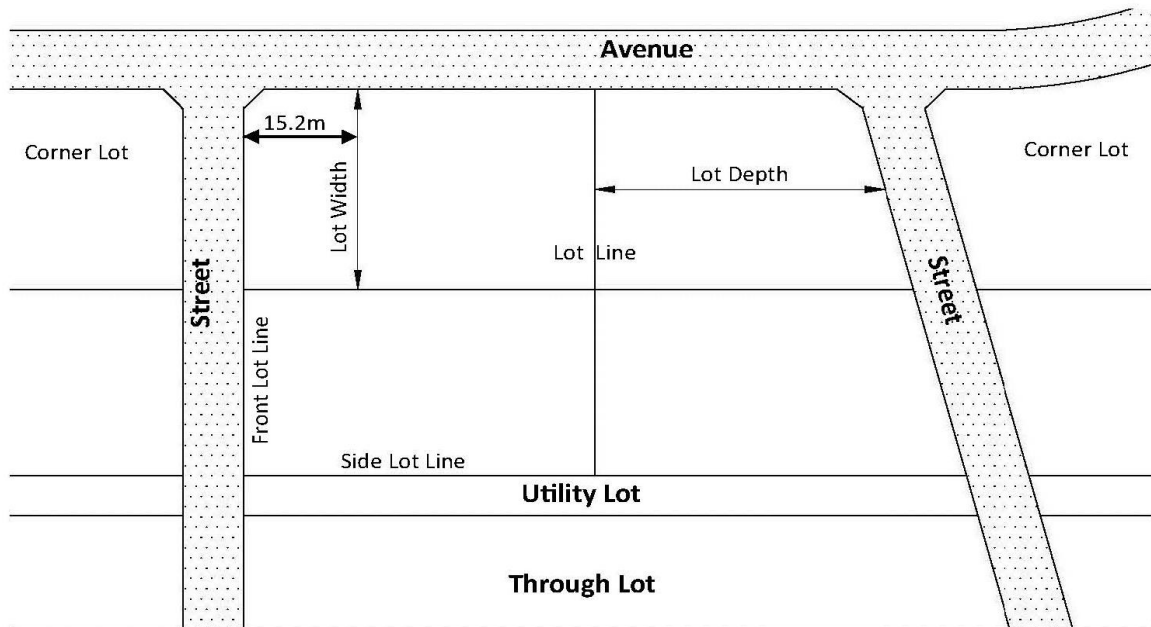
**YARD** means a part of a lot upon or over which no building or structure other than a boundary fence is erected except for specifically permitted accessory buildings.

**YARD, EXTERIOR SIDE; YARD, FRONT; YARD, INTERIOR SIDE; YARD, REAR; YARD, SIDE; YARD, DEPTH; YARD, WIDTH** shall be as described in the explanation notes of this bylaw.

**OTHER WORDS AND EXPRESSIONS:** All other words and expressions have the meaning respectively assigned to them by the Province of Alberta Municipal Government Act, R.S.A. 2000 and any other applicable Statute of Alberta.

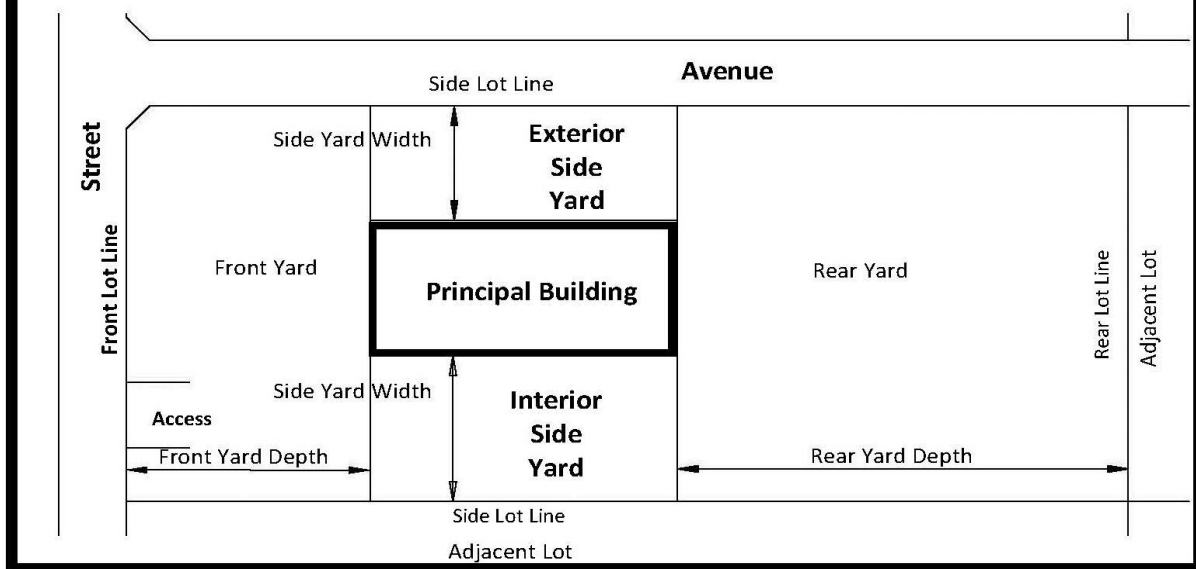
## EXPLANATION NOTES

### Lot Definitions



## EXPLANATION NOTES

### Yard Definitions



## 1.5 ESTABLISHMENT OF DISTRICTS

- (1) For the purpose of this Bylaw, the Municipal District of Peace No.135 is divided into any of the following land use districts:

- (a) Crown Land Management (C)
- (b) Agricultural (AG)
- (c) Joint Plan Agricultural (JPAG)
- (d) Country Residential (CR)
- (e) Country Residential Hobby Farm (CR-2)
- (f) *Deleted* *Bylaw No. 4/2017*
- (g) Rural Industrial (RI)
- (h) Rural Industrial: Gravel Pit (RI-GP)
- (i) Commercial Industrial (CI)
- (j) Hamlet General (HG)
- (k) Direct Control 1 (DC-1)
- (l) *Deleted* *Bylaw No. 4/2017*
- (m) Highway Commercial (HC)
- (n) Service Commercial (SC)
- (o) Rural Industrial: Petroleum Facility District (RI-PF) *Bylaw No. 4/2017*
- (p) *Deleted* *Bylaw No. 9/2020*

### (2) DISTRICT SYMBOLS

Throughout this Bylaw and any amendment thereto, a district may be referred to either by its full name or by its symbol as set out in Section 5.2.

### (3) DISTRICT MAPS

The District Maps, as may be amended or replaced by Bylaw from time to time, are those maps attached to and forming part of this Bylaw and bear the following identification:

- (a) Land Use Bylaw District Map;
- (b) Shaftesbury Settlement Land Use Bylaw District Map;
- (c) Land Use Bylaw District Map: Detail Maps; and
- (d) Signatures of the Reeve and Chief Administrative Officer.

- (4) In the event that a dispute arises over the precise location of a boundary of any district as shown on the District Map, the Council shall decide thereon.

**PART TWO**

**AGENCIES**

## **PART TWO – AGENCIES**

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### **2.1 DEVELOPMENT OFFICER**

*Bylaw No. 15/2018*

- (1) Development Officer
  - (a) The Development Officer is the Development Authority for the MD, as established by the Municipal District of Peace No. 135 Development Authority Bylaw, in accordance with Section 624 of *the Municipal Government Act*.

### **2.2 DUTIES AND POWERS OF THE DEVELOPMENT OFFICER**

*Bylaw No. 15/2018*

- (1) In accordance with the Act, the Development Officer shall:
  - (a) Receive, consider and decide upon applications for development permits for permitted and discretionary uses in all districts, except the Direct Control District, for which Council is the decision-making body, unless referred by Council to the Development Officer;
  - (b) Keep and maintain for public inspection during office hours, a copy of this Bylaw and all amendments and resolutions thereto;
  - (c) Ensure that copies of this Bylaw, including all amendments and resolutions thereto, are available to the public at a reasonable cost; and
  - (d) Keep a register of all applications for development permits, including the decisions and reasons for the decision, for a minimum period of seven (7) years.
- (2) The Development Officer shall, within 20 days after receipt of a development permit application, determine whether the application is complete or incomplete, unless this period is extended by a written agreement between the Development Authority and the applicant.
- (3) When, in the opinion of the Development Officer:
  - (a) sufficient details of a proposed development have been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is complete within 20 days from the receipt of the application or the extended time period agreed upon between the Development Officer and the applicant under subsection (2).
  - (b) sufficient details of a proposed development have not been included with the application for a development permit, the Development Officer shall, in a form and manner appropriate, issue a notice of incomplete application to the applicant, advising that the application is incomplete within 20 days from the receipt of the application or the extended time period agreed upon between the Development Officer and the applicant under subsection (2). The notice shall outline any outstanding information and/or documentation

and a date by which all the required information and/or documentation must be submitted by the applicant for the application to be considered complete.

- (4) Notwithstanding subsection (3)(a) or (b), if the Development Officer does not issue a notice of complete or incomplete application for a development permit application within 20 days of the receipt or the extended time period agreed upon between the Development Officer and the applicant, the application is deemed to be complete.
- (5) Notwithstanding the issuance of a notice of complete or incomplete application pursuant to subsection (3)(a) or (b), or failure to issue a notice under subsection (4), the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.
- (6) If an applicant who has been issued a notice of incomplete application under subsection (3)(b):
  - (a) submits all the required information and/or documentation by the date given in the notice, the Development Officer shall, in a form and manner appropriate, issue a notice of complete application to the applicant, advising that the application is now complete.
  - (b) fails to submit all the required information and documents by the date given in the notice, the application is deemed refused.
- (7) Where an application for a development permit is deemed refused under subsection (6)(b), the Development Officer shall issue a notice to the applicant, stating that the application has been refused and the reason for the refusal.
- (8) Unless extended by a written agreement between the Development Officer and the applicant, the Development Officer shall decide on a development permit application either:
  - (a) within 40 days of receipt by the applicant the notice of complete application if issued under subsection (3)(a) or (6)(a), or
  - (b) within 40 days from the receipt of the application, if no notice is issued under subsection (3)(a) and (b).
- (9) Notwithstanding subsection (8), the application is, at the opinion of the applicant, deemed refused if a decision is not made within the time period provided for in subsection (8).
- (10) The Development Officer shall approve all applications for a “permitted use” unconditionally or with conditions necessary to bring the application into conformity with the Bylaw.
- (11) In making a decision on an application, the Development Officer may:
  - (a) Approve the application unconditionally;
  - (b) Approve the application and attach conditions including but not limited to a developers agreement that may require any or all of the following:



- i. the construction, operation and maintenance of public roads, pedestrian walkway system, sewer, public utility, and water facilities;
- ii. the location of refuse disposal facilities;
- iii. on-site storm water management;
- iv. access for fire and police protection;
- v. general access and circulation;
- vi. provision for recreational areas;
- vii. landscaping and other aesthetic considerations
- viii. building design and site layout;
- ix. provisions for parking facilities;
- x. provisions for loading and unloading facilities;
- xi. buffering, screening and fencing;
- xii. arrangements to ensure that all property taxes are paid in full at the time of development permit approval to the satisfaction of the MD; or
- xiii. any other planning condition at the discretion of the Development Officer.

(c) Refuse the application.

- (12) In the case where a proposed specific use of land or a building is not provided for in any district in the Land Use Bylaw, the Development Officer may determine that such use is similar in character and purpose to a "Permitted Use" or "Discretionary Use" prescribed for the District and may issue a Development Permit.
- (13) Notwithstanding any provisions or requirements set out in the Bylaw, the Development Officer may establish a more stringent standard for uses listed under "Discretionary Uses" when it is deemed necessary to do so.
- (14) The Development Officer may require an application to be referred to the Mackenzie Municipal Services Agency or any other agency in order to receive qualified comment or advice.

### **2.3 SUBDIVISION AND DEVELOPMENT APPEAL BOARD** *Bylaw No. 10/2019*

- (1) The Subdivision and Development Appeal Board is established by separate bylaw in accordance with Section 627 of the *Municipal Government Act*.
- (2) The Subdivision and Development Appeal Board shall perform such duties as are specified in the *Act*.

### **2.4 THE MACKENZIE MUNICIPAL SERVICES AGENCY**

- (1) The Mackenzie Municipal Services Agency shall serve as an advisor to the MD, its Council and agencies.

## **PART THREE**

# **DEVELOPMENT PERMITS RULES AND PROCEDURES**

## **PART THREE – DEVELOPMENT PERMITS, RULES AND PROCEDURES**

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### **3.1 CONTROL OF DEVELOPMENT**

- (1) No development other than that specified in Section 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved by the Development Officer and a Development Permit has been issued.
- (2) Development commencing prior to the issuance of a Development Permit shall be subject to Part 8, Enforcement and Administration of this Bylaw.

### **3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

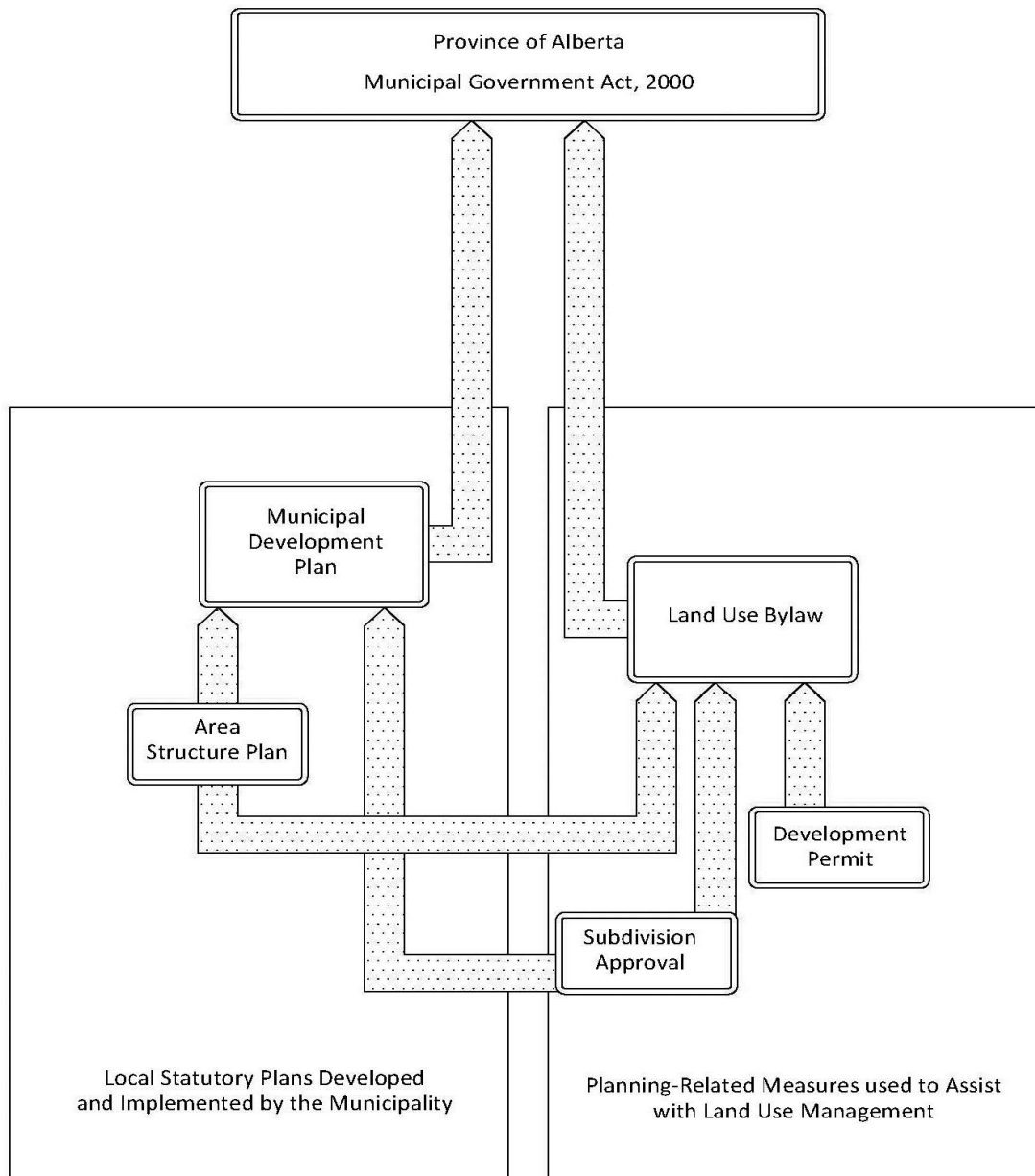
The following development shall not require a Development Permit but must otherwise comply with all other provisions of this Bylaw. If there is any doubt as to whether or not a Development Permit is required, the Development Officer shall deem that a Development Permit is required.

- (1) The carrying out of works of maintenance, renovation or repair to any building, provided that such works do not include structural alterations, either internal or external, and does not change the land use or the intensity of the use of the structure.
- (2) The completion of a building which was lawfully under construction at the date of the passing of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which the permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve months from the date of the first publication of the official notice.
- (3) The use of any such building, as referred to in sub-section 3.2(2), for the purpose for which construction was commenced.
- (4) In rural areas, the erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting a road used for vehicular traffic) less than 0.9 metres (3 feet) in height in front yards and less than 1.8 metres (6.0 feet) in height in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, walls or other means of enclosure.
- (5) The erection of a temporary building (for office / storage space / temporary residence) or installation of machinery, the sole purpose of which is incidental to the erection or alteration of a permanent building for which a Development Permit has been issued under this Bylaw.

- (6) The construction, maintenance, repair or improvement of public works, services, utilities and public roads carried out by or on behalf of federal, provincial and/or municipal government authorities on land which is publicly owned or controlled.
- (7) Satellite Dishes, Antennas
- (8) Agricultural Uses or Buildings
  - (a) The carrying out of extensive agricultural operations on parcel of land over 4.04 hectares (10 acres) in size.
  - (b) The construction, renovation, or relocation of farm buildings, as defined in this Bylaw, in conjunction with extensive agricultural operations.
  - (c) The construction of a water reservoir or dugout which is to be used in conjunction with extensive agricultural purposes at least 45.7 metres (150 feet) from a property line or dwelling. *Bylaw No. 4/2017*
  - (d) Stripping of topsoil in conjunction with agricultural operations. (Please note: a dwelling is not a farm building).
- (9) Temporary buildings or use related to fire suppression activities.
- (10) Portable sheds with a floor space less than 18.6 square metres (200 square feet).
- (11) Development specified in Sections 618(1) of the Municipal Government Act, R.S.A. 2000, which includes:
  - (a) a highway or road,
  - (b) a well or battery within the meaning of the *Oil and Gas Conservation Act*,
  - (c) a pipeline or an installation or structure incidental to the operation of a pipeline,
  - (d) a confined feeding operation, or
  - (e) any other thing specified by the Lieutenant Governor in Council by regulation.
- (12) Roof and/or wall mounted solar panels installed on buildings that meet the provisions of this Bylaw. *Bylaw No. 4/2017*
- (13) Occupation, Home (Type 1) *Bylaw No. 4/2017*

## EXPLANATION NOTES

### Relationship between Plans and Planning-Related Measures



## EXPLANATION NOTES

### A Typical Site Plan for Rural Development Permit Applications

Road Allowance

Slough

Shelter Belt

Proposed Residence

Garage

Shop

Driveway

Garden

Distance

Distance

Distance

Cultivated

Road Allowance

SECTION \_\_\_\_\_

TWP\_RG\_W05

INFORMATION CHECKLIST

\_\_\_ Location of existing Buildings

\_\_\_ Location of Proposed Buildings

\_\_\_ Location of Access onto Roads

\_\_\_ Setbacks from Section Lines

\_\_\_ Any Lakes, Sloughs, Bush Areas?

\_\_\_ Shelterbelt

\_\_\_ Driveway

\_\_\_ Location of Roads

\_\_\_ Water Table

\_\_\_ Water and Sewer

\_\_\_ Other Access to the Quarter Section



### 3.3 PERMISSION FOR DEVELOPMENT

- (1) Application for a Development Permit shall be made to the Development Officer in the prescribed form and shall include the following information:

*Bylaw No. 7/2016*

- (a) A legal description of the subject property;
- (b) A site plan of the proposed development;
- (c) The proposed use(s);
- (d) A statement of ownership of the subject property or the authorization of the landowner;
- (e) The estimated commencement and completion dates; and
- (f) The estimated cost of the project;

and may require a plot plan by a legal surveyor.

- (2) The Development Officer may also request the following information when a person has made application for a Development Permit:

- (a) Working/construction drawings;
- (b) Floor plans and elevation diagrams;
- (c) The extent of existing treed areas and an indication of the trees proposed to be removed; and
- (d) Any studies required to evaluate the proposal.

- (3) When, in the opinion of the Development Officer, a proposed development will be used to service a large number of people, the Development Officer may require in addition to Section 3.3 (1) and 3.3 (2) any or all of the following:

- (a) An indication of the maximum number of persons anticipated to be on the site during peak-use periods;
- (b) A site plan for the proposed development at a scale not less than 1:1000 which may include a contour interval of not more than 5 metres (16.4 feet) clearly showing:
  - (i) Access to and traffic circulation within the site, parking facilities to be provided, location of camping sites (if applicable), and emergency access routes;
  - (ii) All utilities, including water and sewage facilities;
  - (iii) The location and distance to property lines of all existing and proposed buildings; and
  - (iv) Any other information required by the Development Officer.

- (c) A detailed description, with appropriate plans on how sewage, water, and other utilities will be provided for during the peak-use periods described in (a) above.
  - (d) A detailed description, with appropriate plans on how on-street and/or off-street parking will be provided for during the peak-use periods described in (a) above.
  - (e) A written statement clearly describing how the potential impact of the proposed development on adjacent lands will be dealt with. This description should provide information on how the proposed development and facilities have been designed to minimize such disturbances; and
  - (f) A description of facilities and equipment available for fire-fighting purposes.
- (4) Each application for a Development Permit shall be accompanied by a fee set by a resolution of Council from time-to-time.
- (5) The Development Officer shall receive, consider and decide on applications for a Development Permit for permitted and discretionary uses in all land use districts.
- (6) In each land use district shown on the Land Use District Map, development may only take place for the purposes respectively specified as permitted and discretionary uses in this Bylaw.
- (7) In each land use district shown on the Land Use District Map, the standard of development shall be equal to or better than the minimum laid down in Part Five of this Bylaw.
- (8) The Development Officer may require with respect to a development that as a condition of issuing a Development Permit, the applicant enter into an agreement to:
  - (a) Construct or pay for the construction of a road required to give access to the subdivision;
  - (b) Construct or pay for the construction of off-street or other parking facilities;
  - (c) Install or pay for the installation of public utilities and/or any municipal service mutually agreed upon;
  - (d) Pay for an off-site levy or redevelopment levy imposed by Bylaw;
  - (e) Construct or pay for a pedestrian walkway (sidewalk) system to serve the development, and/or
  - (f) Repair, reinstate, or to pay for the repair or reinstatement to original condition, any street furniture, curbing, sidewalk, boulevard, landscaping, and tree planting which may be damaged or otherwise affected by the development or building operations on the site.

- (9) The Development Officer may require proof of ownership or right to the land in question and may require a surveyor's certificate as proof of location of development on the land.
- (10) In the case where an application for a Development Permit has been refused pursuant to this Bylaw, by the Subdivision and Development Appeal Board or the Alberta Court of Appeal, the submission of another application for a Development Permit on the same property and for the same or similar use of the land by the same or any other applicant may not be accepted by the Development Officer for at least one year after the date of the previous refusal, unless the application was refused for being incomplete.  
*Bylaw No. 10/2019*
- (11) An application for a Development Permit shall, at the option of the applicant, be deemed to be refused when a decision of the Development Officer is not made within 40 days of receipt of the completed application, unless the applicant has entered into an agreement with the Development Officer to extend the 40 day period.
- (12) When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with an application for a Development Permit, the Development Officer may return the application to the applicant for further details. The application so returned shall not be deemed to be in its final form until all required details have been submitted to the satisfaction of the Development Officer,
- (13) The Development Officer may approve an application for a Development Permit notwithstanding that the proposed development does not comply with this Bylaw 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 of neighbouring properties; and
  - (b) The proposed development conforms with the use prescribed for the land or building in this Bylaw.
- (14) Where the proposed use is not listed in a land use district, the Development Officer may consider the use to be so listed as a discretionary use if, in their opinion, it is sufficiently similar in character and purpose to either a listed permitted or discretionary use, but is not listed as a use in another district or defined in the Definitions section.  
*Bylaw No. 10/2018*

### **3.4 APPEAL PROCEDURE**

*Bylaw No. 10/2019*

- (1) An appeal to the Subdivision and Development Appeal Board shall be made in accordance with the *Act* by serving written notice of appeal to the Chief Administrative Officer.
- (2) An appeal made to the Subdivision and Development Appeal Board shall be accompanied by a processing fee, the amount of which shall be set from time-to-time by resolution of Council.

#### **3.4.1 PUBLIC HEARING** *Deleted*

*Bylaw No. 10/2019*

#### **3.4.2 HEARING AND DECISION** *Deleted*

*Bylaw No. 10/2019*

### **3.5 ENVIRONMENTAL AUDITS**

- (1) The Development Officer may require an applicant to conduct an environmental audit and submit an environmental audit report as part of a Development Permit Application, an application to amend this Bylaw, an application for subdivision approval, or an application to amend a statutory plan.
- (2) Environmental Audit means a comprehensive site analysis to determine:
  - (a) If there are any hazardous substances above, on or below the surface of the subject property that may pose a threat to the environment and/or human health;
  - (b) If there are any breaches of Federal, Provincial and/or municipal environmental standards;
  - (c) The level of risk that a contaminated site poses to the environment and/or human health; and
  - (d) The necessary remedial actions that may be required to reduce the level of risk posed by a contaminated site to an acceptable level.
- (3) The Environmental Audit report shall contain:
  - (a) A history of the subject property's ownership and use;
  - (b) A description of the natural environment and social environment surrounding the subject property which may be sensitive to contamination;
  - (c) An inventory of all hazardous materials that may have been handled or stored on the subject property, including a review of on and off-site disposal operations and facilities;
  - (d) Documentation of the existence, location and use of above and

- underground storage tanks and other related facilities;
  - (e) A history of environmental regulatory activity affecting the subject property;
  - (f) A review of the condition and use of adjoining properties;
  - (g) A completed sampling program to determine type and level of contamination of soil, groundwater, surface water, site facilities etc.;
  - (h) A determination of the extent of contamination; and
  - (i) A comprehensive site and areas map noting the locations of natural and built features and other elements of the site audit as noted above.
- (4) The Environmental Audit and report shall be referred to Alberta Environment for comments and recommendations. For development on Crown Land, an Environmental Audit Report may be referred for comment to the appropriate Provincial Government Agency responsible for the land.
- (5) The Environmental Audit shall be conducted by a certified professional (s).
- (6) The Municipal District may use the recommendations of the Environmental Audit report as a basis for:
  - (a) Reasons for issuing a Development Permit with or without conditions;
  - (b) Reasons to refuse a Development Permit Application;
  - (c) Reasons to amend this Bylaw;
  - (d) Reasons to refuse an application to amend this Bylaw;
  - (e) Comments to the Subdivision Approving Authority in recommending to approve, approve with conditions, or to refuse an application for subdivision;
  - (f) Reasons to refuse an application to adopt or amend a statutory plan.

### **3.6 ENVIRONMENTAL IMPACT ASSESSMENT**

- (1) The Development Officer may require an applicant to conduct an environmental impact assessment and submit a report as part of a Development Permit Application, an application to amend this Bylaw, an application for subdivision approval or an application to adopt or amend a statutory plan.
- (2) An Environmental Impact Assessment means a comprehensive analysis to determine:
  - (a) The potential environmental impact of the proposed development on site;
  - (b) The potential environmental impact of the proposed development upon

adjacent properties or land uses;

- (c) The potential environmental impact the proposed development may have on future land use potential of the site.
- (3) The Environmental Impact Assessment shall be referred to Alberta Environment for comment and recommendations.
- (4) The Environmental Impact Assessment shall be conducted by a certified professional(s).
- (5) The recommendations of the Environmental Impact Assessment report may be used as a basis for:
  - (a) Reasons for issuing a Development Permit with or without conditions;
  - (b) Reasons to refuse a Development Permit Application;
  - (c) Reasons to amend this Bylaw;
  - (d) Reasons to refuse an application to amend this Bylaw;
  - (e) Comments to the Subdivision Approving Authority in recommending to approve, approve with conditions, or to refuse an application for subdivision;
  - (f) Reasons to approve an application to adopt or amend a statutory plan; and
  - (g) Reasons to refuse an application to adopt or amend a statutory plan.

### **3.7 SUBDIVISION AND DEVELOPMENT REFERRALS**

- (1) Crown Land Development

When the Municipal District receives a proposed subdivision or Development Permit Application that is to be located on Crown Owned Land, a copy of the Development Permit Application shall be forwarded to Alberta Environment: Alberta Sustainable Resource Development – Lands Division and/or Alberta Agriculture and Rural Development: Public Lands Division for comments and recommendations.

- (2) Alberta Transportation

When the Municipal District receives a subdivision or Development Permit Application for development within 800 metres (0.5 miles) of a highway or that may impact a highway, airport, bridge, ferry, or other development administered by Alberta Transportation, a copy of the Development Permit Application shall be forwarded to Alberta Transportation for comment and recommendations.

- (3) Railway Authority

*Bylaw No. 4/2017*

When the Municipal District receives a subdivision or Development Permit Application for development within 300 metres (0.2 miles) of railway tracks a copy of the Development Permit Application may be forwarded to the Railway Authority for comments and recommendations.

(4) Referrals to Alberta Culture and Community Services

When reviewing Development Permit Applications for proposed land uses which may impact a historical site as identified in Schedule "I" of this Bylaw, the Development Officer:

- (a) May refer all Development Permit Applications that include:
  - (i) The structural renovation, relocation, or addition to an identified historical building; and
  - (ii) The disturbance or excavation of soil more than 0.333 metres (1 foot) below the natural surface of a property containing a historical site for land uses such as basements, water reservoirs, swimming pools or the installation of roads and utilities,

To Alberta Culture and Community Services: Cultural Facilities and Historical Resources Division for review and comment; and

- (b) May refer a Development Permit Application that:
  - (i) Includes the disturbance or excavation of soil more than 0.333 metres (1 foot) below the natural surface of a site which is adjacent to and less than 200 metres (656 feet) from an identified historic site, or
  - (ii) In the opinion of the Development Officer, may have an adverse impact on an identified historical site,

To Alberta Culture and Community Services: Cultural Facilities and Historical Resources Division for review and comment; and

(5) Critical Wildlife, Vegetation, and Physical Environments

To ensure the preservation of land which is identified or deemed by the Municipal District to be critical wildlife habitat, vegetative area, and/or physical environment, the Municipal District may refer any Development Permit Application which may adversely affect the subject or adjacent property to Alberta Sustainable Resource Development – Lands Division for comments and recommendations.

(6) The Peace River Inter-Municipal Development Plan

To ensure the on-going communication and consultation between the participating municipalities, the Municipal District will:

- (a) Refer all proposals in the Primary Referral Area to the town of Peace River and the other municipalities for comments.
- (b) Refer proposals in the Secondary Referral Area to all of the participating



municipalities for information.

### 3.8 DEVELOPMENT PERMITS AND NOTICES

- (1) A Development Permit does not come into effect until twenty-four (24) days after a notice of its issuance appears in a local newspaper.

*Bylaw No. 10/2019*

**Please Note:** Starting development prior to the expiration of the appeal period is at the applicant's own risk as an appeal could be lodged against the development.

- (2) When an appeal is lodged against a development, a Development Permit which has been granted shall not come into effect until the appeal has been determined and the subject permit may be modified or nullified thereby.
- (3) When a Development Permit has been approved, the Development Officer shall:
- (a) Immediately publish a notice in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved;
  - (b) In addition to publishing a notice in a newspaper, the Development Officer may do one or more of the following:
    - (i) Send a notice in writing immediately to all adjacent landowners when it is deemed that amenities, use or enjoyment of adjacent lands may be affected; or
    - (ii) Post a notice on the subject property.
- (4) A Development Permit is valid for 12 months from the date of its issue, after which it is deemed expired and void by the Municipal District.
- (5) Notwithstanding the above, for certain discretionary uses such as temporary signage, industrial camps, or other land uses which are intended to be temporary in nature, the Development Officer may determine that a Development Permit is valid for less than 12 months from its date of issue. The expiry date of all "temporary Development Permits" shall be clearly indicated on the approved Development Permit.
- (6) If the development, authorized by the Development Officer, is not commenced prior to its expiry date, the Development Officer may grant an extension to the approval of the Development Permit.
- (7) When the Development Officer refuses an application for a Development Permit or to grant an extension to the approval of a Development Permit, the decision shall contain reasons for the refusal.

### **3.9 DEVELOPMENT PERMITS – DEVELOPMENT OFFICER RIGHTS**

- (1) Notwithstanding any other provision of this Bylaw, the granting of a Development Permit shall:
  - (a) Indicate only that the development to which the Development Permit relates is authorized in accordance with the provisions of this Bylaw and shall in no way relieve or excuse any person from complying with this or any other Bylaw or Regulation affecting such works; and
  - (b) Be without prejudice to the Development Officer's rights to refuse any other permit or approval that may be required of it in respect to the development by this or any other Bylaw; and
- (2) The Development Officer may cancel a Development Permit if:
  - (a) The permit approval was based upon incorrect information on the Development Permit Application; or
  - (b) The applicant has failed to fulfill all of the conditions of the Development Permit within the time specified in the Development Permit.
- (3) At the discretion of the Development Officer, the Development Permit Application fee may be waived or reduced if:
  - (a) The Municipal District is the applicant;
  - (b) The applicant is a non-profit organization, another local authority or consortium of local authorities and the proposed development is intended to promote the general welfare of the residents of the Municipal District; or
  - (c) The Development Permit was revoked by the Development Officer in accordance with sub-section 3.9 (2).

### **3.10 DEVELOPMENT PERMITS – PAYMENT OF TAXES**

- (1) A condition of all Development Permits will be that all tax arrears on the property in question shall be paid in full prior to construction or commencement of the development or alternate arrangements shall be made to the satisfaction of the Municipal District.

### **3.11 VARIANCES**

- (1) The Development Officer may grant variances to setbacks, if in the opinion of the Development Officer:
  - (a) The granting of a variance does not unduly affect the amenities, use or enjoyment of the site or the neighbouring properties; or

- (b) The proposed development conforms to the uses for the land use district.
- (2) The Development Officer may grant a variance to required roadway setbacks of 40% of the recommended setback (example: 40.84 metres [134 feet] setback varied 40% is equal to 24.38 metres [80 feet]).

## **PART FOUR**

# **SUPPLEMENTARY REGULATIONS**

## **PART FOUR – SUPPLEMENTARY REGULATIONS**

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### **4.1 AIRPORTS**

- (1) Development near the Peace River Airport will be required to conform to Part 9 of this Bylaw.
- (2) Part 9, is a set of guidelines to coordinate land use and development on lands close to the Peace River airport and all subdivision and/or development proposals located wholly or partly within the Airport Vicinity Protection Area boundary as delineated on Detail Map 45, shall refer to this plan directly.

### **4.2 ACCESSORY BUILDINGS**

- (1) No eave of an accessory building shall be closer than 0.9 metres (3 feet) to any property line, with the structure of any accessory building being no closer than 1.2 metres (4 feet) from the side and rear lot lines of the parcel.
- (2) An accessory building on a corner lot shall be so situated that its side yard, which abuts the street, shall not be less than the side yard of the main building.
- (3) In addition to complying with the other sub-sections of this section of the Bylaw, a garage may be required to be located so that the vehicle entrance doors shall be no closer than 7.6 metres (25 feet) to the property boundary upon which they open for the front and side yard.
- (4) An accessory building shall not be used as a dwelling, excepting accessory dwelling units as enabled by this bylaw.  
*Bylaw No. 4/2017*
- (5) Where a structure is attached to the main building on a site by a common roof, it is part of the main building.
- (6) No accessory building or any portion thereof shall be erected or placed within the front yard of any parcel with the exception of farm buildings.  
*Bylaw No. 4/2017*

### **4.3 CAR WASHING, TRUCK STOP AND TRUCK WASHING ESTABLISHMENTS**

- (1) The minimum site area for a car wash shall be 743.2 square metres (8000 square feet) and shall contain storage space for eight (8) vehicles prior to their entry into any part of the cleaning process. In the case of service stations or gas bars containing car washing establishments, the minimum site area shall be 111.5 square metres (1200 square feet).
- (2) The minimum site area for a truck stop or washing establishment shall be 0.8 hectares (2 acres).

#### **4.4 COMPLIANCE CERTIFICATES**

- (1) The Development Officer may issue a Compliance Certificate when:
  - (a) The buildings as shown on the Real Property Report provided by the applicant are located on the site in accordance with the separation distance and yard and building setback regulations of this Bylaw;
  - (b) The yard or building setbacks are as specified in any Development Permit which may have been issued for the site; or
  - (c) In the opinion of the Development Officer, the setback violations do not unduly affect the amenities of the Land Use District.
- (2) The Compliance Certificate shall only cover those buildings, or parts thereof, shown on the Real Property Report as provided by the applicant.
- (3) When a Real Property Report is older than 6 months and no changes have been made on the property as per the Real Property Report, an affidavit will be required in conjunction with the Real Property Report.
- (4) All Real Property Reports must be less than five years old to be accepted.
- (5) The Development Officer may refuse to issue a Compliance Certificate when the Real Property Report does not contain sufficient information to determine if the buildings as shown are in accordance with regulations of this Bylaw or any Development Permit issued.
- (6) The Development Officer may refuse to issue a Compliance Certificate when:
  - (a) The Real Property Report does not indicate all developments that are located on the lot;
  - (b) Developments on the lot were constructed without the required Development Permits; or
  - (c) There is an outstanding infraction with this or any other Bylaw.

#### **4.5 CONFINED FEEDING OPERATIONS**

- (1) The applications for registration or approval of a new or expanded CFO shall be directed to the NRCB and Alberta Environment, as provided under provincial legislation.

#### 4.6 CONSTRUCTION NEAR HAZARDOUS SITES

All development near a sour gas facility shall be in accordance with Alberta Energy and Utility Board Regulations.

#### 4.7 CORNER SITES (SIGHT TRIANGLES)

- (1) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 metres (20 feet) from the point where they intersect.
- (2) On any corner site in any district, no person shall erect, place or maintain within the sight triangle a wall, fence, shrub, trees, hedge or any object over 0.9 metres (3 feet) in height above the lowest street grade adjacent to the intersection.
- (3) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 metres (2 feet) within the area defined as a sight triangle.
- (4) When a lot has more than one front yard line (corner lot), the front yard requirement shall apply to all front yards, but, at the discretion of the Development Officer, one front yard may be considered a side yard.

#### 4.8 DEVELOPMENT NEAR WATERBODIES AND WATERCOURSES

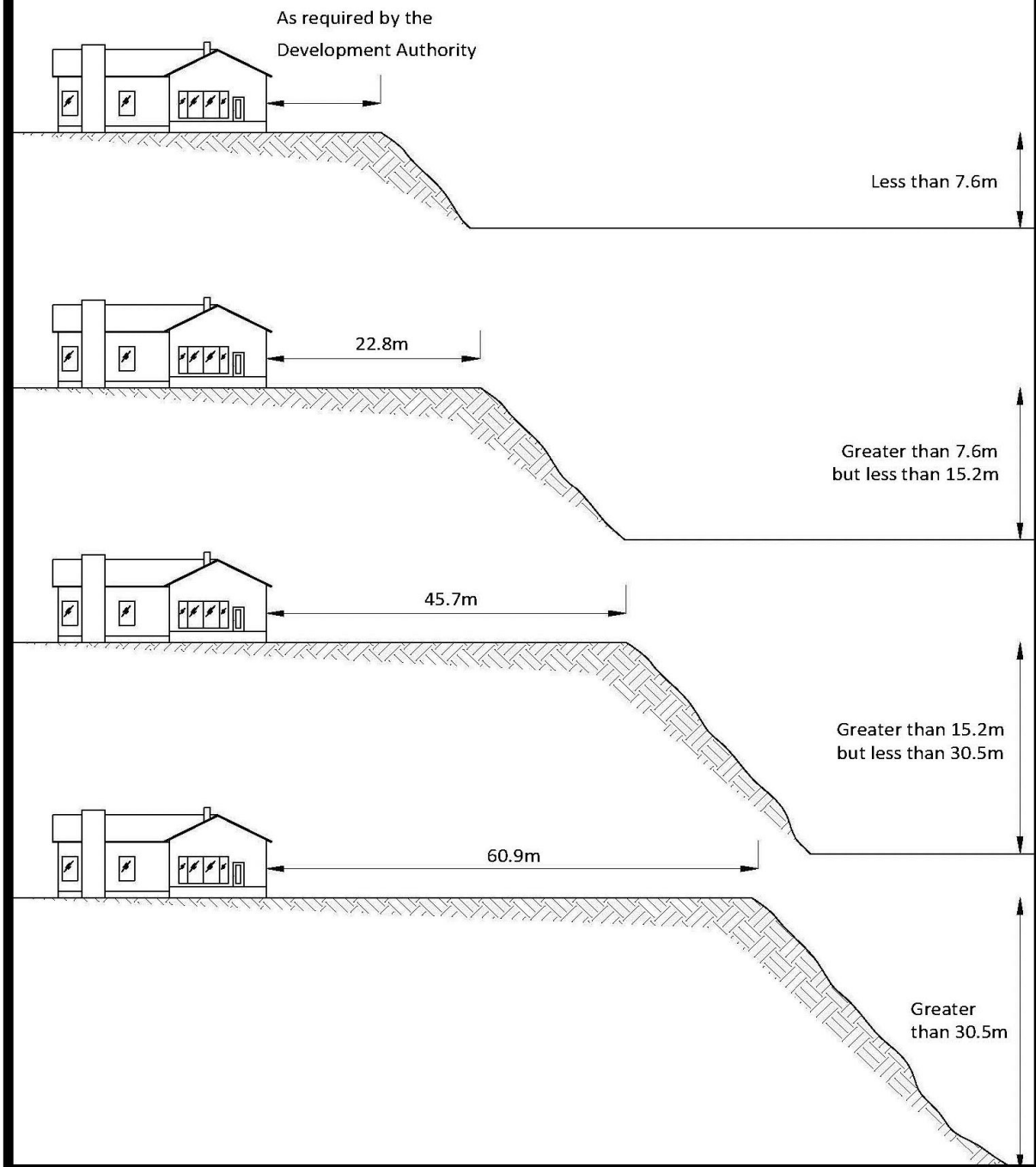
- (1) Where a parcel of land borders on or contains a coulee, ravine or valley, with or without a watercourse, the following minimum building or structure setbacks, from the upper break of the coulee, ravine or valley, shall apply: (See Explanation Notes – Development Near Waterbodies and Watercourses)

Depth of Ravine, Coulee or Valley	Minimum Building or Structure Setback
Less than 7.6 metres (25 feet)	As required by the Development Officer
Greater than 7.6 metres (25 feet) but less than 15.2 metres (50 feet)	22.8 metres (75 feet)
Greater than 15.2 metres (50 feet) but less than 30.5 (100 feet)	45.7 metres (150 feet)
Greater than 30.5 metres (100 feet)	60.1 metres (200 feet)

- (2) Notwithstanding the above, the Development Officer may increase the building or structure setbacks where deemed necessary.
- (3) A setback from a coulee, ravine, or valley may only be relaxed when it can be shown through an acceptable geotechnical analysis that the proposed development site is suitable for the proposed development.

## EXPLANATION NOTES

### Development Near Waterbodies and Watercourses





- (4) Where a parcel of land borders on or contains a water body, the setback from the water body shall be determined by the Development Officer, but shall not be less than 30.5 metres (100 feet) from a water body, the area of which is 8.1 hectares (20 acres) or more.
- (5) The foregoing regulations shall not apply to the construction of gates, fences, walls or other means of enclosure less than 1.8 metres (6 feet) in height.
- (6) In making a decision on the setback from a water body, the Development Officer may submit the application for a Development Permit to Alberta Environment, and Alberta Sustainable Resource Development – Lands Division for comments prior to issuing a permit.

#### **4.9 DWELLING UNITS PER PARCEL**

- (1) The Development Officer may allow an additional dwelling on a parcel. When determining whether or not to allow an additional dwelling on a parcel, the Development Officer shall consider:
  - (a) The suitability of the site for the proposed dwelling;
  - (b) The length of time that the developer requires the proposed dwelling;
  - (c) Access to and from the site;
  - (d) The provision of proper water and sewer services;
  - (e) Existing and future surrounding land uses; and
  - (f) Whether the proposed development meets the spirit and intent of the subject land use district.
- (2) The Development Officer may take into account family-human relationships when making decisions on Development Permit Applications for an additional dwelling unit on a parcel;
- (3) The Development Officer may attach, as a condition of approval, a time period after which the additional dwelling must be removed from the subject property;

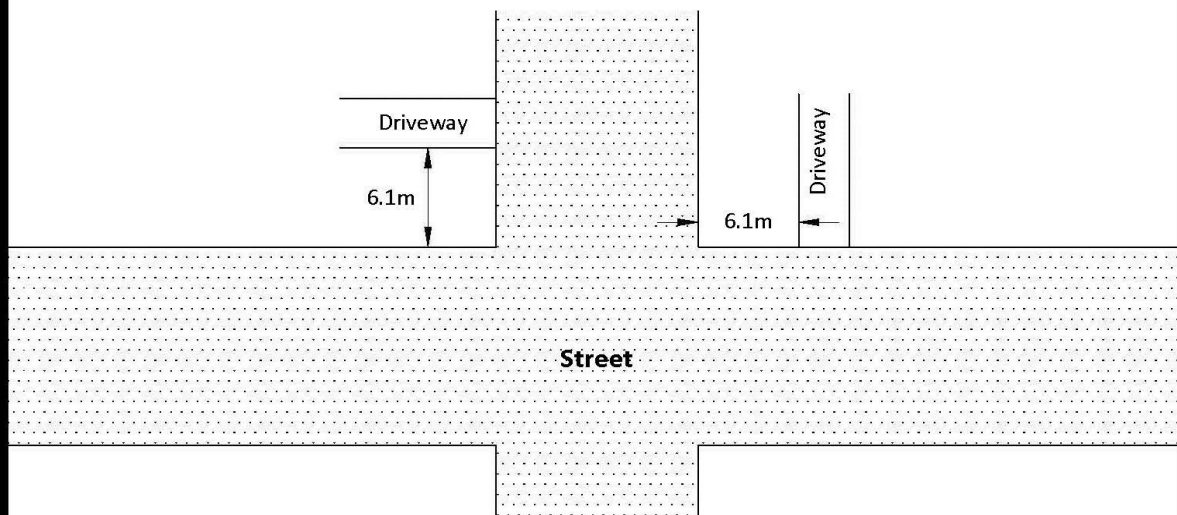
#### **4.10 ENTRANCES AND EXITS**

- (1) Where applicable, curb cuts shall be set back a minimum distance of 6.1 metres (20 feet) from the intersection of the lot-line on corner lots.
- (2) Notwithstanding Section 4.10(1), the setback distance for curb cuts may be increased where, in the opinion of the Development Officer, such increase is necessary for public safety and convenience.
- (3) The maximum width of a curb cutting shall not exceed 10.7 metres (35 feet) unless otherwise approved by the Development Officer.

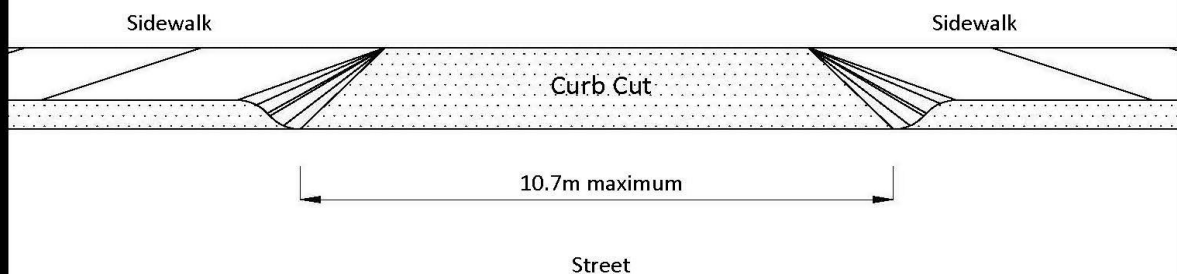
## EXPLANATION NOTES

### Entrances and Exits

Curb cuts should be set back a minimum distance of 6.1m from the intersection of site boundaries on corner lots.



The maximum width of curb cutting should not exceed 10.7 m. (35 feet).



- (4) A driveway approach that crosses a sidewalk or boulevard may be constructed on an angle with the curb line, but the angle extended between the curbs and the edge of the driveway shall not be less than 30 degrees.
- (5) The maximum distance between adjacent curb cuttings on the same side of the property shall not be less than 6.1 metres (20 feet) from each other, measured at the property line. The Development Officer may increase said minimum clear distance if necessary due to the width of adjacent sidewalks, boulevards or traffic conditions to enhance public safety and convenience.

#### **4.11 DELETED**

*Bylaw No. 4/2017*

#### **4.12 OCCUPATION, FARM**

*Bylaw No. 4/2017*

All farm occupations shall comply with the following general regulations:

- (1) Exterior storage and operation of the farm occupation may be permitted if, in the opinion of the development authority, the exterior storage and operation area is adequately screened and sited to limit the visual impact of the development on adjacent land owners, as well as, public right of ways;
- (2) Not more than five (5) non-agricultural commercial vehicles and trailers, to be used in conjunction with the farm occupation, shall be parked or maintained on or about the lot;
- (3) Notwithstanding the above, additional commercial vehicles may be permitted provided traffic, noise and light impacts are considered and the development authority is satisfied that the impacts will be mitigated. A traffic flow and capacity management plan must be approved by the development authority. A traffic impact assessment may be required.

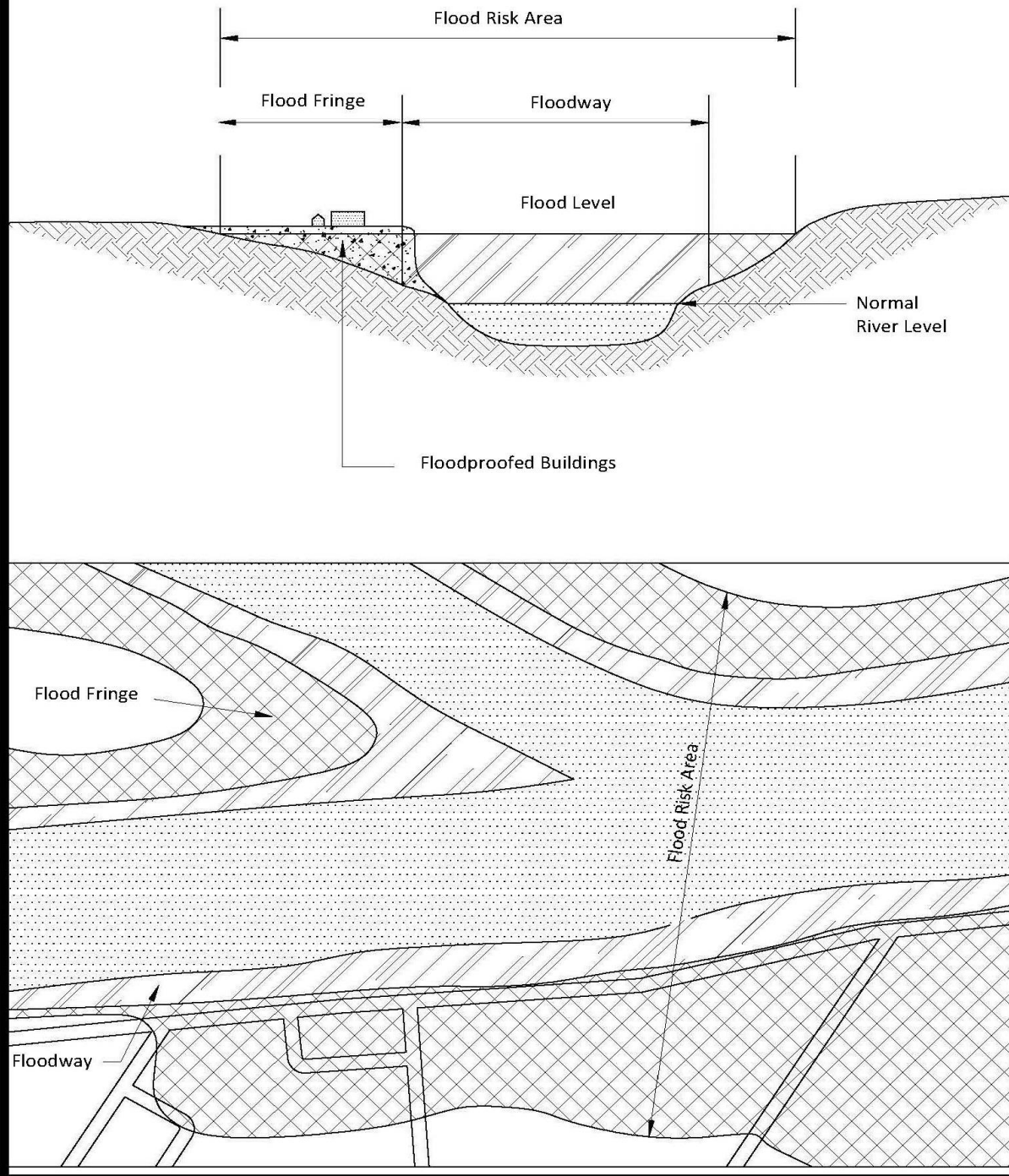
#### **4.13 FLOOD PRONE LANDS**

- (1) Development on land which may be subject to flooding shall be discouraged, especially on lands which are within the 1:100 year flood plain, as determined by Alberta Environment and the Municipal District.
- (2) Development on lands which have been designated as a two-zone (floodway/flood-fringe) flood area, shall be restricted to the following land uses:
  - (a) In floodway areas, new development shall not be allowed except for the following:
    - (i) Non-obstructing agricultural uses;
    - (ii) Recreational uses;
    - (iii) Flood control measures; and
    - (iv) Public works facilities.

- (b) In flood-fringe areas, new development shall not be allowed except for the following:
    - (i) Otherwise approved land uses which comply with all applicable flood-proofing measures as are required by the Development Officer and/or Canada Mortgage and Housing Corporation.
- (3) Notwithstanding 4.13 (1), and at the discretion of the Development Officer, infill development may be allowed on lands within the 1:100 year flood-fringe area.
- (4) Any Development Permit issued for development within the 1:100 year flood plain shall have as a condition of approval, a restrictive covenant registered against the title for the subject property related to the approved development.
- (5) In reviewing a Development Permit application for a development on a site which the Municipal District determines may be subject to flooding or is located in a designated flood plain, the Development Officer shall consider flood damage reduction measures and may approve the proposed development subject to any or all of the following:
  - (a) The usage of fill, piles, posts or piers to raise the development above the 1:100 year floor level;
  - (b) “Wet flood-proofing” standards which allow basements to be flooded without significant damage to the structure;
  - (c) Other flood reduction measures as approved by Canada Mortgage and Housing Corporation;
  - (d) Diking of the watercourse;
  - (e) Increase development setbacks from the watercourse;
  - (f) Specification of specific development locations and/or orientations;
  - (g) The usage of back-flow prevention valves (stop valves); and/or
  - (h) Any other flood abatement measures deemed necessary by the Development Officer such as:
    - (i) A certificate from a qualified professional engineer certifying that the design for the proposed development was undertaken with full knowledge of the potential for flooding on the subject property and/or
    - (ii) Comments and recommendations from Alberta Environment.

## EXPLANATION NOTES

### 1 in 100 year Flood Zone





#### **4.14 GENERAL PROVISIONS – MUNICIPALLY CONTROLLED ROADS (RURAL ROADS)**

- (1) On a parcel of land located at the intersection of two rural roads, no Development shall be permitted within the area illustrated in Explanation Notes: *Intersection and Setbacks for Rural Roads*.
- (2) On a parcel of land located in the inside curve of a rural road, no Development shall be permitted within the areas illustrated in Explanation Notes: *Setbacks for Road Curves and Corners for Rural Roads*.

#### **4.15 GENERAL PROVISIONS – PROVINCIALY CONTROLLED HIGHWAYS**

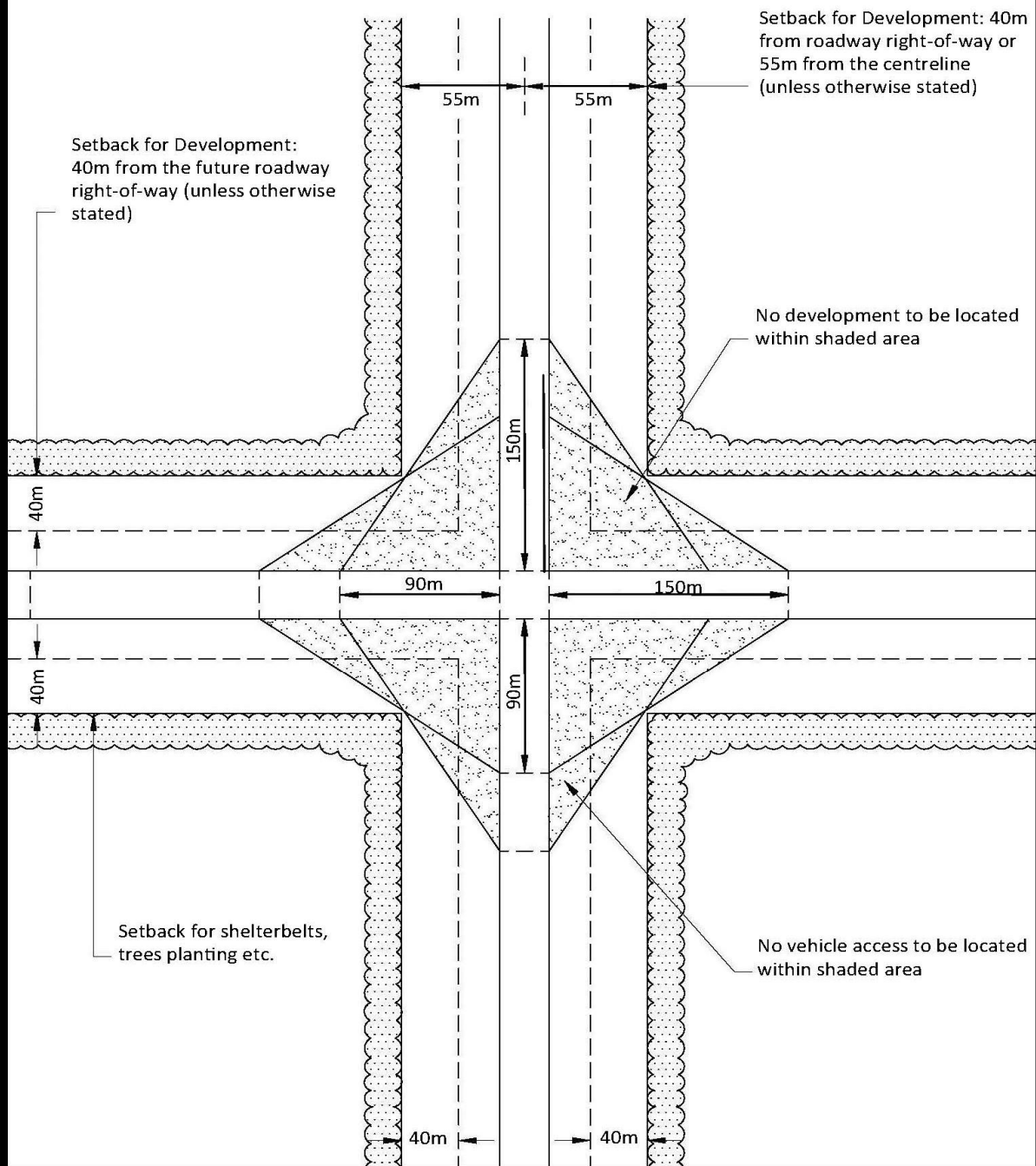
- (1) All development and all planting of trees along provincially controlled highways are subject to the approval of Alberta Transportation. Therefore, all proponents of a development or a tree planting project along a provincially controlled highway are required to discuss their proposed project with Alberta Transportation at the very early stages of the project design process.
  - (a) The Development Officer may prescribe or approve the screening of uses which involve the outdoor storage of goods, machinery, vehicles, building materials, “waste” materials or other similar uses;
  - (b) Notwithstanding Highway Development Control Regulations, which apply to provincially controlled highways, this Bylaw may establish a higher standard than Alberta Transportation for development adjacent to highways and intersections.

#### **4.16 GENERAL PROVISIONS – RECREATIONAL USES**

- (1) When deciding upon a Development Permit Application for a recreational use in any land use district, the Development Officer shall consider the following:
  - (a) Special Requirements:
    - (i) The recreational development shall be architecturally designed to be compatible with the surrounding area, and
    - (ii) A recreation centre or lodge may have accessory buildings available for the lodging of its patrons. In no way shall a recreation centre or lodge be organized to provide any form of permanent habitation of the rooms by its patrons;
  - (b) Noise Attenuation:
    - (i) Where the development will generate significant noise, the developer shall take steps to reduce the level of noise and its impact on existing and/or future development in the area to the satisfaction of the Development Officer; and

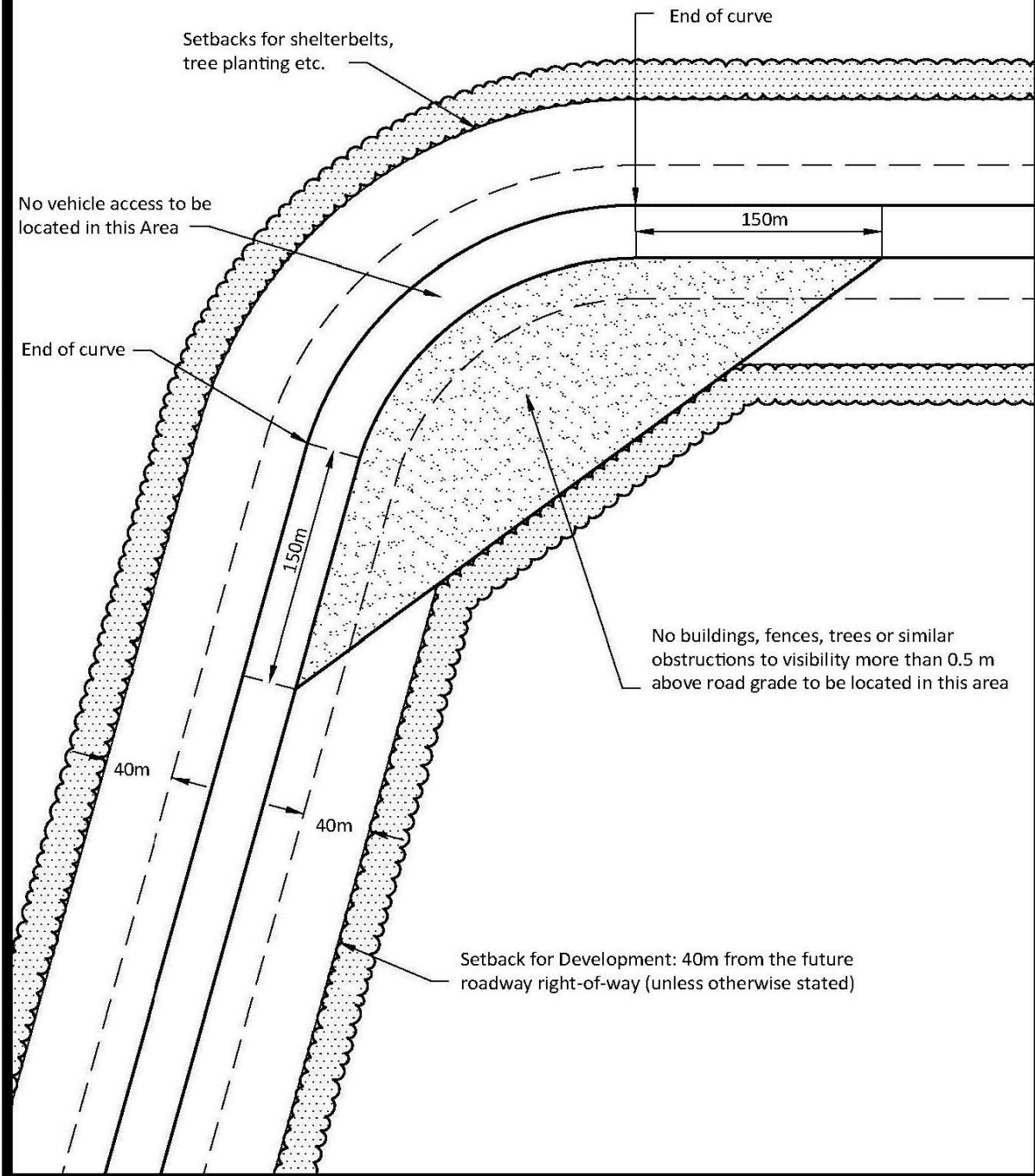
## EXPLANATION NOTES

### Intersection and Setbacks for Rural Roads



## EXPLANTION NOTES

### Setbacks for Road Curves and Corners for Rural Roads





- (c) Environment:
  - (i) Recreational development shall be compatible with the surrounding environment and in the opinion of the Development Officer, have no adverse effect on:
    - a. The water table and water bodies or water courses, and
    - b. The aesthetic value of the area.

#### **4.17 GRIMSHAW GRAVELS AQUIFER**

The Grimshaw Gravels Aquifer shall be outlined on the Land Use District Map and the following provisions shall apply to that area of the Municipal District.

- (1) Notwithstanding any other provision in this Bylaw, Council and/or the Development Officer may refer any application for an amendment to the Land Use Bylaw or a Development Permit to the following agencies for comments and recommendations on how the proposal will affect the Grimshaw Gravels Aquifer.
  - (a) Alberta Environment
  - (b) Alberta Health Services;
  - (c) Alberta Human Services: Plumbing Inspection Branch; and
  - (d) Any other agencies that Council and/or the Development Officer deems necessary.
- (2) On an application for an amendment to the Land Use Bylaw or a development on land located within the Grimshaw Gravels Aquifer the following information may be required by Council and/or the Development Officer.
  - (a) A professional engineering report and analysis on the impact of the development on the Grimshaw Gravels Aquifer, especially the groundwater re-charge area;
  - (b) A professional engineering report identifying the quality and quantity of the groundwater supply on the subject property;
  - (c) Water level contour mapping; and/or
  - (d) An indication of the suitability of the subject property for sewage disposal.

#### **4.18 HEIGHT OF BUILDINGS**

Subject to the provisions of other sections of this Bylaw, the Development Officer may regulate the height of buildings on a site for a development where a Development Permit is required based on firefighting capabilities, aesthetics and/or other reasons deemed necessary by the Development Officer.

#### **4.19 OCCUPATION, HOME**

*Bylaw No. 4/2017*

- (1) All home occupations shall comply with the following general regulations:
  - (a) No variation from the residential character of land or buildings shall be permitted;
  - (b) No offensive noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the home occupation;
  - (c) At all times the privacy and enjoyment of adjacent dwellings shall be preserved and the home occupation shall not adversely affect the amenities of the neighbourhood.
  - (d) No pedestrian or vehicular traffic in excess of that which is characteristic of the neighbourhood within which it is located;
- (2) In addition to subsection 4.19 (1), an Occupation, Home - Type I shall:
  - (a) Be exclusively conducted and operated within the principal building and there shall be no exterior storage of any equipment, materials or products used in the home occupation or in the outdoor operation of the home operation;
  - (b) Not involve the parking or maintenance of a commercial vehicle on or about the lot.
- (3) In addition to subsection 4.19 (1), an Occupation, Home - Type II shall:
  - (a) Be primarily conducted and operated within the principal building or ancillary building(s);
  - (b) Not involve the sale or display of any goods on the lot other than those goods constituting the finished principal product of the home occupation;
  - (c) Not have any person other than residents of the lot engaged in the home occupation on the lot;
  - (d) Not have any exterior storage or operation; and
  - (e) Not have more than two commercial vehicle(s) and trailer(s) to be used in conjunction with the home occupation, parked or maintained on or about the lot.

#### **4.20 ILLUMINATION**

- (1) Lighting fixtures, which are not public uses and which are designed for exterior illumination, shall be installed with the light directed and deflected away from public roads.

- (2) Lighted fixtures shall not be more than 9.1 metres (30 feet) above finished grade.

#### **4.21 KEEPING OF LIVESTOCK IN RESIDENTIAL DISTRICTS**

- (1) No person shall keep, or permit to be kept, in any part of the yard in any HAMLET GENERAL DISTRICT:
- (a) ANIMALS, with the exception of dogs, cats, and such other usual domestic pets as are kept, providing that these pets are kept under the condition that they do not act as a nuisance or reduce the amenities of the area; and
  - (b) any pets or domestic animals on a commercial basis, except for an approved pet store or KENNEL.
- (2) In any COUNTRY RESIDENTIAL DISTRICT in which LIVESTOCK is allowed, the following shall apply:
- (a) LIVESTOCK shall not be permitted on a parcel with an area of less than 0.4 hectares (1 acre).
  - (b) LIVESTOCK shall be limited to no more than one (1) animal unit per 0.4 hectares (1 acre), to a maximum of six (6) animal units per parcel, as defined in the following table:

<b>Sample Type of LIVESTOCK</b>	<b>Number of Animals Equivalent to One Animal Unit</b>
Cow (Plus calf under 6 months)	1
Horse	1
Sheep/Goats/Pigs	2
Fowl (Chicken, Ducks, Geese)	12

- (3) Adequate fencing and /or buffering shall be constructed to the satisfaction of the Development Authority to ensure the on-site confinement of LIVESTOCK and to reduce the impact of noise, odour or visual presence on surrounding properties.
- (4) Adequate measures, if required by Alberta Agriculture and Rural Development and/or the local Health Authority, for the disposal of animal wastes shall be provided to the satisfaction of the Development Authority.

#### **4.22 LANDSCAPING OR SCREENING**

- (1) Any area required to be landscaped may, at the discretion of the Development Officer, be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof, which will enhance the appearance of the site and complement the development on the site.
- (2) All planting of trees along provincially controlled highways are subject to the

approval of Alberta Transportation. Therefore, all proponents of a tree planting project along a provincially controlled highway are required to discuss their proposed project with Alberta Transportation at the very early stages of the project design process.

- (3) Notwithstanding these provisions, a shelterbelt will be set back no less than 10 metres (32.8 feet) from a roadway adjacent to a farmstead and set back no less than 40 metres (131.2 feet) from a roadway adjacent to a field shelterbelt.
- (4) Rural industrial parks may be required to screen around the outside perimeter of the park.

#### **4.23 LOCATION OF PRESSURE VESSEL STORAGE FACILITIES**

- (1) The Development Officer will make the decision to allow pressure vessel storage facilities for materials such as anhydrous ammonia, propane, oxygen, etc. with a water capacity exceeding 45,460 litres (10,000 gallons) in the following areas:
  - (a) Inside and within a 0.8 kilometre (0.5 miles) radius of the designated boundaries of any settlement, hamlet or town as established through the Municipal District of Peace No.135 Land Use Bylaw; or
  - (b) Within a distance of 0.8 kilometres (0.5 miles) of an existing residence.
- (2) All pressure vessel containers shall be constructed, located, and inspected in accordance with the provisions of the Alberta Safety Codes Act, and its regulations.
- (3) Upon receipt of a Development Permit Application for a development which includes a pressure vessel container with a water capacity exceeding 4,546 litres (1,000 gallons), the Development Officer may require the applicant to include:
  - (a) A site plan detailing the location of each pressure vessel;
  - (b) An approved emergency response plan detailing procedures in the event of a pressure vessel rupture or explosion; and
  - (c) Where applicable, a contact person and the location of the nearest emergency response team provided by the product vendor.
- (4) Upon receipt of an application for a Development Permit which includes a pressure vessel with a water capacity in excess of 4546 litres (1,000 gallons), the Development Officer shall refer the development proposal to the applicable fire department fire chief for his/her comments and recommendations.
- (5) Notwithstanding other provisions of this Bylaw, no residential development shall be allowed within 0.8 kilometres (0.5 miles) of an existing anhydrous ammonia

storage vessel with a water capacity exceeding 45,460 litres (10,000 gallons) within a hamlet, the Development Officer shall consider:

- (a) The material to be stored in the pressure vessel (s);
- (b) The orientation of the pressure vessel (s) to buildings in the surrounding neighbourhood, especially those which are used for residential use or public assembly;
- (c) The ability of the local fire department to respond to an accident involving the proposed development; and
- (d) The truck route through the community which will be used to service the proposed development.

#### **4.24 MAIN BUILDING PER LOT**

- (1) No person shall construct or cause to be constructed more than one main building per lot, unless otherwise permitted by this Bylaw.
- (2) Notwithstanding sub-section (1) to this section of the Bylaw, more than one main building may be placed on a lot for an airport if the use complies with those uses listed under the subject land use district included in this Bylaw.
- (3) More than one main building may be permitted on a parcel used for institutional, industrial, agricultural or recreational use subject to the discretion of the Development Officer.

#### **4.25 MINIMUM DUGOUT SETBACKS**

- (1) All dugouts near a Municipal Road Right-of-Way, NOT including highways as designated under the Highways Development and Protection Act, AR 326/2009, shall be set back a minimum of 40.8 metres (134 feet) from the road right-of-way.
- (2) All Dugouts shall be set back the following minimum distances from the property line:
  - (a) Side Yards:  
15.2 metres (50 feet) from a Side yard or as required by the Development Officer or the Municipal Planning Commission,
  - (b) Rear Yard:  
15.2 metres (50 feet) from a Rear yard or as required by the Development Officer or the Municipal Planning Commission,
  - (c) Front Yard:  
40.8 metres (134 feet) from a Front Yard or as required by the Development Officer or the Municipal Planning Commission,

- (d) Principal Building:  
15.2 metres (50 feet) from the Principal Building or as required by the Development Officer or the Municipal Planning Commission.

#### **4.26 MINIMUM LOT AREAS**

- (1) In each district established by this Bylaw and any amendments thereto, no building shall be erected, placed or moved-in on a site which comprises an area less than specified in the Land Use Districts Regulations- Minimum Lot Area for such district.
- (2) Notwithstanding the above, a lot with a separate record in the Land Titles Office containing less than the minimum area of width specified for the district may be used subject to the discretion of the Development Officer, if all other requirements of this Bylaw are observed.

#### **4.27 MINIMUM RURAL SUBDIVISION SETBACKS**

- (1) On a parcel of land located along a municipally controlled rural road, no development shall be permitted within 40.8 metres (134 feet) from a road allowance or right-of-way, nor within 7.6 metres (25 feet) from all other property lines, unless otherwise required by the Development Officer.
- (2) This does not supersede any setback requirements from watercourses, railways and any other setbacks that might be required in this Bylaw.

#### **4.28 MINIMUM SEWAGE SYSTEM SETBACKS**

- (1) All private sewage disposal systems shall be set back the following minimum distances:
  - (a) Mounds  
3 metres (10 feet) from the property line  
9 metres (30 feet) from a basement  
3 metres (10 feet) from other buildings
  - (b) Open Discharge  
45 metres (150 feet) from a building  
90 metres (300 feet) from a property line
  - (c) Field  
1.5 metres (5 feet) from a property line  
3 metres (10 feet) from a septic tank  
9 metres (30 feet) from a basement  
3 metres (10 feet) from a building
  - (d) Lagoon  
45 metres (150 feet) from a building  
90 metres (300 feet) from a property line

#### 4.29 DWELLING UNIT, MANUFACTURED HOME

Bylaw No. 4/2017

- (1) In the Country Residential District and the Hamlet District, a manufactured home must:
  - (a) Have exterior finishes that are consistent with the materials used on the dwellings in the immediate and general area and in good condition,
  - (b) An undercarriage that is completely screened from view by fireproof skirting or by such other means satisfactory to the Development Authority, and
  - (c) The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.
- (2) If oil is being used for heating purposes, an oil receptacle shall be concealed and enclosed with external screening compatible with the manufactured home. A fuel oil tank is to be located above ground and shall be a minimum of 3.05 metres (10 feet) from any manufactured home.
- (3) Used manufactured homes over 5 years of age, under consideration for location or relocation on a parcel shall be of sound construction and condition, with intact exterior finishes and additions in good repair.
- (4) All additions, porches and skirting associated with a manufactured home shall be of a quality and appearance equivalent to the manufactured home

#### 4.30 MOTELS

- (1) Site requirements

	<u>Minimum Site Area/Unit</u>	<u>Minimum Yards</u>	<u>Minimum Area/Unit</u>
1 storey	139.4 sq.m. (1500 sq.ft.)	Front: 7.62 m. (25 ft.) Side: 3.05 m. (10 ft.) Rear: 3.05 m. (10 ft.)	26.5 sq.m. (285 sq.ft.)
2 storey	93 sq.m. (1000 sq.ft.)	Front: 7.62 m. (25 ft.) Side: 3.05 m. (10 ft.) Rear: 3.05 m. (10 ft.)	26.5 sq.m. (285 sq.ft.)

- (2) Space between buildings

Except in the case of rentable units and any other buildings connected by a continuous roof to form a shelter for motor vehicles, not less than 3.7 metres (12 feet) of clear and unoccupied surface space shall be provided between each rentable unit and any other building on the site.

- (3) Driveways

Each rentable unit shall face onto or abut a driveway not less than 6.09 metres (20 feet) in width and shall have unobstructed access thereto.

(4) Entrances and exits

Not more than one motor vehicle entrance and one motor vehicle exit to a roadway, each a minimum width of 7.62 metres (25 feet) measured at the minimum dimension shall be permitted, provided that one combined motor vehicle entrance shall be permitted, not less than 9.14 metres (30 feet) in width.

(5) Maintenance of site and buildings

The owner, tenant, operator or person in charge of a motel shall at all times:

- (a) Provide garbage and/or incineration facilities to the satisfaction of the Development Officer;
- (b) Provide an appropriate fence where required, not less than 0.76 metres (30 inches) in height around the boundaries of the site and shall provide landscaping.

#### **4.31 MOVED-IN BUILDINGS**

- (1) Any building to be moved in or placed within any district established by this Bylaw, other than a farm building in an Agricultural District, will need approval by the Development Officer.
- (2) An application to “move in” a building may include:
  - (a) A coloured photograph of the building;
  - (b) A statement of the present location of the building;
  - (c) A notification of the relocation route; and
  - (d) A complete site plan showing all buildings located or to be located on the lot.
- (3) The Development Officer may require a performance bond or letter of credit related to the proposed development.
- (4) The Development Officer may require that a notice in writing be forwarded to all adjacent landowners.
- (5) Any renovations and any conditions imposed by the Development Officer on a moved-in building shall be completed within one year of the issuance of the Development Permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.
- (6) Any building receiving approval to be relocated shall be brought up to all existing



standards, ordinances, rules, regulations, and bylaws, including the Alberta Safety Codes Act.

- (7) When reviewing Development Permit Applications for moved-in buildings, the Development Officer shall consider the impact of the proposed moved-in building on the aesthetics and value of adjoining properties.
- (8) The outside of a moved-in building shall be renovated to blend in with the neighbouring buildings. This may include but not be limited to putting on new siding, new windows, new doors or new shingles. The renovations shall be done to the satisfaction and discretion of the Development Officer. The Developer has one year from the date of issuance of the Development Permit to complete the renovations required by the Development Officer.

#### **4.32 PARCEL DENSITY IN AGRICULTURAL DISTRICTS**

The parcel density maximum specified in all Agricultural Districts in this Bylaw shall not apply in those special cases where subdivision is being proposed for the express purpose of creating legal boundaries so that the parcel may be incorporated into an existing urban area.

The intent here is to facilitate urban expansion where necessary and not to override the density provisions throughout the Municipal District.

#### **4.33 PARKING AND LOADING FACILITIES**

- (1) In consideration of all applications for a Development Permit, the Development Officer may require the provision of adequate parking spaces for the use proposed. Each application will be evaluated individually and a decision made regarding:
  - (a) The number of spaces to be provided,
  - (b) The location of the parking spaces,
  - (c) The size of the parking spaces/areas,
  - (d) Requirements for loading areas,
  - (e) Adequate access and egress to parking areas.

#### **4.34 POTENTIALLY UNSTABLE LANDS**

- (1) Development on lands which are designated or deemed by the Municipal District to be potentially unstable shall be discouraged.
- (2) When reviewing an application for development on potentially unstable lands, the Development Officer shall consider the following:

- (a) The impact of the proposed development on the subject and surrounding area;
  - (b) The soil and slope conditions of the area surrounding the subject property;
  - (c) Any information on the past history of the subject property and surrounding area from a geotechnical perspective; and
  - (d) Comments and recommendations from Alberta Environment.
- (3) As part of the Development Permit Application, the Development Officer may require a geotechnical study, prepared by a qualified geotechnical engineer, addressing the proposed development. The geotechnical study will establish building setbacks from property lines based upon the land characteristics of the subject property.
- (4) The Development Officer may require all or any of the following as conditions of approval for a Development Permit Application on land which is considered potentially unstable:
- (a) A certificate from a qualified professional geotechnical engineer certifying that the design of the proposed development was undertaken with full knowledge of the soil and slope conditions of the subject property;
  - (b) A certificate from a qualified professional geotechnical engineer when the proposed development includes cut and/or fill sections on slopes and /or including the addition of fill to the subject property;
  - (c) That measures be taken to ensure that infiltration into area slopes, the subject property and adjacent lands are minimized;
  - (d) The registration of a restrictive covenant against the certificate of title for the subject property related to the approved development; and/or
  - (e) The registration of an easement against the certificate of title for the subject property entitling the Municipal District or an agent on behalf of the Municipal District the right to enter the subject property to carry out such improvements and repairs as are required to maintain the stability of adjacent properties which, if not corrected, could adversely affect surrounding lands.

#### **4.35 PROJECTION OVER YARDS**

- (1) The portions of any attachments to a main building which may project over a minimum yard setback are:
  - (a) On a site in a hamlet residential district: a cornice, window sill or a canopy of eaves, which project for a distance not exceeding one-half of the minimum side yard required for the site;

- (b) A chimney which projects 0.6 metres (2 feet) or less provided that in each case it is not less than 0.9 metres (3 feet) from the side boundary of the site; and
- (c) Unenclosed steps with or without a landing and above the surface of the yard if they do not project more than 2.4 metres (8 feet) over or on a minimum front yard or rear yard or more than 0.9 metres (3 feet) in a side yard.

#### **4.36 RELIGIOUS USE FACILITIES**

- (1) The site upon which a religious use facility is situated shall have a frontage of not less than 30.5 metres (100 feet) and an area of not less than 929 square metres (10,000 square feet).
- (2) In the case where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the religious use facility, the combined area of the site shall not be less than 1393.5 square metres (15,000 square feet).
- (3) The front, side and rear yard setbacks in the case of a religious use facility site shall be those permitted within the district in which such religious use facility site is located.

#### **4.37 REMOTE AREA – WILDLAND/URBAN INTERFACE DEVELOPMENTS**

- (1) When, in the opinion of the Development Officer, a proposed development would be located in an area which may be:
  - (a) A significant wildfire hazard area; or
  - (b) Too remote for existing municipal services to be effective in an emergency (i.e., access to fire department, provision of a municipal water distribution system, firefighting water supply, etc.),

The Development Officer shall consider the following as conditions to the issuance of a Development Permit:

- i. The suitability of the site for the proposed use; and
  - ii. Measures which can be taken to reduce fire hazard may include, but at the discretion of the Development Officer, are not limited to:
- (c) A 5 metres (16.5 feet) perimeter around all structural developments on the site which will be free of all trees, shrubs and fine fuels;
- (d) A reduced fuel zone perimeter of 5 metres (16.5 feet) from (a) above in which all branches, living or dead, and any loose flaky bark are to be removed to a height of 2 metres (6.6 feet) above ground level;

- (e) The installation of spark arresters on all fire-places and chimneys;
  - (f) The provision of an emergency access;
  - (g) Roofs to be constructed for non-combustible or combustion retardant materials;
  - (h) The provision of an adequate on/off-site water supply and equipment for firefighting purposes (such as fire extinguishers). A recommended water supply for residential developments is a minimum of 225 litres (50 gallons); and
  - (i) A fire break of 5 metres (16.5 feet) in width shall be cleared of standing trees and all fine fuels around the entire perimeter of the site.
- (2) When, in the opinion of the Development Officer, a proposed development would be located in an area which may be susceptible to wildfires from on-site or adjacent forested areas, the Development Officer shall consult with Alberta Sustainable Resource Development – Lands Division and Alberta Environment prior to the issuance of a Development Permit.

#### **4.38 REMOVAL OF TOPSOIL**

- (1) A Development Permit is required for the removal or stockpile of topsoil for non-agricultural purposes.
- (2) A Development Permit shall only be granted, where it is shown to the satisfaction of the Development Officer, that the land or adjacent land will not be adversely affected by the removal of the topsoil.
- (3) An application for the removal of topsoil may be referred to Alberta Environment and/or Alberta Agriculture and Rural Development for advice.

#### **4.39 SETBACKS FROM RAILWAY LINES**

- (1) The minimum setback from railway rights of way and station grounds for buildings shall be as follows:
  - (a) 15.24 metres (50 feet) for all residential, commercial, public use, and recreational developments that are not deemed compatible with railway operations; and
  - (b) At the discretion of the Development Officer for manufacturing and other land uses that are deemed compatible with railway operations.
- (2) If, in the opinion of the Development Officer, a development or subdivision proposal may be affected by railway operations, the Development Officer may refer the development or subdivision proposal to the Railway Authority, Business

Planning Branch, for their review and comment.

#### **4.40 SPECIAL LAND USE PROVISIONS FOR TRAIL DEVELOPMENT**

##### **(1) Approvals**

- (a) Notwithstanding sub-section 3.3(5) of this Bylaw, a Development Permit shall be required for all trail development.
- (b) A Development Permit shall only be granted where it is shown to the satisfaction of the Development Officer that the application requirements, provisions for trail development, the Land Use Bylaw and any other applicable legislation have been met.
- (c) Prior to reaching a decision, the Development Officer may refer any application for a trail development to the Mackenzie Municipal Services Agency, Alberta Sustainable Resource Development – Lands Division, Alberta Tourism, Parks and Recreation, Alberta Transportation, and/or any other applicable body to receive qualified feedback and/or comments.

##### **(2) Application Requirements**

- (a) All Development Permit Applications for trail development require that the following information must be provided:
- (b) The classification of the proposed trail according to the Alberta Recreation Corridor and Trails Classification System.
- (c) Construction Plan including: parking areas and security, type of trail including surfacing materials (grass, gravel, asphalt), construction timeline, legal description of trail, construction materials and standards, costs and funding.
- (d) The type and number of user(s) the trail will accommodate. For example: walking, skiing, motorized (skidoos, quads), horses, etc. and the safety measures to be taken to accommodate more than one type of user.
- (e) Long Term Trail Management Plan – minimum 10 year plan, which must include:
  - (i) Information about proponent, contact names, address, phone and fax numbers
  - (ii) A site map (showing all properties that the trail crosses, environmentally sensitive areas, cultural and heritage sites,

- existing structure, proposed facilities, topography, and the location of intersections with roads)
  - (iii) A brief description of the location of the trail and its purpose
  - (iv) The location, height, and maintenance of fences if applicable
  - (v) The potential impacts of the projected levels of trail use (both now and in the future) on adjoining private property owners, agricultural operations, public lands, and communities
  - (vi) Site preservation and revegetation techniques that will be used to protect trailside vegetation
  - (vii) Safety considerations in the trail
  - (viii) Erosion mitigation techniques
  - (ix) Permitted uses of the trail
  - (x) Access points and emergency access
  - (xi) Grooming (e.g., ski trails)
  - (xii) The rules to be applied to trail users
  - (xiii) The group which has jurisdiction over this trail
  - (xiv) Maintenance responsibilities, schedule, and funding
  - (xv) Brush control
  - (xvi) Garbage clean-up/removal
  - (xvii) Weed control measures
  - (xviii) Signage use and placement
  - (xix) Ownership of trail (titled or leased)
  - (xx) Fire control plan
  - (xxi) User control plan
  - (xxii) Construction standards
  - (xxiii) Safety inspection plan and/or schedule
  - (xxiv) A list of all trail facilities including garbage receptacles, toilets, rest areas, and all other proposed trail facilities
  - (xxv) Landscaping provisions
  - (xxvi) Temporary trail closure procedures (fire hazard conditions)
  - (xxvii) Sound attenuation methods where applicable
- (f) Where a trail development is proposed on public lands, approval from Alberta Sustainable Resource Development – Lands Division and Alberta Tourism, Parks and Recreation, and written support from property owners adjacent to or near the trail, and a statement of the number of property owners opposed to the trail and the reasons for their opposition.
- (g) Where a trail development is proposed on privately owned lands written support from property owners adjacent or near the trail and a statement of the number of property owners opposed to the trail and the reason for their opposition.
- (h) Where a trail development is proposed on public and privately owned lands, approval from Alberta Sustainable Resource Development – Lands Division and Alberta Tourism, Parks and Recreation, and written support from property owners adjacent to or near the trail, and a statement of the number of property owners opposed to the trail and the reasons for their opposition.

- (i) Evidence to the Municipal District of Peace No.135 from an insurance company, that they are eligible to obtain a minimum of \$2 million in liability insurance.
- (j) The Development Officer may, at his/her discretion, waive any of the above requirements if deemed not applicable and/or unnecessary by the Development Officer, and a decision can be properly made on the application without that information.

### **(3) Bond**

The Municipal District of Peace No.135 may require a performance bond, letter of credit, or some other form of security, in order to guarantee that reclamation of the trail will be completed in the event that the owner is unable to maintain the trail in an operable condition.

### **(4) Development Authorities Discretionary Guidelines**

- (a) The Development Officer shall, in reaching a decision on an application for a trail development, consider the following:
  - (i) Information provided in the long-term trail management plan with specific regards to:
    - a. Public safety
    - b. Maintenance and delegation of responsibilities
    - c. Compatibility of the trail development with the surrounding land uses
    - d. Compatibility of use(s) of the trail development with the surrounding land uses.
  - (ii) The circumstance and planning merits of the application including, but not limited to:
    - a. The impact on properties in the vicinity of such nuisance factors as smoke, airborne emissions, odours and noise.
    - b. Environmental management and considerations including but not limited to erosion control and weed control,
    - c. The design, character and appearance of the proposed development and in particular whether it is compatible with and complementary to the surrounding properties,
    - d. The servicing requirements of the proposed development.
- (b) The Development Officer, at his/her discretion, may limit the use of a trail development to those uses which are permitted uses for the trail development.

### **(5) Provisions for Trail Development**

- (a) Construction standards for all trail developments must be appropriate for the use, which is expected of the trail. Surfacing, drainage, width, and grade standards shall be to the satisfaction of the Development Officer.
- (b) Trail Developments must incorporate access points and may require parking areas and amenities, together with landscape buffering or a form of screening, where deemed necessary by the Development Officer.

#### **4.41 SUBDIVISION STANDARDS**

- (1) Notwithstanding the district requirements in all districts for lot width, lot depth, and lot size, Council may recommend a variance to the district requirements for subdivision approval.
- (2) Where Council has deemed it necessary to allow for a variance, written reasons for their recommendations will be forwarded to the subdivision approving authority.
- (3) Upon recommendation from Council, the subdivision approving authority may approve a subdivision application which requires a variance.

#### **4.42 TEMPORARY INDUSTRIAL/RESIDENTIAL/BUNKHOUSE CAMP**

- (1) Notwithstanding sub-section 3.2 (5) of this Bylaw, a Development Permit shall be required for the construction of a temporary industrial or residential camp. For the purpose of this section of the Bylaw, this will include residential camps that are used in conjunction with construction projects.
- (2) In considering an application for a temporary industrial or residential camp, the Development Officer shall consider the following:
  - (a) The location, type and purpose of the camp;
  - (b) Access to the camp;
  - (c) The provision of services to the camp; and
  - (d) Adjacent land uses.

The development of a temporary industrial camp shall conform to Alberta Human Services standards.

#### **4.43 *DELETED***

*Bylaw No. 4/2017*

#### **4.44 TRANSFER OF CROWN LAND TO PRIVATE OWNERSHIP**

Land which is transferred from the Crown of Alberta to private ownership shall be immediately considered to be Agricultural District (AG) unless otherwise zoned by the Municipal District, and not require a formal amendment to this Bylaw provided that the development on the subject property or proposed development meets the spirit and intent of the Agricultural Land Use District.

#### **4.45 UTILITIES**

- (1) In a development to be served by private sewer and water systems, the necessary water and sewer approvals should be obtained.
- (2) The erection of a building on any site where it would otherwise be permitted under



this Bylaw shall be prohibited when, in the opinion of the Development Officer, satisfactory arrangements have not been made by the developer for the supply to the building of water, electric power, sewage and street access, or any of them, including payment of the costs of installing or constructing any such utility or facility by the developer.

#### **4.46 ABOVEGROUND CRUDE OIL STORAGE TANKS**

*Bylaw No. 11/2013*

- (1) The Development Authority may require that the development permit application include information regarding location, dimensions, site grading, tank and piping details, mechanical protection details, installation details, ventilation systems for the control of vapour emissions and other design and mitigative measures. All required information shall be to the satisfaction of the Development Authority.
- (2) The Aboveground Crude Oil Storage Tanks shall only be allowed in the Rural Industrial: Petroleum Facility District (RI-PF) and no other district.
- (3) Appropriate conditions of approval shall include:
  - (a) No material shall be stored in the Aboveground Crude Oil Storage Tanks or on the Lot until a qualified professional has certified that the development has been constructed in accordance with the requirements of the development permit.
  - (b) No material shall be stored in the Aboveground Crude Oil Storage Tanks or on the Lot until the developer has satisfied the Development Authority that all relevant Federal and Provincial legislation and approvals (including spatial separation requirements) have been obtained.
  - (c) The development may only continue to operate if there is compliance with the requirements of the development permit and all relevant Federal and Provincial legislation and approvals (including spatial separation requirements).
- (4) No Aboveground Crude Oil Storage Tank shall be allowed within 100 metres (328 feet) of an existing Dwelling, nor shall a Dwelling be allowed within 100 metres (328 feet) of an Aboveground Crude Oil Storage Tank.
- (5) These minimum setback requirements shall not apply to a caretaker residence on the same parcel as a proposed Aboveground Crude Oil Storage Tank.

#### **4.47 DWELLING UNIT, GARAGE SUITE**

*Bylaw No. 4/2017*

- (1) The following shall apply to all Garage Suite development. A Garage Suite shall:
  - (a) Be located within the same yard site as the primary dwelling unit.
  - (b) Not be subject to separation from the principal dwelling through a

condominium conversion or subdivision.

- (c) Have a separate and direct access to grade.
  - (d) Have a minimum floor area of 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
  - (e) Have a minimum separation distance of 2.4 metres (8 feet) from the principal building and 1.2 metres (4 feet) from all other buildings on the same parcel of land.
  - (f) Have windows sized and placed to minimize overlook into yards and dwellings of abutting properties.
  - (g) Include a minimum of one on-site parking space shall be provided for each garage suite containing two bedrooms or less. A garage suite containing three bedrooms shall provide two on-site parking spaces.
  - (h) Have an amenity space that is a minimum area of 7.62 square metres (25 square feet) with no dimension less than 1.5 metres. A private amenity space may be provided in the form of a balcony, deck or patio.
- (2) The following shall apply to a Garage Suite development in the Agricultural (AG) District, and Country Residential (CR) District. A Garage Suite shall:
- (a) Use the same road access as the primary dwelling unit.
  - (b) Not be located on any parcel or site which contains two or more permanent dwelling units. Notwithstanding the above, on parcels within the Agricultural District where there is more than one Single Detached Dwelling, a Garage Suite may be permitted as an accessory development to each Single Detached Dwelling.
  - (c) Not be developed on the same site as a principal dwelling containing a Bed and Breakfast, Secondary Suite or Garden Suite.
- (3) The following shall apply to a Garage Suite development in any district other than the Agricultural (AG) District, and Country Residential (CR) District. A Garage Suite shall:
- (a) Not be located on any parcel or site which contains two or more permanent dwelling units.
  - (b) Not be located on the front yard.
  - (c) Not exceed the height of the principal dwelling.
  - (d) Not be developed on the same site as a principal dwelling containing a Home Occupation (type 2), Bed and Breakfast, Secondary Suite or Garden Suite.

#### **4.48 DWELLING UNIT, GARDEN SUITE**

*Bylaw No. 4/2017*

- (1) The following shall apply to all Garden Suite development. A Garden Suite shall:
  - (a) Be located within the same yard site as the primary dwelling unit.
  - (b) Not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
  - (c) Have a separate and direct access to grade.
  - (d) Have a minimum floor area of 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
  - (e) Have a minimum separation distance of 2.4 metres (8 feet) from the principal building and 1.2 metres (4 feet) from all other buildings on the same parcel of land.
  - (f) Have windows sized and placed to minimize overlook into yards and dwellings of abutting properties.
  - (g) Include a minimum of one on-site parking space shall be provided for each garden suite containing two bedrooms or less. A garden suite containing three bedrooms shall provide two on-site parking spaces.
  - (h) Have an amenity space that is a minimum area of 7.62 square metres (25 square feet) with no dimension less than 1.5 metres. A private amenity space may be provided in the form of a balcony, deck or patio.
- (2) The following shall apply to a Garden Suite development in the Agricultural (AG) District, and Country Residential (CR) District. A Garden Suite shall:
  - (a) Use the same road access as the primary dwelling unit.
  - (b) Not be located on any parcel or site which contains two or more permanent dwelling units. Notwithstanding the above, on parcels within the Agricultural District where there is more than one Single Detached Dwelling, a Garage Suite may be permitted as an accessory development to each Single Detached Dwelling.
  - (c) Not be developed on the same site as a principal dwelling containing a Bed and Breakfast, Secondary Suite or Garage Suite.
- (3) When considering an application for a Garden Suite where the floor area of the proposed development will exceed the floor area of the existing dwelling, the Development Authority shall regard the larger dwelling as the principle dwelling and the smaller dwelling as the Garden Suite.
- (4) The following shall apply to a Garden Suite development in any district other than

the Agricultural (AG) District, and Country Residential (CR) District. A Garden Suite shall:

- (a) Not be located on any parcel or site which contains two or more permanent dwelling units.
- (b) Not be located on the front yard.
- (c) Not exceed the height of the principal dwelling.
- (d) Not be developed on the same site as a principal dwelling containing a Home Occupation (type 2), Bed and Breakfast, Secondary Suite or Garden Suite.

#### **4.49 DWELLING UNIT, SECONDARY SUITE**

*Bylaw No. 4/2017*

- (1) The following shall apply to all Secondary Suite development. A Secondary Suite shall:
- (a) Not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
  - (b) Have a separate entrance to the secondary suite, accessed either from a common indoor landing or directly from the side or rear of the building.
  - (c) Have a minimum floor area of 30.0 m<sup>2</sup> (323.0 ft<sup>2</sup>).
  - (d) Have a maximum floor area as follows:
    - a. for a secondary suite located completely below the first storey of a single detached dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;
    - b. for a secondary suite developed at grade, or completely/partially above grade, the floor area (excluding the area covered by stairways) shall not exceed the lesser of the following: 92.9 m<sup>2</sup> (1000.0 ft<sup>2</sup>) or 50% of the total floor area of the first storey of the associated principal dwelling.
  - (e) Be developed in such a manner that the exterior of the principal building containing the secondary suite appears as a single dwelling.
  - (f) Include a minimum of one on-site parking space for each secondary suite containing two bedrooms or less. A secondary suite containing three bedrooms shall provide two on-site parking spaces.
  - (g) Have an amenity space that is a minimum area of 7.62 m<sup>2</sup> (25 ft<sup>2</sup>) with no dimension less than 1.5 m. A private amenity space may be provided in the form of a balcony, deck or patio.

- (2) The following shall apply to a Secondary Suite development in the Agricultural (AG) District, and Country Residential (CR) District. A Secondary Suite shall:
  - (a) Not be located on any parcel or site which contains two or more permanent dwelling units. Notwithstanding the above, on parcels within the Agricultural District where there is more than one Single Detached Dwelling, a Secondary Suite may be permitted as an accessory development to each Single Detached Dwelling.
  - (b) Not be developed on the same site as a principal dwelling containing a Bed and Breakfast, Garage Suite or Garden Suite.
- (3) The following shall apply to a Secondary Suite development in any district other than the Agricultural (AG) District, and Country Residential (CR) District. A Secondary Suite shall:
  - (a) Not be developed on the same site as a principal dwelling containing a Home Occupation (type 2), Bed and Breakfast, Garage Suite or Garden Suite.

#### **4.50 DWELLING UNIT, CARETAKER'S RESIDENCE**

*Bylaw No. 4/2017*

- (1) Only 1 Caretaker's Residence may be located on a parcel of land. It may be located within the building in which the business is being conducted, or may be detached from that building. In all cases, it shall be a self-contained dwelling unit and the residential space shall not exceed 69.6 m<sup>2</sup> (750 ft<sup>2</sup>).
- (2) Any detached Caretaker's Residence shall be located a minimum of 3 m (10 ft.) from any other building on the parcel, and shall be located no closer to the front of the parcel than the front line of the principal building in which the business is being operated.
- (3) The Development Authority may impose any other setback, design, or landscape conditions as they deem appropriate for each situation considering, but not restricted to: the type of business being operated; the condition and design of the existing buildings; and the amenities of the neighbourhood.
- (4) The duration of the Development Permit issued for a Caretaker's Residence shall be limited to the operation of the specific business for which the applicant of the permit applied.

#### **4.51 CANNABIS RETAIL SALES**

*Bylaw No. 11/2018*

- (1) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (2) Cannabis Retail Sales use shall not be located within 100 metres from the following
  - (a) a private or public school;
  - (b) a provincial health care facility; or
  - (c) school reserve or municipal and school reserve.
- (3) The separation distance between uses shall be measured from lot line to lot line.
- (4) The development shall not operate in conjunction with another approved use.
- (5) Customer access to the store is limited to a store-front that is visible from the street.
- (6) No customer parking shall be located behind a facility and all parking areas in front of the building shall be well lit.

#### **4.51 INFORMATION REQUIREMENTS FOR AGGREGATE RESOURCE EXTRACTION APPLICATIONS**

*Bylaw No. 9/2020*

The following regulations only apply to gravel and/or sand pit or gravel and/or sand pit, quick extraction development. These regulations are intended to ensure that adequate information is available to the community and Municipal District decision-makers and to assist in minimizing the conflicts associated with this use and other land uses. These regulations may be applied in the review of Development Permit applications for this use.

- (1) It is the preference of the Municipal District that sand and gravel operations adjacent to the right-of-way of Shaftesbury Trail are to be gradually phased out in order to reduce negative impacts to the quality of life of residents in residential subdivisions adjacent to this roadway. Operators/applicants must be aware that the Municipal District may not issue a development approval for a new or expanded operation on lands adjacent to this roadway.
- (2) All operators/applicants must arrange for a compulsory pre-application meeting with the Municipal District's administration prior to submitting a Land Use Bylaw Amendment or Development Permit application to review information and consultation requirements.
- (3) A Land Use Bylaw Amendment or a Development Permit application must include all those requirements set out in this section as well as sections 3.3 and/or 4.17 of this Bylaw

- (4) A Land Use Bylaw Amendment or a Development Permit application shall include a copy of all plans and permits as required by Provincial Authorities and the Development Authority.
- (5) The Development Authority may require an operator to provide an Environmental Impact Assessment that addresses, but is not limited to, the following (notwithstanding any other provisions in the LUB):
  - (a) Visual Baseline and Impact Assessment;
  - (b) Air Quality Baseline and Impact Assessment;
  - (c) Noise Baseline and Impact Assessment;
  - (d) Soils Baseline and Impact Assessment;
  - (e) Vegetation Baseline and Impact Assessment;
  - (f) Wildlife Baseline and Impact Assessment;
  - (g) Traffic Baseline and Impact Assessment;
  - (h) Ground and Surface Water Hydrological Quality Baseline and Impact Assessment;
  - (i) Historical Resources Impact Assessment, if required by the Provincial Authority;
  - (j) Community Consultation process and Results; and
  - (k) Any other report, plan or study the Development Authority deems necessary to make a decision on an application.
- (6) The Development Authority may require an operator/applicant to provide the following plans (notwithstanding any other provisions in this Bylaw):
  - (a) Activities Plan
    - An Activities Plan must include the following:
      - i. A general introduction to the proposed development including:
        - 1. Type of operation, i.e., dry pit, wet pit, crushing and screening, sand and gravel washing or other;
        - 2. Estimated duration of the operation;
        - 3. If applicable, federal and provincial approvals for development of site and on-going operations;
        - 4. Project phasing.
      - ii. The development rationale
        - 1. Public benefit from operation.

2. Municipal benefit from operation.
- iii. The characteristics of the site
  1. Development area characteristics and site location within the Municipal District (include legal land description and location of existing pit areas, if applicable). The applicant should also provide an Orthophoto of the Development Area that includes excavation pit area and property boundaries, existing buildings within the operations area, existing access/egress, major roadways, and water courses/bodies.
  2. The proposed locations of topsoil and overburden stockpiles and gravel stockpiles, including the proposed distances between the stockpiles.
  3. The proposed location of all processing facilities, crusher, washing sites and plants.
  4. The proposed access points to the site from a road network.
  5. The proposed road network within the site highlighting existing facilities such as power lines and pipeline rights-of-way within and in the immediate vicinity of the development area.
  6. The location of all significant topographical features (watercourses, water bodies, topography, etc.) within the boundaries of the parcel.
  7. Any proposed site servicing.
- iv. The guidelines and plan for the aggregate extraction including phasing.
- v. The operator's daily operations procedures and policies with respect to:
  1. Proposed days and hours of operation.
  2. Proposed hauling activities and roads.
- vi. The actions and policies to mitigate impacts identified in an assessment of the proposed operation, including, but not limited to, dust, emissions, noise, weeds, soil erosion, and storm water management.

(b) Landscaping Plan

A Landscaping Plan must outline the location and type of all proposed landscaping. Landscaping is expected to provide an effective visual barrier prior to the beginning of operations, limit noise from the development and operations, and may include the installation of a fence around the perimeter of the excavation area.

(c) Reclamation Plan



A Reclamation Plan must include anticipated future land use, as determined by the Municipal District in its sole discretion, and set reclamation standards of the gravel and/or sand pit excavation area to enable that land use.

A Reclamation Plan should include a progressive reclamation schedule to the satisfaction of the Municipal District.

- (7) A Land Use Bylaw amendment application for redistricting to the appropriate land use district that has gravel and/or sand pit or gravel and/or sand pit, quick extraction as a use or a Development Permit application, if the operation is located on land already districted for those uses.
- (8) The following policies will be adhered to by the operator to the satisfaction of the Municipal District:
  - (a) Continuous Consultation Policy  
The operator is to outline how they intend to consult and work with residences in vicinity (1.6 km (1.0 miles)) of the operation to prevent or mitigate issues between those residences and the operator.
  - (b) Issue Response Policy  
The operator is to outline how they will identify and respond to any issues arising in a timely and effective manner.
  - (c) Reporting Policy  
The operator will report annually to the Municipal District on their operations, communication activity between them and residences within 1.6 km (1.0 miles), and issues that occurred during operations.
- (9) Topsoil Removal  
Topsoil is to be stripped and stockpiled in a designated location identified within an Activities Plan. Stripping and stockpiling is to be completed prior to commencing operations within the area designated for a pit.
- (10) Indemnification  
A letter of credit may be required by the Municipality in order to guarantee that the reclamation plans in excess of what has been required by and indemnified by the Province are carried out and completed to the satisfaction of the Municipal District. The Municipal District's requirement for a letter of credit is to bridge the gap between the standards set by it and the Province. The letter of credit for the Municipal District does not need to duplicate the value of the indemnification required by the Province.
- (11) The Municipal District may require a letter of credit in order to enable it to enforce the conditions of a temporary permit.
- (12) Review of Development Proposal

The Development Officer shall forward a copy of a Development Permit application deemed to be complete to the Provincial Authority for comments and recommendations.

- (13) Where a proposed operation or expansion is to occur within 0.8 kms (0.5 miles) of a highway, the operator/applicant is responsible for submitting a copy of a Roadside Development Permit from the Provincial Authority to the Development Officer as part of the Development Permit application.
- (14) The Development Officer shall follow the publication titled *Guidelines and Standards for Controlling Future Gravel Pit Operations {2011}*, as amended.
- (15) **Caretaker's Residence**  
A caretaker's residence should be temporary in nature in order that the residence can be removed once the gravel and/or sand pit ceases to operate.
- (16) **Time Limits on Development Permits**  
A Development Permit issued within the quick excavation zone shall be time limited to a period of one year. A Development Permit within the quick extraction zone may be renewed annually for a period not exceeding five (5) years (continuously) from the date of the initial approval *or*, where applicable, from the date of a decision by the Subdivision and Development Appeal Board or the Municipal Government Board.
- (17) Approvals will be granted for a specified time period, not exceeding ten (10) years, at the end of which the operator/applicant will be required to apply to renew the permit in order to continue development. The Municipal District may require the operator/applicant to update previous studies provided for the initial application. The Municipal District will determine this requirement during the review of the Development Permit application
- (18) **Quick Extraction Zone**  
An application for a Gravel and/or Sand Pit, Quick Extraction must include the entirety of the gravel or sand deposit within the quick extraction zone on a parcel of land. The Municipal District shall not accept multiple gravel and/or sand pit, Quick Extraction applications on a single parcel.
- (19) Any other requirements considered necessary by the Municipal District Council and/or the Development Officer.
- (20) The operator/applicant is responsible for obtaining a haul road use agreement with the Municipal District. The Development Permit will not be issued until that agreement is approved by the Municipal District.

#### **4.52 CANNABIS PRODCUTION FACILITY**

*Bylaw No. 11/2018*

- (1) The owner or applicant must provide as a condition of development a copy of the current licence for all activities associated with cannabis production as issued by the Federal Government
- (2) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (3) The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.
- (4) The development shall not include an outdoor area for storage of goods, materials or supplies.
- (5) The development shall not operate in conjunction with another approved use.
- (6) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
- (7) The Development Officer may require, as a condition of a development permit, a waste management plan, completed by a qualified professional, which includes but not limited to, details on:
  - (a) the incineration of waste products and airborne emissions, including smell;
  - (b) the quantity and characteristics of liquid and waste material discharged by the facility; and
  - (c) the method and location of collection and disposal of liquid and waste material discharged by the facility.

#### **4.52 SHOUSE**

*Bylaw No. 4/2021*

The following regulations shall apply to the development of Shouse in any land use district where they are allowed:

- (1) The dwelling unit or residential portion of the building shall contain sleeping, sitting, cooking, food preparation and sanitary facilities.
- (2) There shall be a firewall separation between the dwelling unit and the shop or storage component of the building.
- (3) The dwelling unit shall have a separate and direct access to grade.
- (4) The residential portion shall not be subject to separation from the shop through a condominium conversion or subdivision.

- (5) A Shouse shall not contain a Secondary Suite in the form of a basement suite.
- (6) A Shouse shall comply with the Alberta Building Code.
- (7) Where a Shouse is proposed to contain a principal residence or dwelling unit, the minimum floor space shall be 304.8 m<sup>2</sup> (1000 ft<sup>2</sup>)
- (8) Where a Shouse is proposed to contain an accessory dwelling unit or secondary residence, the Shouse shall:
  - (a) have a minimum floor space of 300.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
  - (b) not be located on the front yard.
  - (c) be located at least 2.4 metres (8 feet) from the principal building and at least 1.2 metres (4 feet) from all other buildings on the site.
  - (d) not be located on any parcel or site which contains two or more permanent dwelling units
  - (e) not be developed on the same site containing a principal dwelling and a Garage Suite or Garden Suite.

#### **4.53 GUEST AND RECREATIONAL CABINS**

*Bylaw No. 4/2021*

- (1) No person shall construct or cause to be constructed a Guest or Recreational Cabin on a parcel of land unless a Development Permit for such a use has been issued. Recreational Cabin may be approved as part of a recreation Intensive or Recreation Extensive development, as deemed appropriate by the Development Authority.
- (2) A Guest or Recreational Cabin shall not be used as a dwelling unit and shall not be occupied continuously for longer than 180 days in one calendar year.
- (3) Guest Cabin shall only be allowed on a property with an existing principal dwelling unit.
- (4) A maximum of one (1) Guest Cabin shall be allowed on a property containing a principal dwelling unit.
- (5) The maximum size of Guest Cabin shall not exceed 29.7 square meters (320 square feet) and the maximum size of a Recreational Cabin shall not exceed 55.74 square meters (600 square feet)
- (6) The maximum number of Recreational Cabins allowed in a Recreational Intensive or Recreational Extensive development shall be 15 sites per hectare (6 sites per acre)
- (7) A minimum distance of ten (10) metres (32 feet) shall be maintained between Recreational Cabins and, where applicable, between Recreational Cabins and Recreational Vehicles

## **SECTION FIVE**

# **LAND USE DISTRICT REGULATIONS**

## PART FIVE - LAND USE DISTRICT REGULATIONS

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### 5.1 LAND USE DISTRICT REGULATIONS

In accordance with PART THREE of this Bylaw, the Development Officer is hereby authorized to decide applications for Development Permits for all permitted and discretionary uses as described in the following land use districts.

### 5.2 LAND USE DISTRICTS

Crown Land Management	(C)	
Agricultural	(AG)	
Joint Plan Agricultural	(JPAG)	
Country Residential	(CR)	
Country Residential Hobby Farm	(CR-2)	
Rural Industrial	(RI)	
Rural Industrial: Gravel Pit	(RI-GP)	
Rural Industrial: Petroleum Facility District	(RI-PF)	Bylaw No. 11/2013
<i>Deleted</i>		Bylaw No. 9/2020
Commercial Industrial District	(CI)	
Hamlet General	(HG)	
Direct Control 1	(DC-1)	
Highway Commercial District	(HC)	
Service Commercial District	(SC)	

#### A. LAND USE MATRIX

### 5.3 CROWN LAND MANAGEMENT (C)

#### A. PURPOSE

The purpose of this district is to identify areas where the ownership and control of the land is held by the Crown in right of Alberta. Most Crown land in Alberta is managed by Alberta Sustainable Resource Development (SRD), while Parks and Protected areas are managed by Alberta Tourism, Parks and Recreation (TPR). This land is managed to provide economic and environmental benefits and to enrich the quality of life of Albertans.

#### B. PERMITTED USES

No uses are permitted.

#### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory buildings, structure and/or use
- agriculture, extensive
- agriculture, intensive
- cemetery
- community hall
- dwelling unit, caretaker's residence
- farm building
- gravel and/or sand pit, quick extraction
- cabin, recreational
- industrial camp
- natural resource extraction industry
- park
- public use
- public utility
- recreation, extensive
- recreation, intensive
- renewable energy
- sign
- water reservoir or dugout

*Bylaw No. 9/2020*

*Bylaw No. 4/2021*

#### D. SITE PROVISIONS

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a private water system and a sewer system as deemed necessary by the Development Officer and except in accordance with the following provisions:

- (1) At the discretion of the Development Officer.

#### E. ADDITIONAL REQUIREMENTS

- (1) No Development Permit shall be issued for development on land within the Crown Land Management (C) District until a disposition (lease, license, disposition leading to patent, etc.) has been issued by Alberta Sustainable Resource

Development.

- (2) The Development Officer may decide on such other requirements as are necessary, having due regard to the nature of a proposed development and the purpose of this District.
- (3) Where a Sand and Gravel Pit is located on Crown Land, that development will be required to comply with the Site Provisions and Additional Requirements of the Rural Industrial: Gravel Pit land use district.
- (4) Any Crown land sold or otherwise disposed of into private ownership shall, immediately upon transfer from the Crown, be automatically designated as "Agricultural" (AG) for the purposes of this Bylaw.



## 5.4 AGRICULTURAL DISTRICT (AG)

### A. PURPOSE

The purpose of this district is to provide for the conservation of land for a wide range of agricultural purposes, to minimize the fragmentation of agricultural land, and to limit non-agricultural land uses to those which are not likely to interfere or be incompatible with agricultural land uses.

### B. PERMITTED USES

*Bylaw No. 4/2017*

- agriculture, extensive
- agriculture, intensive
- agriculture, minor
- dwelling unit, garage suite
- dwelling unit, garden suite
- dwelling unit, manufactured home
- dwelling unit, residential support home type 1
- dwelling unit, secondary suite
- dwelling unit, single detached
- farm building
- occupation, home (type 1)
- water reservoir or dugout

### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory buildings, structure and/or use
- agricultural industry
- airport
- auto body and repair shop
- bed and breakfast
- cannabis production facility
- cemetery
- community hall
- dwelling unit, group care facility
- dwelling unit, residential care facility
- dwelling unit, residential support home type 2
- greenhouse and plant nursery
- cabin, guest
- cabin, recreational
- industrial camp
- kennel
- landfill
- natural resource extraction industry
- occupation, farm
- occupation, home (type 2)
- park
- petroleum facility
- public use

*Bylaw No. 11/2018*

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

- public utility
- recreation, extensive
- recreation, intensive
- religious use facility
- renewable energy
- salvage yard
- school
- short term rental accommodation
- shouse
- sign
- storage facility
- veterinary clinic

*Bylaw No. 4/2021*

*Bylaw No 4/2021*

**C. (1) Site Specific Amendment:**

*Intensive livestock hog operation - Land location SW 26.81.25.W5M only*

**Subject to:** No spreading of liquid hog manure will be allowed on any quarter section identified on the Land Use Bylaw map as the Grimshaw Gravels Aquifer area.

**D. SITE PROVISIONS**

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a private water system and a sewer system as deemed necessary by the Development Officer and except in accordance with the following provisions:

**(1) Area of Site:**

**(a) Residential Uses:**

1.2 hectares (3 acres) minimum, 4 hectares (10 acres) maximum unless site conditions, natural features or existing development require a larger or smaller lot at the discretion of Council.

**(b) All Other Uses:**

At the discretion of the Development Officer or Council.

**(2) Front Yard Depth (minimum): 40.84 metres (134 feet) from the property line.**

**(3) Side Yard Depth/Rear Yard Depth (minimum): 15.24 metres (50 feet)**

**E. DENSITY**

**(1) Residential Uses:**

Two (2) parcels per quarter section or riverlot, with the balance of the quarter section or riverlot being one of the parcels.

**(2) All Other Uses:**

Maximum parcel density at the discretion of Council.

Parcels created for public use are not included in density calculations.

#### F. COUNTRY RESIDENTIAL PARCELS

- (1) Development of a country residence shall be prohibited:
  - (a) on sites where adequate year round access is not available by either a paved or graveled all weather road; and
  - (b) on sites where necessary services are not provided at the sole expense of the developer.
- (2) Development of a country residence shall be limited to the area required to accommodate the use.

#### G. DWELLING DENSITY

- (1) A maximum of one (1) dwelling shall be permitted on a parcel of less than 32.4 hectares (80 acres).
- (2) A maximum of two (2) dwellings shall be permitted on a parcel of 32.4 hectares (80 acres) or more.
- (3) Notwithstanding the above, additional residential development may be allowed in this land use district subject to Part 4.9 Dwelling Units Per Parcel.

#### H. ADDITIONAL REQUIREMENTS

The Development Officer may decide on such other requirements as are necessary, having due regard to the nature of a proposed development and the purpose of this District.

## 5.5 JOINT PLAN AGRICULTURAL DISTRICT (JPAG)

### A. PURPOSE

The purpose of this district is to regulate development in the area covered by the Peace River Inter-Municipal Development Plan.

### B. PERMITTED USES

*Bylaw No. 4/2017*

- agriculture, extensive
- agriculture, intensive
- agriculture, minor
- dwelling unit, garden suite
- dwelling unit, garage suite
- dwelling unit, manufactured home
- dwelling unit, residential support home type 1
- dwelling unit, secondary suite
- dwelling unit, single detached
- farm building
- occupation, home (type 1)
- water reservoir or dugout

### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory buildings, structure and/or use
- agricultural industry
- airport
- auto body and repair shop
- bed and breakfast
- cabin, guest
- cabin, recreational
- cannabis production facility
- cemetery
- community hall
- dwelling unit, group care facility
- dwelling unit, residential support home type 2
- greenhouse and plant nursery
- industrial camp
- kennel
- natural resource extraction industry
- occupation, farm
- occupation, home (type 2)
- park
- petroleum facility
- public use
- public utility
- recreation, extensive
- recreation, intensive
- religious use facility

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

*Bylaw No. 11/2018*

- renewable energy
- salvage yard
- school
- short-term rental accommodation
- shouse
- sign
- storage facility
- veterinary clinic

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

#### D. GENERAL REQUIREMENTS

In addition to the supplementary regulations and provisions contained in Parts Four, Six and Nine of this Land Use Bylaw, the following requirements shall apply to development proposals in this district.

#### E. SITE PROVISIONS

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a private water system and a sewer system as deemed necessary by the Development Officer and except in accordance with the following provisions.

##### (1) Area of Site:

- (a) 64.75 hectares (160 acres) or a quarter section or riverlot as registered in the Land Titles Office, or as recommended by Council.
- (b) A residential use excluding a farm building: 1.2 hectares (3 acres) minimum, 4 hectares (10 acres) maximum, or at the discretion of Council.
- (c) Farmsteads, cut off parcels, and country residential parcels:
  - (i) A reduction of the maximum parcel size may be required to include only that portion of the land necessary to accommodate buildings, water supply, sewage disposal, shelterbelt or other such features; and
  - (ii) Where a cut off parcel or existing lot development exceeds the maximum, a waiver may be requested by the subdivision approving authority.

##### (d) All other uses:

At the discretion of the Development Officer.

##### (2) Front Yard Depth (minimum): 40.84 metres (134 feet)

##### (3) Side Yard Depth/Rear Yard Depth (minimum): 15.24 metres (50 feet)

#### F. PARCEL DENSITY (minimum)

- (1) Residential Uses:  
Two (2) parcels per quarter section or riverlot, with the balance of the quarter section or riverlot being one of the parcels. *Bylaw No. 11/2014*
- (2) All Other Uses:  
Maximum parcel density at the discretion of Council.

Parcels created for public use are not included in density calculations.  
*Bylaw No. 11/2014*

#### G. DWELLING DENSITY

- (1) A maximum of one (1) dwelling shall be permitted on a parcel of less than 32.4 hectares (80 acres).
- (2) A maximum of two (2) dwellings shall be permitted on a parcel of 32.4 hectares (80 acres) or more.
- (3) Notwithstanding the above, additional residential development may be allowed in this land use district subject to Part 4.9 Dwelling Units Per Parcel.

#### H. ADDITIONAL REQUIREMENTS

- (1) Development of country residential parcels shall be prohibited:
  - (a) on sites where adequate year round access is not available by an all-weather road; and
  - (b) on sites where necessary services are not provided at the sole expense of the developer.
- (2) Development of a country residence shall be limited to the area required to accommodate the country residence.
- (3) The Development Officer may decide on such other requirements as are necessary, having due regard to the nature of a proposed development and the purpose of this District.

## 5.6 COUNTRY RESIDENTIAL DISTRICT (CR)

### A. PURPOSE

The purpose of this district is to accommodate country residential development of two (2) lots or more in areas of low agricultural potential.

### B. PERMITTED USES

*Bylaw No. 4/2017*

- dwelling unit, garden suite
- dwelling unit, garage suite
- dwelling unit, manufactured home
- dwelling unit, residential support home type 1
- dwelling unit, secondary suite
- dwelling unit, single detached
- occupation, home (type 1)
- park

### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory buildings, structure and/or use
- agriculture, minor
- bed and breakfast
- cabin, guest
- cabin, recreational
- dwelling unit, group care facility
- dwelling unit, residential support home type 2
- occupation, home (type 2)
- public use
- public utility
- renewable energy
- short-term rental accommodation
- shouse
- sign
- water reservoir or dugout

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

*Bylaw No. 11/2020*

### D. SITE PROVISIONS

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a private water system and a sewer system as deemed necessary by the Development Officer and except in accordance with the following provisions:

#### (1) Area of Site:

##### (a) Residential Uses:

1.2 hectares (3 acres) minimum, 4 hectares (10 acres) maximum unless site conditions, natural features or existing development require a larger or smaller lot, at the discretion of Council.

- (b) All Other Uses:

At the discretion of Council

- (2) Front Yard Depth (minimum):

- (a) Internal subdivision road: 30.48 metres (100 feet)
- (b) All other roadways: 40.48 metres (134 feet) from property line

- (3) Side Yard Depth/Rear Yard Depth (minimum):

15.24 metres (50 feet) or as required by the Development Officer

#### E. DENSITY

- (1) Parcel density per quarter section or riverlot shall be at the discretion of Council, based on a site specific analysis of each proposal, considering:
  - (a) the physical capability of the site to support development;
  - (b) the proposed servicing and the adequacy of the site to accommodate private water and sewer systems;
  - (c) any effects of the proposed density on surrounding land uses, the transportation network and the ability of the Municipal District to provide services; and
  - (d) other similar matters as deemed necessary by Council.

#### F. DWELLING DENSITY

- (1) A maximum of one (1) dwelling.
- (2) Notwithstanding the above, additional residential development in this land use district may be allowed subject to Part 4.9 Dwelling Units Per Parcel.

#### G. ADDITIONAL REQUIREMENTS

- (1) In making a decision the Development Officer may consider such matters as:
  - (a) the provisions, operations and maintenance of sewer and water facilities;
  - (b) the provision of power and heat;
  - (c) the collection and disposal of refuse;
  - (d) fire and police protection;
  - (e) development of parks and recreational areas; and
  - (f) availability of school accommodation and school busing



- (2) The Development Officer may decide on such other requirements as are necessary, having due regard to the nature of a proposed development and the purpose of this district.

## 5.7 COUNTRY RESIDENTIAL HOBBY FARM DISTRICT (CR-2)

### A. PURPOSE

The purpose of this district is to accommodate larger lot country residential developments where agricultural uses (hobby farms) are seen to be an integral part of the development.

### B. PERMITTED USES

*Bylaw No. 4/2017*

- dwelling unit, garden suite
- dwelling unit, garage suite
- dwelling unit, residential support home type 1
- dwelling unit, secondary suite
- dwelling unit, single detached
- occupation, home (type 1)
- park

### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory buildings, structure and/or use
- agriculture, intensive
- agriculture, minor
- bed and breakfast
- cabin, guest
- cabin, recreational
- dwelling unit, group care facility
- dwelling unit, residential support home type 2
- occupation, home (type 2)
- public use
- public utility
- recreation, intensive
- renewable energy
- short-term rental accommodation
- shouse
- sign
- water reservoir or dugout

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

### D. SITE PROVISIONS

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a private water system and a sewer system as deemed necessary by the Development Officer and except in accordance with the following:

#### (1) Area of Site:

Minimum site area dependent on use proposed at the discretion of Council.

#### (2) Front Yard Depth (minimum):

- (a) Internal Subdivision Road: 30.48 metres (100 feet)
- (b) All Other Roadways: 40.84 metres (134 feet) from property line
- (3) Side Yard Depth/Rear Yard Depth (minimum):  
15.24 metres (50 feet) or as required by the Development Officer

E. DENSITY

- (1) Parcel density per quarter section or riverlot shall be at the discretion of Council, based on a site specific analysis of each proposal, considering:
  - (a) the physical capability of the site to support development;
  - (b) the proposed servicing and the adequacy of the site to accommodate private water and sewer systems;
  - (c) any effects of the proposed density on surrounding land uses, the transportation network and the ability of the Municipal District to provide services;
  - (d) the retention of pockets of good agricultural land for use for hobby farm purposes; and
  - (e) other similar matters as deemed necessary by Council.

F. DWELLING DENSITY

- (1) A maximum of one (1) dwelling.
- (2) Notwithstanding the above, additional residential development in this land use district may be allowed subject to Part 4.9 Dwelling Units Per Parcel.

G. ADDITIONAL REQUIREMENTS

- (1) The establishment of agricultural activities in this district is encouraged in order to utilize the agricultural potential. However, conflicts between residential and more intensive agricultural pursuits may arise. Prior to a Development Permit being issued, the intensity of the agricultural development will be evaluated to assess the effects of the proposed agricultural pursuit on the surrounding residential parcels.
- (2) The Development Officer may decide on such other requirements as are necessary, having due regard to the nature of a proposed development and the purpose of this District.

**5.8    *DELETED***

*Bylaw No. 4/2017*

## 5.9 RURAL INDUSTRIAL DISTRICT (RI)

### A. PERMITTED USES

No uses are permitted

### B. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory building, structure and/or use
- agricultural industry
- asphalt plant
- cannabis production facility
- contractor's business
- dwelling unit, caretaker's residence
- industrial camp
- industry, rural
- natural resource extraction industry
- office
- oilfield equipment storage
- park
- public use
- public utility
- renewable energy
- salvage yard
- sign
- storage facility
- trucking and related facilities

*Bylaw No. 11/2018*

### C. SITE PROVISIONS

*Bylaw No. 7/2021*

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by water and sewer systems, as deemed necessary by the Development Officer. In the case of a lot located within the West Hill Business Park Area Structure Plan area, private water and sewer systems may be allowed on a temporary basis until such a time as municipal servicing is made available, in which case the lot or development shall be required to connect to municipal services, as per the Area Structure Plan. The following additional site provisions shall apply to all developments in this district:

- (1) Front Yard or Exterior Side Yard Setback (minimum);
  - (a) Internal Subdivision Road: 15.24 metres (50 feet)
  - (b) Provincially controlled highways: As specified in Part 4.15
- (2) Interior Side Yard Width (minimum): 15.24 metres (50 feet)
- (3) Rear Yard Depth (minimum): 15.24 metres (50 feet)

- (4) Parcel Size (minimum): 557.4 sq. metres (6000 sq. feet)
- (5) Building Height (maximum): At the discretion of the Development Officer.

D. ADDITIONAL REQUIREMENTS

- (1) All storage, freightage or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features or fences or a combination thereof to the satisfaction of the Development Officer.
- (2) Any rural industrial use located on a site bordering a highway or municipal road shall be screened, landscaped and buffered from these public roadways to the satisfaction of the Development Officer.
- (3) No rural industrial use shall be established that is or will become obnoxious by any of the following:
  - (a) noise;
  - (b) vibration;
  - (c) smoke;
  - (d) heat, humidity and glare; and/or
  - (e) any other nuisance factors.
- (4) The Development Officer may decide on such other requirements as are necessary, having due regard to the nature of a proposed development and the purpose of this district.

## 5.10 RURAL INDUSTRIAL: GRAVEL PIT DISTRICT (RI-GP)

### A. PURPOSE

The purpose of this district is to regulate the location of the government or privately owned gravel and sand pits within the Municipal District.

### B. PERMITTED USES

No uses are permitted

### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory building, structure and/or use
- agriculture, extensive
- asphalt plant
- dwelling unit, caretaker's residence
- gravel and/or sand pit, quick extraction
- public use
- public utility
- renewable energy
- sign
- water reservoir or dugout

*Bylaw No. 9/2020*

### D. SITE REQUIREMENTS

#### (1) Area of Site:

At the discretion of the Development Officer based on the area of the gravel and/or sand deposit.

#### (2) Site Plan:

A site plan, outlining the location of the excavation area, all on-site development and access points, shall be included in the Development Permit Application.

#### (3) Setbacks:

From a highway:	70 metres (229.65 feet) from the centerline of the highway to the excavation site or 40 metres (131.23 feet) from the property line to the excavation site, whichever is greater.
From a municipal road:	60.96 metres (200 feet) from property line
From a local road:	60.96 metres (200 feet) from property line
From a river bank:	60.96 metres (200 feet) from the upper break of the river bank

From the Property Line: There shall be a minimum 3 metre (9.84 feet) undisturbed buffer zone between the property line and any excavation.

Notwithstanding the above, the Development Officer may increase the development setbacks for a gravel and/or sand pit operation, depending on the characteristics of the proposed site.

(4) Landscaping:

The gravel and/or sand pit operation must be landscaped in such a manner as to limit noise from the development and operations to ensure the safety of the public, which may include the installation of a fence around the perimeter of the excavation area.

(5) Servicing:

The development, if required, must be supplied with a provincially approved water supply and sewage disposal system.

(6) Traffic Impact Assessment:

At the discretion of the Development Officer, a Traffic Impact Assessment may be required.

(7) All signs must conform to the general provisions of this Land Use Bylaw.

The Development Officer, for safety reasons, may require that specific signs be placed on the development and/or the road allowance to warn of dangerous conditions.

(8) All access to the gravel and/or sand pit development must be approved by the Development Officer. Access to gravel and/or sand pits must be developed in a manner that ensures safe and efficient truck movement and adequate site drainage. All access to gravel and/or sand pit developments are at the sole expense of the developer.

E. ADDITIONAL REQUIREMENTS

(1) Development Permit Information and Land Use Bylaw Amendment Requirements:

Development Permit Applications for a gravel and/or sand pit development shall include the following information (notwithstanding any other provisions in this bylaw):

- (a) type of operation, i.e., dry pit, wet pit, crushing and screening, sand and gravel washing or other;
- (b) proposed days and hours of operation;



- (c) information pertaining to the location of access roads, power lines and pipeline rights-of-way within the immediate vicinity of the development;
  - (d) proposed hauling activities and roads;
  - (e) a list of all significant topographical features (watercourses, rivers, topography etc.) within the boundaries of the parcel;
  - (f) proposed locations of the topsoil and overburden stockpiles and gravel stockpiles, including the proposed distances between the stockpiles;
  - (g) proposed location of all processing facilities, crusher, washing sites and plants;
  - (h) a written description of the measures that will be undertaken on the parcel to minimize dust and emissions generated from the operation. The description will include:
    - (i) Dust suppressant materials or methods
    - (ii) Estimated frequency for the application of dust suppressant material
    - (iii) Number of trucks that will be used for gravel hauling operations.
  - (i) a written description of the measures that will be undertaken to address noise nuisance from the gravel pit operation. Description will include:
    - (i) Typical methods that will be used to ensure noise levels do not exceed minimum acceptable noise levels.
    - (ii) Methods that will be used for monitoring the noise at the pit.
    - (iii) Hours of operation and specified days of the week.
  - (j) the area to be excavated;
  - (k) the roads and access points to the site;
  - (l) estimated duration of the operation;
  - (m) a reclamation proposal which has the approval of Alberta Environment;
  - (n) an approved gravel and/or sand pit Alberta Environment registration number; and
  - (o) any other information considered necessary by Council and/or the Development Officer.
- (2) Topsoil Removal:

In a gravel and/or sand pit development, topsoil shall be stripped and stockpiled prior to commencing operations.

(3) Reclamation of the Site:

Included in the Development Permit Application shall be a proposal to reclaim the gravel and/or sand pit excavation area.

(4) Bond:

The Municipality may require a performance bond, a letter of credit or some other form of security in order to guarantee that the reclamation proposals are carried out and completed to the satisfaction of the Municipal District.

(5) Review of Development Proposal:

(6) Upon receipt of a Development Permit Application, the Development Officer shall circulate a copy of the application to Alberta Environment, for comments and recommendations.

(7) For proposed gravel and/or sand pit developments located within 0.8 kilometres (0.5 miles) of a highway, the developer shall provide the Development Officer with an approved permit obtained from Alberta Transportation.

(8) The Development Officer, when reviewing a development proposal for a gravel and/or sand pit, shall follow the Guidelines and Standards for Controlling Future Gravel Pit Operations identified in the Municipal District of Peace No. 135 – Gravel Pit Study (March 8, 2011).

(9) Gravel pit developments located in the Grimshaw Gravels Aquifer shall follow the procedures identified in the Grimshaw Gravels Aquifer Sand and Gravel Mining Procedures.

(10) Caretaker's Residence:

(a) The Development Officer may approve the development of a caretaker's residence that is required as part of the gravel and/or sand pit development.

(b) The caretaker's residence should be temporary in nature in order that the residence can be removed once the gravel and/or sand pit ceases to operate.

## 5.10-A RURAL INDUSTRIAL: PETROLEUM FACILITY DISTRICT (RI-PF)

*Bylaw No. 11/2013*

### A. PURPOSE

The purpose of this district is to regulate the location of petroleum products handling facilities within the Municipal District.

### B. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory building, structure and/or use
- dwelling unit, caretaker's residence
- industry, rural
- public use
- public utility
- renewable energy
- sign
- storage tanks, aboveground crude oil
- transloading facility, crude oil

### C. SITE REQUIREMENTS

#### (1) Minimum Site Area:

At the discretion of the Development Officer based on the potential impact of the proposed development on adjacent uses.

#### (2) Minimum Setbacks from a Highway or Public Road:

- (a) In the case of a Highway, the minimum setback for the development shall be determined by Alberta Transportation on a case by case basis.
- (b) In the case of a rural road, the minimum setback shall be 40.48 metres (134 feet) from any public road right-of-way, or greater, as required by the Development Officer.

#### (3) Other Minimum Setbacks:

- (a) 100 metres (328 feet) from the normal high-water mark of a body of water, permanent stream, or water well used for domestic purposes.
- (b) All other minimum setbacks as required by this bylaw or the Development Officer.

#### (4) Landscaping and Buffering:

The crude oil transloading facility must be landscaped in such a manner as to limit noise from the development and operations, to ensure the safety of the public. Noise mitigation measures shall be to the satisfaction of the

Development Officer, and may include an earth berm, a noise mitigating fence, or a combination of the two.

(5) Servicing:

The development, if required, must be supplied with a provincially approved water supply and sewage disposal system.

(6) Traffic Impact Assessment:

At the discretion of the Development Officer, a Traffic Impact Assessment may be required.

(7) All signs must conform to the general provisions of this Land Use Bylaw.

The Development Officer, for safety reasons, may require that specific signs be placed on the development and/or the road allowance to warn of dangerous conditions.

D. ADDITIONAL REQUIREMENTS

(1) A Hazard Assessment will be required.

(2) An Emergency Response Plan will be required.

(3) Other such requirements as determined by the Development Officer.

E. REGULATIONS

When deciding on an application for Development in this district, the Development Officer shall consider the following:

(1) The environmental sensitivity of the site where the material will be stored.

(2) The accessibility of the tanks in the event of an emergency.

(3) The identification of the storage facilities.

(4) Landscaping and buffering.

(5) Site containment of product.

(6) Traffic impact and access arrangements.

(7) The need to limit the concentration of any substance, including but not limited to H<sub>2</sub>S, in the crude oil.

(8) The need for third party air quality monitoring, soil testing and ground water testing.

## 5.11 COMMERCIAL INDUSTRIAL DISTRICT (CI)

### A. PURPOSE

The purpose of this district is to accommodate the development of bulk fuel supplies and other compatible commercial uses in the Municipal District.

### B. PERMITTED USES

No uses are permitted

### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory building, structure and/or use
- agricultural industry
- bulk fuel facility
- cannabis production facility
- car wash
- contractor's business
- dwelling unit, caretaker's residence
- gas station
- industry, rural
- oilfield equipment storage
- public use
- public utility
- renewable energy
- sign
- trucking and related facilities

*Bylaw No. 11/2018*

### D. SITE PROVISIONS

*Bylaw No. 7/2021*

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by water and sewer systems, as deemed necessary by the Development Officer. In the case of a lot located within the West Hill Business Park Area Structure Plan area, private water and sewer systems may be allowed on a temporary basis until such a time as municipal servicing is made available, in which case the lot or development shall be required to connect to municipal services, as per the Area Structure Plan. The following additional site provisions shall apply to all developments in this district:

- (1) Front Yard Setback (minimum):
  - (a) Internal roadway: 15.24 metres (50 feet)
  - (b) Provincially controlled highways: As specified in Part 4.15
- (2) Side Yard Setbacks (minimum): 15.24 metres (50 feet)
- (3) Rear Yard Depth (minimum): 15.24 metres (50 feet)

(4) Parcel Size (minimum):

As required by Council taking into consideration site development and private servicing capabilities.

(5) Building Height (maximum):

At the discretion of the Development Officer.

E. ADDITIONAL REQUIREMENTS

The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this District.

## 5.12 HAMLET GENERAL DISTRICT (HG)

### A. PURPOSE

The purpose of this district is to accommodate development within the Hamlet of Brownvale.

### B. PERMITTED USES

*Bylaw No. 4/2017*

- community hall
- dwelling unit, residential support home type 1
- dwelling unit, single detached
- occupation, home (type 1)
- park
- school

### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory building, structure and/or use
- bed and breakfast
- cannabis retail sales
- car wash
- contractor's business
- convenience store
- drive-thru restaurant
- dwelling unit, apartment
- dwelling unit, duplex
- dwelling unit, garden suite
- dwelling unit, garage suite
- dwelling unit, group care facility
- dwelling unit, manufactured home
- dwelling unit, row housing
- dwelling unit, residential care facility
- dwelling unit, residential support home type 2
- dwelling unit, secondary suite
- dwelling unit, semi-detached
- equipment/vehicle sales and repair
- financial institution
- funeral home
- gas station
- greenhouse and plant nursery
- grocery store
- hotel
- indoor participant recreation services
- liquor store
- motel
- occupation, home (type 2)
- office

*Bylaw No. 11/2018*

- public use
- public utility
- recreation, intensive
- religious use facility
- renewable energy
- restaurant
- retail store
- short-term rental accommodation
- shouse
- sign
- veterinary clinic

*Bylaw No. 4/2021*

*Bylaw No. 4/2021*

#### D. SITE PROVISIONS

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a private water system and a sewer system as deemed necessary by the Development Officer and except in accordance with the following provisions:

##### (1) Area of Site:

##### (a) Residential Uses:

- (i) Unserved lot: 1858 sq. metres (20,000 sq. feet)
- (ii) Lots served by piped waterworks system but lacking piped sewage system: 1393.5 sq. metres (15,000 sq. feet)
- (iii) Fully serviced lots:
  - a. Single wide manufactured home: 371.6 sq. metres (4,000 sq. feet)
  - b. All other residential uses: 464.5 sq. metres (5,000 sq. feet)

- (b) All lots with access to municipal water and sewer lines must be serviced with said water and sewer at the developer's cost.

- (c) All Other Uses: At the discretion of the Development Officer.

##### (2) Width of Site (minimum):

- (a) Manufactured home: 12.2 metres (40 feet) (serviced lot)
- (b) Single Detached Dwelling: 15.24 metres (50 feet) (serviced lot)
- (c) Unserved Manufactured home or Single Detached Dwelling: 30.48 metres (100 feet)
- (d) All Other Uses: At the discretion of the Development Officer.

##### (3) Front Yard Depth (minimum):

- (a) Manufactured home or Single Detached Dwelling Uses: 6.0 metres (20



feet)

(b) All Other Uses: At the discretion of the Development Officer.

(4) Side Yard Width (minimum):

(a) Manufactured home or Single Detached Dwelling Interior Side Yard: 1.52 metres (5 feet)

(b) Manufactured home or Single Detached Dwelling Exterior Side Yard: 3.0 metres (10 feet)

(c) All Other Uses: At the discretion of the Development Officer.

#### E. ADDITIONAL REQUIREMENTS

(1) Accessory Buildings or Structures:

No accessory use and structures shall be erected in any yard other than the interior side yard or rear yard and shall be no closer to any lot line than 0.91 metres (3 feet).

(2) Commercial/Industrial Use Screening and Fencing:

(a) All commercial and industrial sites abutting residential uses shall be screened to the satisfaction of the Development Officer.

(b) Outside storage areas shall be screened to the satisfaction of the Development Officer.

#### Non-Residential Use Screening and Fencing:

(3) All non-residential sites abutting residential uses shall be screened to the satisfaction of the Development Officer.

(4) Outside storage areas shall be screened to the satisfaction of the Development Officer.

(5) Parking:

On-site parking will be provided based on the intensity of use proposed, in a manner satisfactory to the Development Officer.

(6) The Development Officer may decide on such other requirements as are necessary, having due regard to the nature of a proposed development and the purpose of this District.

## 5.13 DIRECT CONTROL DISTRICT 1 (DC-1)

### A. PURPOSE

*Bylaw No. 4/2017*

The purpose of this district is to allow for trucking and related facilities, associated storage facilities, and accessory uses.

### B. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory building, structure and/or use
- dwelling unit, caretaker's residence
- public use
- public utility
- renewable energy
- sign
- storage facility
- trucking and related facilities
- water reservoir or dugout

### C. SITE PLAN

The development shall take place as generally illustrated on the site plan.

### D. SITE REQUIREMENTS

#### (1) Area of Site (minimum):

Parcel size shall be sufficient to accommodate use and private servicing.

#### (2) Setbacks (minimum):

Front Yard: 30.48 metres (100 feet) in total from the right-of-way

Rear Yard: 30.48 metres (100 feet)

Side Yard: 30.48 metres (100 feet)

#### (3) Building Height (maximum):

As specified in Part 9 of this Bylaw.

#### (4) Parking (minimum):

All parking shall be accommodated on site.

(5) Servicing:

(a) Water:

Development must supply by private means a quantity and quality suitable for domestic use and fire protection.

(b) Sewage Disposal:

Development must supply by private means a sewage disposal system to Provincial standards.

(6) Landscaping and Buffering:

All development shall be landscaped and buffered to the satisfaction of Council.

(7) Signage:

All signage must conform to the general provisions of Part 6 of this Bylaw.

(8) Access:

Access shall be provided to ensure safe truck turning movements and to a standard satisfactory to Council.

E. ADDITIONAL REQUIREMENTS

(1) Airport Vicinity Protection Area:

All development shall comply with the provisions outlined in Part 9 of this Bylaw.

**5.14 DELETED**

*Bylaw No. 4/2017*

## 5.15 HIGHWAY COMMERCIAL DISTRICT (HC)

### A. PURPOSE

The purpose of this land use district is to provide for commercial uses adjacent to highways to service business and the travelling public.

### B. PERMITTED USES

*Bylaw No. 4/2017*

- convenience store
- hotel
- motel
- restaurant
- retail store

### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory building, structure and/or use
- auction mart
- auto body and repair shop
- cannabis retail sales
- car wash
- contractor's business
- drive-thru restaurant
- dwelling unit, caretaker's residence
- equipment/vehicle sales and repair
- financial institution
- gas station
- greenhouse and plant nursery
- liquor store
- office
- park
- parking lot
- public use
- public utility
- renewable energy
- sign
- storage facility
- veterinary clinic

*Bylaw No. 11/2018*

### D. SITE PROVISIONS

*Bylaw No. 7/2021*

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by water and sewer systems, as deemed necessary by the Development Officer. In the case of a lot located within the West Hill Business Park Area Structure Plan area, private water and sewer systems may be allowed on a temporary basis until such a time as municipal servicing is made available, in which case the lot or development shall be

required to connect to municipal services, as per the Area Structure Plan. The following additional site provisions shall apply to all developments in this district:

- (1) Parcel Size:
  - (a) Minimum Width: 75 metres (246 feet)
  - (b) Minimum Length: 115 metres (377 feet)
- (2) Front Yard Setback (minimum): 15 metres (49 feet)
- (3) Side Yard Setback (minimum): 10 metres (32 feet)
- (4) Rear Yard Depth (minimum): 42 metres (137 feet)
- (5) Lot Coverage (maximum): 40% subject to setbacks.
- (6) Height: subject to Part 4.18.

#### E. ADDITIONAL REQUIREMENTS

- (1) All highway commercial uses shall be screened, landscaped and buffered to the satisfaction of the Development Officer.
- (2) All lands identified for Highway Commercial purposes shall be serviced by municipal water and sewer as a condition of the subdivision and development of these lands. If services are not available, an interim arrangement needs to be made to the satisfaction of the Development Officer.
- (3) Provisions for on-site parking shall be provided, in accordance to Part 4.10 in the Land Use Bylaw and to the satisfaction of the Development Officer.
- (4) Garbage and waste materials shall be stored on-site in weatherproof and animal-proof containers and screened from adjacent sites to the satisfaction of the Development Officer. All garbage and waste disposal and haulage shall be the responsibility of the owner.
- (5) The design, character and appearance of the building shall be to the satisfaction of the Development Officer.
- (6) The Development Officer may decide on such other requirements as are necessary, having regard to the nature of a proposed development and the purpose of this district.

## 5.16 SERVICE COMMERCIAL DISTRICT (SC)

### A. PURPOSE

The purpose of this district is to provide an opportunity for land uses which are complementary to both industrial and commercial uses, and also serve as a buffer between these two types of uses. This district is intended for commercial uses with light industrial characteristics that generate minimal nuisance. Outdoor storage areas shall be screened from view.

### B. PERMITTED USES

No uses are permitted.

### C. DISCRETIONARY USES

*Bylaw No. 4/2017*

- accessory building, structure and/or use
- auction mart
- auto body and repair shop
- car wash
- contractor's business
- dwelling unit, caretaker's residence
- equipment/vehicle sales and repair
- gas station
- greenhouse and plant nursery
- office
- park
- public use
- public utility
- retail store
- renewable energy
- sign
- storage facility
- veterinary clinic

### D. SITE PROVISIONS

*Bylaw No. 7/2021*

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by water and sewer systems, as deemed necessary by the Development Officer. In the case of a lot located within the West Hill Business Park Area Structure Plan area, private water and sewer systems may be allowed on a temporary basis until such a time as municipal servicing is made available, in which case the lot or development shall be required to connect to municipal services, as per the Area Structure Plan. The following additional site provisions shall apply to all developments in this district:

#### (1) Parcel Size:

- (a) Minimum Width: 75 metres (246 feet)

- (b) Minimum Length: 115 metres (377 feet)
- (2) Front Yard Setback (minimum): 15 metres (49 feet)
- (3) Side Yard Setback (minimum): 10 metres (32 feet)
- (4) Rear Yard Depth (minimum): 42 metres (137 feet)
- (5) Lot Coverage (maximum): 45% subject to setbacks
- (6) Height: subject to Part 4.18.

#### E. ADDITIONAL REQUIREMENTS

- (1) All outdoor storage areas on a site shall be located in the rear yard of a proposed development. No storage, other than display materials and parking areas, shall be permitted in the front yard.
- (2) All outdoor storage areas shall be fenced to the satisfaction of the Development Officer. The storage areas of lots located adjacent to Highways are to be screened from view through a combination of fencing, landscaping and berming.
- (3) The design, character and appearance of the building shall be to the satisfaction of the Development Officer.
- (4) Garbage and waste materials shall be stored on-site in weatherproof and animal-proof containers and screened from adjacent sites to the satisfaction of the Development Officer. All garbage and waste disposal shall be the responsibility of the owner.
- (5) The Development Officer may decide on such other requirements as are necessary, having regard to the nature of a proposed development and the purpose of this district.





# **PART SIX**

## **SIGNS**

## PART SIX - SIGNS

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### 6.1 SIGNS

- (1) No sign of an advertising, directional or information nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for the sign has been approved by the Development Officer.
- (2) The applicant for a Development Permit for a sign shall not proceed with the construction, erection, alteration or relocation of the sign until the details of the sign have been approved and the permit granted.
- (3) No signs or advertising structures shall be erected on or affixed to public or private property without the prior consent of the appropriate public authority or the property owner or tenant, respectively.
- (4) No signs or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
- (5) All advertisements shall be kept in a safe, clean and tidy condition, and may by resolution of Council be required to be renovated or removed.
- (6) In considering a development application for a sign, the Development Officer shall have due regard to the amenities of the district in which the sign is located and to the design of the proposed sign.
- (7) The following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a Development Permit, provided that the sign is not illuminated and that any necessary permits have been obtained from Alberta Transportation in accordance with the Highway Development Control regulations.
  - (a) Political signs, real estate signs, signs announcing any local event of a religious, educational, recreational or cultural nature, or similar signs of a temporary character not exceeding 20 square feet and limited to one sign per parcel. Any temporary sign installed on the property shall be removed within 14 days of the termination of the event for which the signs are erected, by the owner of such signs or the owner of the property on which the sign is erected, failing which the Development Officer may have such signs removed or destroyed.
  - (b) Signs for the purpose of information, identification or direction related to the carrying on of a profession, business or trade, or related to an institution of religious, educational, cultural, recreational or similar character, not exceeding 1.1 sq. metres (12 sq. feet) and limited to one (1) sign per parcel.

- (c) Advertisements or signs in relation to the function of local authorities, utility board or other public or quasi-public bodies.
- (d) Signs necessary for safety or purposes of identification, direction or warning for the motoring public as required by Alberta Transportation.
- (e) Signs stating the name of any architectural firm, the names of contractors and suppliers, as well as signs advertising the future use of the building may be erected on the site where a building is under construction and it shall be removed immediately after any portion of the building is occupied.

## **PART SEVEN**

### **AMENDING THE BYLAW**

## **PART SEVEN - AMENDING THE BYLAW**

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### **7.1 APPLICATIONS TO AMEND THE BYLAW**

- (1) A person may apply to amend this Bylaw, in writing, to the Development Officer by completing the proper form and submitting an application fee as established by Council.
- (2) All applications to amend the Bylaw shall include the following:
  - (a) a certificate of title for the subject property;
  - (b) an indication of the applicant's interest in the subject property;
  - (c) a statement on the proposed land uses; and
  - (d) all drawings to be submitted shall be to the satisfaction of the Development Officer.
- (3) Council may determine that the whole or part of the application fee be returned to the applicant.
- (4) The Municipal District may at any time initiate an amendment to this Bylaw.
- (5) A person who is refused a Land Use Bylaw amendment application by Council must wait for a minimum period of one (1) year from the decision date before submitting a new application for the same type of amendment.

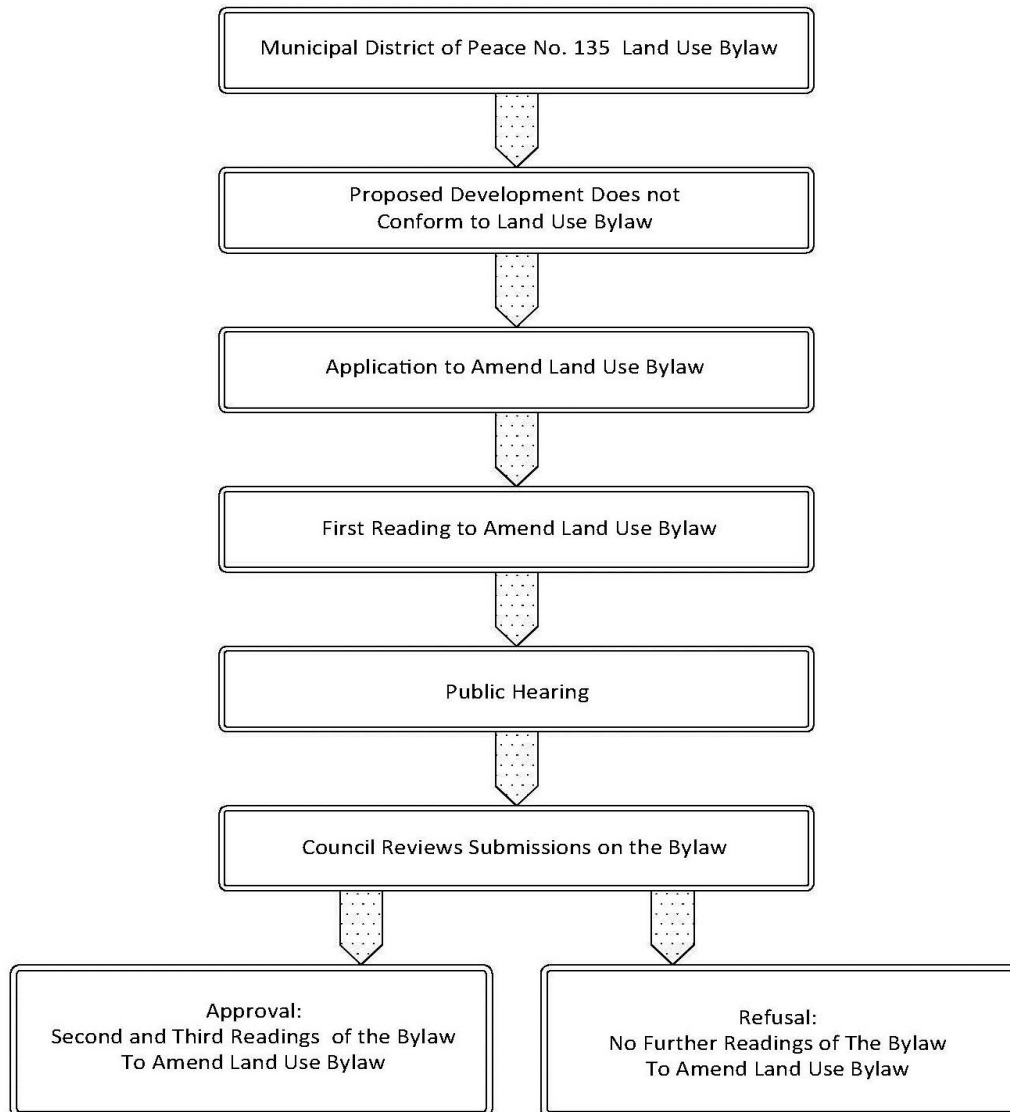
*Bylaw No. 9/2020*

### **7.2 AMENDING THE BYLAW**

- (1) All amendments to this Bylaw shall be made in conformance with the provisions contained in the Municipal Government Act, R.S.A. 2000.

## EXPLANATION NOTES

### Amendment to the Land Use Bylaw



## **PART EIGHT**

# **ENFORCEMENT AND ADMINISTRATION**



## PART EIGHT - ENFORCEMENT AND ADMINISTRATION

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### 8.1 CONTRAVENTION

- (1) When the Development Officer deems that a development or use of land or buildings is in contravention of:
  - (a) the Municipal Government Act, R.S.A. 2000, or its regulations;
  - (b) a Development Permit;
  - (c) a subdivision approval;
  - (d) an order or decision of the Subdivision and Development Appeal Board; or
  - (e) one or more provisions of this Bylaw,

the Development Officer may, in accordance with the provisions described in the Municipal Government Act, R.S.A. 2000, , give notice in writing to the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention of all or any of them to:

  - (a) stop the development or use of the land or buildings in whole or in part as directed in the notice;
  - (b) demolish, remove or replace the development; or
  - (c) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act and regulations thereto, Development Permit, subdivision approval, order or decision of the Subdivision and Development Appeal Board or this Land Use Bylaw within the time specified in the notice.
- (2) A person who receives a notice pursuant to sub-section 8.1(1), other than a notice of an order or decision of the Subdivision and Development Appeal Board, may appeal to the Subdivision and Development Appeal Board.
- (3) Where a person fails or refuses to comply with an order pursuant to sub-section 8.1(1), Council may:
  - (a) apply to the Alberta Court of Appeal to enter upon the land or building and take such action as is necessary to effect such works as are required by the Order and all of the costs incurred in so doing may be placed on the tax roll against the property concerned and shall be collected in the same manner as property taxes;

- (b) instruct the Development Officer to have an application made to the Alberta Court of Appeal for an injunction to cease the non-compliance; and/or
  - (c) apply to the Alberta Court of Appeal to have a charge laid for an offence under this Land Use Bylaw.
- (4) Contravention of any provision of this Bylaw constitutes an offence and any person convicted thereof is liable to a penalty in the amount of:
  - (a) a fine of not more than \$2,500.00, and not less than \$100.00; and, in addition,
  - (b) a fine of not more than \$500.00 for every day the contravention continues, following notification of the conviction,and shall be subject to the costs and expenses pursuant to sub-sections 8.1(3) and 8.1(4).
- (5) Where a person is found guilty of an offence pursuant to this Land Use Bylaw, the Alberta Court of Appeal may, in addition to any other penalty imposed, order the person to comply with the Act and any regulations, a Development Permit, a subdivision approval, an order or decision of the Subdivision and Development Appeal Board, or this Land Use Bylaw.
- (6) The above offenses and penalties are supplementary to the Municipal Government Act, R.S.A. 2000, under which any person who commences a development and fails or neglects to obtain a Development Permit or comply with a condition of a permit, is guilty of an offence.

## **8.2 SUSPENSION OF EXISTING LAND USE BYLAW**

- (1) Municipal District of Peace No. 135 Land Use Bylaw No. 1/98 is hereby rescinded.

### 8.3 EFFECTIVE DATE

This Bylaw 1/2012 comes into effect upon the date of it being finally passed.

READ A FIRST time this 14th day of February, 2012.

  
\_\_\_\_\_  
Reeve


  
\_\_\_\_\_  
Chief Administrative Officer

READ A SECOND time this 10th day of April, 2012.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

THIRD READING and ASSENT given on this 8th day of May, 2012.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

## **PART NINE**

# **PEACE RIVER AIRPORT VICINITY PROTECTION AREA**

## **PART NINE - PEACE RIVER AIRPORT VICINITY PROTECTION AREA**

### **9.1 DEFINITIONS**

(1) In these guidelines:

- (a) "AIRPORT" means the Peace River Airport within the Protection Area;
- (b) "AIRPORT REFERENCE POINT ELEVATION" means the lowest threshold elevation point of the runway as shown on the map in Schedule 5 of this Regulation;
- (c) "AIRPORT RUNWAY" means the area of land within the airport that is used or intended to be used for the take-off and landing of aircraft;
- (d) "BASIC STRIP" means a basic strip as described in Schedule 4 of this Regulation;
- (e) "LAND USE BYLAW" means the Land Use Bylaw for the Municipal District of Peace No. 135 as amended from time to time;
- (f) "MUNICIPALITY" means the Municipal District of Peace No. 135;
- (g) "NOISE EXPOSURE FORECAST AREA" or "NEF AREA" means an area of land within the Protection Area that:
  - (i) is enclosed by the 40 NEF Contour,
  - (ii) lies between 2 (two) NEF contours, or
  - (iii) lies between the 25 NEF Contour and the boundary of the Protection Area,as shown on the map in Schedule 2 of these guidelines;
- (h) "NEF CONTOUR" means a numbered contour as shown on the map in Schedule 2 of these guidelines;
- (i) "OUTER SURFACE" means the outer surface as described in Schedule 4 of these guidelines;
- (j) "PROTECTION AREA" means the Peace River Airport Vicinity Protection Area as described in Schedule 1 and shown on the map in Schedule 2 of these guidelines;
- (k) "TRANSITIONAL SURFACE" means a transitional surface as described in Schedule 4 of these guidelines.

## **9.2 GENERAL PROVISIONS**

- (1) These guidelines apply only to a development or proposed development within the boundary of the Peace River Vicinity Protection Area as described in Schedule 1 and shown on the map in Schedule 2 of these guidelines.
- (2) All development within the Peace River Airport Vicinity Protection Area shall require a Development Permit except for,
  - (a) uses exempted under the Land Use Bylaw, and
  - (b) uses that do not exceed a height of 5 metres.
- (3) These guidelines shall be administered by the Development Officer, the Mackenzie Municipal Services Agency and the Development Appeal Board and they shall be deemed to have the same powers as provided within the Land Use Bylaw and the Municipal Government Act, R.S.A. 2000 except that the Development Appeal Board shall not delete or alter any condition of approval for land uses identified in Tables 1 and 2 of Schedule 3 to these guidelines.
- (4) The Development Officer and the Development Appeal Board are not precluded by these guidelines from attaching any other conditions in accordance with the Land Use Bylaw to a Development Permit.
- (5) A Development Permit for an application within the Protection Area may only be issued if the proposed development conforms with these guidelines and the Land Use Bylaw.

## **9.3 ESTABLISHMENT OF PROTECTION AREA**

- (1) The part of Alberta described in Schedule 1 of these guidelines is established as an Airport Vicinity Protection Area under the Municipal District of Peace No. 135 Land Use Bylaw.
- (2) If any discrepancy exists between the description of the Protection Area in Schedule 1 of these guidelines and the location of the Protection Area as shown on the map in Schedule 2 of these guidelines, the description in Schedule 1 prevails.

## **9.4 LAND USE**

- (1) For the purposes of this Section 9.4 and Schedule 3 of these guidelines, the Protection Area is divided into the following land use districts, namely:
  - (a) the Airport Clear District, designated A-CL,
  - (b) the Airport Industrial District, designated A-M, and

- (c) the Airport Rural District, designated A-R,  
as shown on the map in Schedule 2 of these guidelines.
- (2) The Development Officer may issue a Development Permit without any conditions under these guidelines for any application that involves a use that is designated "P" within Table 1 of Schedule 3 of these guidelines.
- (3) The Development Officer may issue a Development Permit for an application that involves a conditional use or a similar or substantially similar use in accordance with Table 1 of Schedule 3 of these guidelines only if the appropriate condition specified in Table 2 is prescribed as a condition of the Development Permit.
- (4) The Development Officer shall not issue a Development Permit for an application for development if that use is designated "NA" within Table 1 of Schedule 3 of these guidelines, or if the use is similar or substantially similar, in the opinion of the Development Officer, to a prohibited use, or involves a use that is not listed in Table 1 of Schedule 3 of these guidelines.

## **9.5 HEIGHT LIMITATIONS**

- (1) A Development Permit shall not be issued for a development in the Protection Area if the highest point of the development will exceed in elevation at the location of that point any of the following surfaces that project immediately above the surface of the land at that location:
  - (a) the take-off/approach surfaces of the runway of the airport;
  - (b) the transitional surfaces of the runway of the airport;
  - (c) the outer surface.
- (2) For the purposes of this section,
  - (a) if the proposed development is a railway, the highest point of the development shall be deemed to be 6 metres higher than the actual height of the rails, and
  - (b) if the proposed development is a highway or roadway, the highest point of the development shall be deemed to be 4 metres higher than the actual height of the highest part of the travelled portion of the highway.
- (3) The airport reference point elevation is deemed to be 570.9 metres above sea level.

## **9.6 ELECTRONIC FACILITIES**

- (1) Section 9.6 does not apply in any case where the issuance of a Development Permit is refused pursuant to Sections 9.4 and 9.5.
- (2) If application is made for Development Permit for a development in the Protection Area, and
  - (a) the location of the development is within the contour lines shown on the Electronic Facilities Protection Area Map in Schedule 6 of these guidelines, and
  - (b) the Development Officer is satisfied that the highest point of the development will exceed in elevation at that point the maximum height guidelines indicated on the Electronic Facilities Protection Area Map in Schedule 6 of these guidelines.
- (3) If the location of a proposed development lies between two (2) numbered contours as shown on the Electronic Facilities Protection Area Map in Schedule 6 of these guidelines, then, for the purpose of sub-section 9.6(2)(b), the maximum height limitation applicable to the development is the height limitation represented by the lower of the two (2) numbered contours.



## **SCHEDULE 1:      PEACE RIVER AIRPORT VICINITY PROTECTION AREA**

The Peace River Airport Vicinity Protection Area consists of the land described below:

In Township 83, Range 22, West of the Fifth Meridian.

Northwest Quarter, Section 18;  
Section 19;  
Northwest Quarter, Section 20;  
Northeast Quarter, Section 28;  
West Half of Section 28;  
Section 29 and 30;  
Southeast Quarter, Section 31;  
Section 32;  
Section 33.

In Township 83, Range 23, West of the Fifth Meridian.

Southeast Quarter, Section 24;  
North Half of Section 24  
Southeast Quarter, Section 25;  
Lots 2 and 12, Block 1, Plan No. 822 2354.

**SOURCES:**  
Base-map cartography by Dept. of Energy, Mines & Resources from N.T.S. Series 150,000 scale in 1964 and 1965.  
Aerial photography from 1964 and 1965.  
Information supplied by Alberta Transportation and Transport Canada.

**LEGEND**

A-R	Airport Rural District	-R-	R.E.P. Corridor
A-CL	Airport Clear District	---	Boundary
A-CR	Airport Industrial District	---	A.P.A. Boundary
	Land Use District Boundary	---	Airport Property Boundary

**PEACE RIVER**  
**AIRPORT VICINITY PROTECTION AREA**  
**LAND USE DISTRICT MAP**

**SCHEDULE 2**

Scale: 1:50,000  
N.T.S. 1964-1965

### **SCHEDULE 3: LAND USE IN RELATION TO NOISE EXPOSURE FORECAST AREAS**

(1) In this Schedule:

- (a) "C", followed by a number where it appears in one of the NEF Area (noise exposure forecast area) columns in Table 1 opposite a particular land use means that the land use is permitted subject to the condition(s) set out in Table 2 bearing the same letter and number.
- (b) "NA", where it appears in one of the NEF columns in Table 1 opposite a particular land use, means that the land use is not allowed and prohibited in that NEF Area.
- (c) "P", where it appears in one of the NEF columns in Table 1 opposite a particular land use, means that the land use in that NEF Area is permitted by these guidelines and a use is neither prohibited nor is a Development Permit for a development involving that use to be made subject to any condition under Table 2 of this Schedule in these guidelines.
- (d) "NEF 25-Area" means the NEF Area that lies between the 25 NEF Contour and the boundary of the Protection Area;
- (e) "NEF 25-30 Area" means the NEF Area that lies between the 25 NEF Contour and the 30 NEF Contour;
- (f) "NEF 30-35 Area" means the NEF Area that lies between the 30 NEF Contour and the 35 NEF Contour;
- (g) "NEF 35-40 Area" means the NEF Area that lies between the 35 NEF Contour and the 40 NEF Contour;
- (h) "NEF 40+" Area means the NEF Area enclosed by the 40 NEF Contour;
- (i) "EXTENSIVE AGRICULTURE" means the use of land or buildings for the growing and sale of trees and shrubs for transplanting or the raising or production of crops, livestock or bee keeping, but does not include intensive agricultural operations;
- (j) "FARM BUILDINGS" means buildings used in connection with extensive agricultural developments;
- (k) "RESIDENTIAL REPLACEMENT or INFILLING UNIT" means any new residential development that:
  - (i) will replace a residential development that has been demolished or destroyed, or
  - (ii) is to be built on a lot that is:
    - a. registered under the *Land Titles Act*, and
    - b. zoned for residential development,

before the coming into force of these guidelines.

- (2) Developments existing before the passing of these guidelines shall be deemed to comply with the sound insulation requirements set out in this Schedule.

**SCHEDULE 3:****TABLE 1 - LAND USE IN RELATION TO NOISE EXPOSURE FORECAST AREAS**

<b><u>Airport Clear District A-CL:</u></b>					
<b>Land Uses</b>	<b>Noise Exposure Forecast Areas</b>				
	NEF 25- Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
Airport Runway	P	P	P	P	P
Extensive Agriculture	P	P	P	P	P
<b><u>Airport Industrial District (A-M)</u></b>					
<b>Land Uses</b>	<b>Noise Exposure Forecast Areas</b>				
	NEF 25- Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
Airport	P	P	P	P	P
Aircraft Hangars, Sales, Maintenance, Repairs	P	P	P	P	P
Airport Industries	P	P	P	P	P
Dwelling Unit for Occupancy of Operator or Caretaker of the Airport	P	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>
Extensive Agriculture	P	P	P	P	P
Flying Club	P	P	P	P	P
Indoor Participant Recreation	P	P	P	P	P

<b>Airport Rural District (A-R)</b>					
<b>Land Uses</b>	<b>Noise Exposure Forecast Areas</b>				
	NEF 25- Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
Accessory Buildings and Structures	P	P	P	P	P
Airport and Related Facilities	P	P	P	P	P
Abattoir	NA	NA	NA	NA	NA
Agricultural Industry	P	P	P	P	P
Alberta Transportation Yard	P	P	P	P	NA
Confined Livestock Facility	P	P	P	NA	NA
Cemetery	P	P	P	P	P
Church and Manse	P	C <sub>1</sub>	C <sub>1</sub>	NA	NA
Confectionary	P	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	NA
Country Hall	P	C <sub>1</sub>	C <sub>1</sub>	NA	NA
Extensive Recreational Uses	P	P	P	P	NA
Extensive Agriculture	P	P	P	P	P
Farm Buildings	P	P	P	P	P
Farmstead Separation	P	P	P	P	P
Home Occupation	P	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>
Hotels	P	P	C <sub>1</sub>	C <sub>1</sub>	NA
Industrial Camp	NA	P	NA	NA	NA
Intensive Recreational Use	P	P	P	NA	NA
Intensive Livestock Operation	P	P	P	NA	NA
Market Gardening	P	P	P	P	NA
Manufactured home	P	NA	NA	NA	NA

<b>Airport Rural District (A-R)</b>					
<b>Land Uses</b>	<b>Noise Exposure Forecast Areas</b>				
	NEF 25- Area	NEF 25-30 Area	NEF 30-35 Area	NEF 35-40 Area	NEF 40+ Area
Motor Hotels and Motels	P	P	C <sub>1</sub>	C <sub>1</sub>	NA
Natural Resource Extraction	P	P	P	P	NA
Park	P	P	P	P	P
Public & Quasi-Public Buildings & Uses	P	C <sub>1</sub>	C <sub>1</sub>	NA	NA
Public Camp Site	P	C <sub>1</sub>	C <sub>1</sub>	NA	NA
Residential Replacement of Infilling Unit	P	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	NA
Restaurant	P	C <sub>1</sub>	C <sub>1</sub>	NA	NA
Sanitary Land Fill	NA	NA	NA	NA	NA
School	P	C <sub>1</sub>	C <sub>1</sub>	NA	NA
Seed Cleaning Plant	P	P	NA	NA	NA
Service Station	P	P	P	NA	NA
Sewage Treatment Plant or Lagoon	P	C <sub>2</sub>	C <sub>2</sub>	NA	NA
Single Family Dwelling	P	C <sub>1</sub>	C <sub>1</sub>	NA	NA
Slaughter House	NA	NA	NA	NA	NA
Truck Stop	P	P	P	P	NA
Tree Farm	P	P	P	NA	NA
Vacation Trailer Park	P	P	NA	NA	NA
Water Reservoir	P	C <sub>2</sub>	C <sub>2</sub>	NA	NA

**SCHEDULE 3:**  
**TABLE 2 - LAND USE CONDITIONS**

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- C<sub>1</sub> Construction shall conform to the exterior acoustic insulation requirements of Part 11 of the *Alberta Building Code 1985* for those NEF Areas other than the NEF 25-Area unless otherwise stated in these guidelines. Where this condition is specified, the Development Officer shall indicate on the Development Permit between which noise contours the proposed development site would be located for reference of the building inspector at the time of the building permit application.
- C<sub>2</sub> The development shall be covered completely.
- C<sub>3</sub> The development shall not include structures for the seating of spectators except as varied to allow for seating of a minor nature as specified in the condition.



## **SCHEDULE 4: HEIGHT LIMITATIONS**

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### **(1) BASIC STRIP**

The basic strip associated with the airport runway is an area 152.4 metres in width and 1950.72 metres in length, the location of which is shown on the map in Schedule 5 of these guidelines.

### **(2) TAKE-OFF/APPROACH SURFACES**

There are take-off approach surfaces associated with each end of the basic strip and in each case the surface is imaginary and consists of an inclined plane that:

- (a) commences at and abuts the end of the basic strip,
- (b) rises at a slope ratio of 1:50 measured from the end of the basic strip,
- (c) diverges outward on each side as it rises, at a slope ratio of 1:15 measured from the respective projected lateral limits of the basic strip, and
- (d) ends at its intersection with the outer surface.

### **(3) TRANSITIONAL SURFACES**

There is a transitional surface associated with each level limit of the basic strip, and in each case the transitional surface is an imaginary surface consisting of an inclined plane that:

- (a) commences at and abuts the lateral limit of the basic strip,
- (b) rises at a slope ratio of 1:7 measured from the lateral limit of the basic strip, and
- (c) ends at its intersection with the outer surface or a take-off/approach surface.

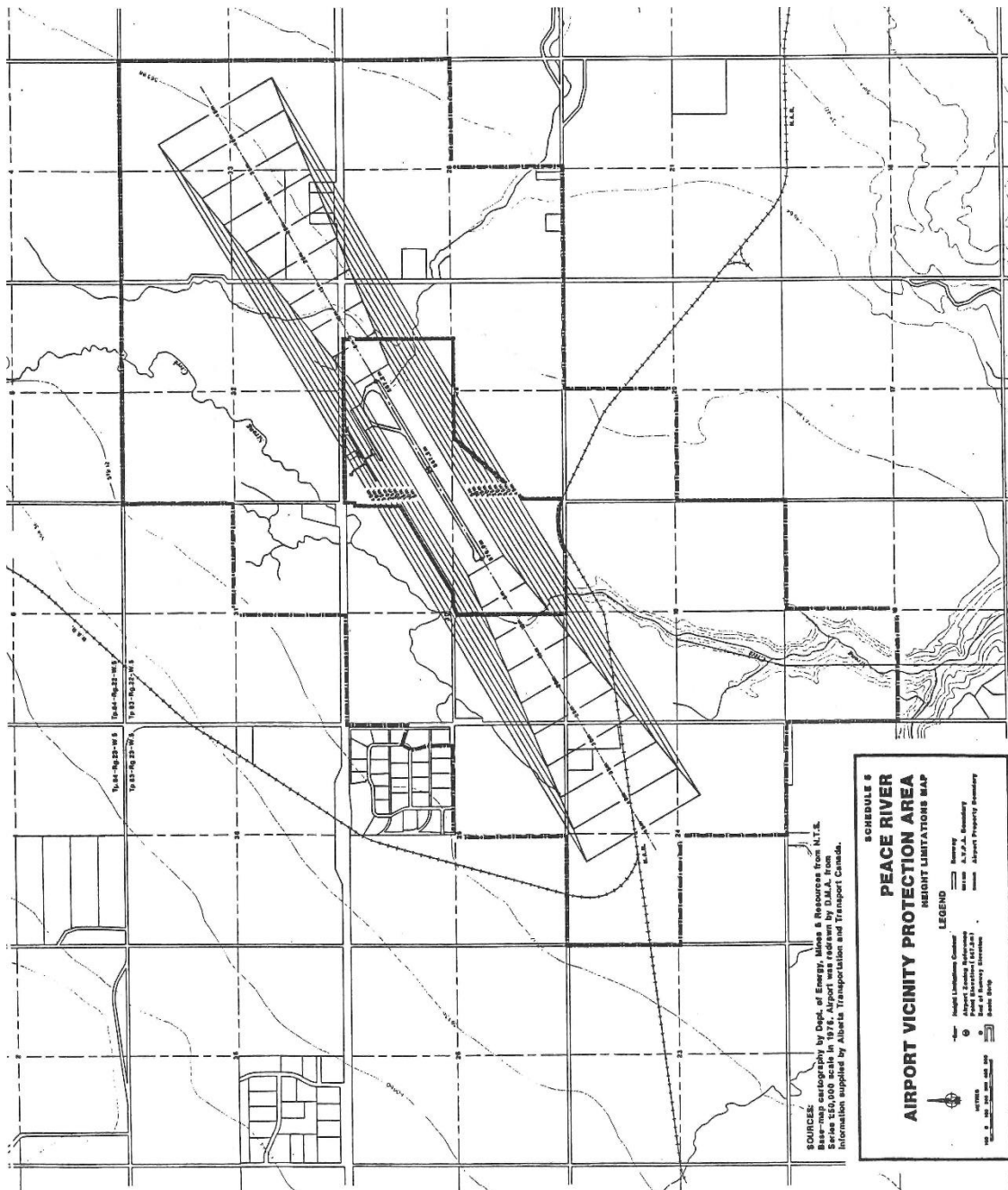
### **(4) OUTER SURFACE**

The outer surface of the Protection Area is an imaginary surface consisting of a common plane established at a constant elevation of 45 metres above the airport reference point elevation and extending to the outer limits of the Protection Area.

### **(5) GENERAL**

The area location of the take-off/approach surfaces and the transitional surfaces are represented on the map shown in Schedule 5 of these guidelines, but, if any discrepancy exists between the description of the take-off/approach surfaces or the transitional surfaces in this Schedule and their location on the map in Schedule 5 of these guidelines, the description in this Schedule prevails.

**SCHEDULE 5:  
PEACE RIVER AIRPORT VICINITY PROTECTION AREA  
HEIGHT LIMITATIONS MAP**



[illegible]

## **PART TEN**

# **SITING OF CONFINED FEEDING OPERATIONS**

## **PART TEN – SITING OF CONFINED FEEDING OPERATIONS**

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### **10.1 BUFFER ZONES**

- (1) Confined Feeding Operations are not allowed in the buffer zones for the urban centers, as outlined below, and shown on Map 4: Confined Feeding Operations Exclusion Zone and Manure Spreading Exclusion Zone:

The buffer zone for the Town of Peace River, which is 1 ½ to 2 miles from the town boundaries, includes Sections 10, 11, 14, 15, 22, 23, 26, 27, 34, 35 - 83-22 W5 and River Lots 32, 33, 34, 35, 36, and 37 Shaftesbury Settlement

- (a) The buffer zone for the Town of Grimshaw, which is 1 to 1 ½ miles from the town boundaries, includes North ½ of Section 1, Sections 12, 13, & 24-83-24-W5 and North ½ of Section 4, Sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, & 21-83-23-W5
  - (b) The buffer zone for the Village of Berwyn, which is ½ to 1 mile from the village boundaries, includes Sections 29, 30, 31, & 32-82-24-W5
  - (c) The buffer zone for the Hamlet of Brownvale, which is ½ to 1 mile from the hamlet boundaries, includes Sections 19, 20, 29, & 30 – 82-25-W5.
- (2) Confined Feeding Operations are not allowed in the buffer zones for country residential sites which have more than 15 residence site locations, the historic Shaftesbury Settlement area along the Peace river, provincial parks and municipal parks and recreation areas, as outlined below:

The buffer zone for the historic Shaftesbury Settlement area includes all River Lots from River Lot 1 to River Lot 37 Shaftesbury Settlement and surrendered Indian Reserves 151C, 151D, 151E, 151F and an additional buffer of one mile on the north-west (hill) side of each river lot and surrendered Indian Reserve.

- (a) The buffer zone for the country residential site at SW 35-83-23-W5, which has more than 15 residential sites includes North ½ of Section 26, North ½ of Section 27, East ½ of Section 34 and Section 35 all in -83-23-W5.
  - (b) The buffer zone for the provincial park and the municipal recreation area on SE 27 and NE 22-83-24-W5 respectively, includes Section 22, West ½ of Section 23, West ½ of Section 26, Section 27, and SE 34-83-24-W5.
- (3) Confined Feeding Operations will not be allowed within the capture zones of the municipal water supply sources for the protection of present and future use, as outlined below, and shown on Map 4: Confined Feeding Operations Exclusion Zone and Manure Spreading Exclusion Zone:
- (a) The capture zone for the McInnis Wells located on NW 27-83-23-W5 includes Sections 27, 28, 33, & 34-83-23-W5.



- (b) The capture zone for the Grimshaw Well located on SE 25-83-24-W5 includes Sections 25, 35, 36-83-24-W5 & Section 30-83-23-W5.
- (c) The capture zone for the Berwyn wells located on SE 31-82-24-W5 includes S1/2 of Sections 4 and 5-83-24-W5, North ½ 30, West ½ of 32 and Section 31-82-24-W5.
- (d) The capture zone for the Griffin Creek Well located on SE 10-82-25-W5 includes Section 10, W1/2 of 11, SW 14, & S1/2 of 15-82-25-W5.
- (e) the capture zone for the Brownvale Wells located on NE 19-82-25-W5 includes NE 19, W ½ of 29, E ½ of 30, E ½ of 31, & W ½ of 32-82-25-W5.

## 10.2 SITING

- (1) Confined Feeding Operations at the NRCB APPROVAL LEVEL will not be allowed on property deemed to overlie the shallow Grimshaw Gravels Aquifer. Confined feeding operations approval levels and registration levels are determined by NRCB.

A copy of the types and levels of livestock determined to be a CFO are listed in the Agricultural Operations Practices Act AGRICULTURAL OPERATIONS, PART 2 MATTERS REGULATION, Schedule 1 and Schedule 2. The CFO approval and registration levels are subject to change, however, said changes do not affect the intent of this bylaw.

- (a) properties deemed to overlie the Grimshaw Gravels Aquifer, as shown in the Community Focused Management Strategy for the Grimshaw Gravels Aquifer technical report are:
  - (i) Sections 1,2,11,12,13,14,23,24,25, & 26 – 83-26-W5
  - (ii) Sections 3,4,9,10,11,14,15,16,21,22,23,24,25,26,27,33,34,35,& 36, all in –82-26-W5
  - (iii) Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 ,26 ,27 ,28 ,29,30, S1/2 of 31, 33,34,35, & 36 all in 83-25-W5
  - (iv) Sections 10,NW11, NW 13,14,15,19,20,21,NW22, SE22, NW25, 26,27,28,29, 30,31,32,33,34,35, & 36 all in 82-25-W5
  - (v) Sections W1/2 3,4,5,6,7,8,9,W1/2 10,17,18,19,20,22,25,26,SW30, 34, 35, & 36 all in 83-24-W5
  - (vi) Sections NW27,NE28, N1/2 29, 30,31,32,33,34,35, & NW36 all in– 83-23-W5
- (2) SITING of Confined Feeding Operations, at the NRCB REGISTRATION LEVEL may occur on the Grimshaw Gravels Aquifer area subject to the following:
  - (a) A geo-technical investigation of the quarter section shall be undertaken by the applicant to determine that there is a minimum of 4 metres or more of clay cover. The scope of the geo-technical investigation shall be determined by the NRCB Approval Officer, nonetheless, the minimum

requirement shall be one borehole to a depth of 25 metres and 5 boreholes that are 4 metres below the manure/soil interface or liner.

- (b) A liquid manure storage system will have a synthetic liner. Before installing the synthetic liner, a soil liner of at least 1 metre in thickness with a uniform hydraulic conductivity less than  $1 \times 10^{-7}$  cm/sec should be constructed as a base. Synthetic liners need to be installed according to the manufacturer's specifications in order to function properly. The storage facility (ies) is to be inspected by the applicant's engineer during the construction phase, and a written report summarizing the construction progress and compliance with the design requirements submitted to the NRCB Approvals Officer. In the event of non-compliance with the manufacturer's specifications, the liner will be reconstructed and re-tested until compliance is achieved. An earthen manure storage, with synthetic liner, shall not operate until meeting the above requirements.
- (c) Groundwater monitoring wells, shall be established in conjunction with site development. A minimum of five (5) groundwater monitoring wells should be installed in four (4) locations on the site as part of the geo-technical investigation. For at least one piezometer location, two wells should be installed: one spanning the water table, and a second screened within the next deepest water-bearing zone or at least 3 metres below base of the upper well, to allow for the assessment of vertical groundwater gradients. Hydraulic conductivity tests should be performed on all wells. Surficial soils, to a depth of at least 4 metres below the soil/manure interface or liner, should have uniform hydraulic conductivity less than  $1 \times 10^{-6}$  cm/sec. At least one soil sample should be collected from each borehole for laboratory testing of hydraulic conductivity, grain size distribution, Atterberg limits, moisture content and density. This data will determine the suitability of the site for a manure storage, feedlot, or Confined Feeding Operation.
- (d) A detailed plan for a long-term permanent independent groundwater monitoring program should be submitted with the development application. Installation of the monitoring wells and initial water sampling, to establish background conditions, should be completed before livestock are placed in the facility. Once initiated, the groundwater monitoring program should continue as long as the CFO is active and should continue for two years after site decommission. Groundwater monitoring will both protect the developer from potential future accusation of aquifer contamination and provide an early warning system in the event of accidental spills or leaks.
- (e) The monitoring program, should include at least five wells installed in four locations, with one of the wells to be located up-gradient of the CFO site. All storage basins should be monitored. Wells should be completed so that the screen interval spans the water table, with screen lengths not exceeding 3 metres. A private consultant shall monitor the system on a bi-annual basis and the cost for monitoring shall be borne by the applicant. Monitoring by the private consultant shall also include any domestic wells located on properties adjacent to the manure storage, feedlot, or CFO. Sample analysis should include major ions (chloride, sulfate, nitrate,

bicarbonate, carbonate, calcium, potassium, magnesium, sodium), pH, EC, TDS, total and fecal coliform, fecal streptococci and heterotrophic plate count (HPC) or as specified by NRCB.

- (f) All information noted above in (e) would be presented into a report that is sealed by an appropriate member of the Association of Professional Engineers, Geologists and Geophysicists and submitted to NRCB Approvals Officer for review. The report will summarize the conclusions of the investigation, clearly state any impact the CFO is having on groundwater resources and support their findings with suitable data and calculations. When adverse impacts beyond the pre-CFO baseline values are present, the report should indicate what mitigative measures will be employed and when remediation measures will begin.
- (g) A map of drainage patterns, water bodies, and seasonal flood plains, shall be provided to the NRCB Approvals Officer by the applicant. Information on seasonal runoff conditions should also be provided. Sloughs and intermittent drainage ways (surface water bodies), including all areas prone to seasonal flooding events are to be identified and avoided as surface waters may be recharge zones for the Grimshaw Gravels Aquifer.
- (h) A contingency plan, is to be provided to NRCB Approvals Officer by the applicant, whereby the said plan would indicate the mitigating measures for groundwater impacts, observed from the groundwater monitoring wells. The contingency plan shall be immediately activated upon the detection of contamination from the CFO. The contingency plan will include a step by step procedure detailing whom to call in the event of contamination of the aquifer, contacts at Alberta Environment, as well as a list of private sector hydro - geological consultants capable of dealing with groundwater aquifer remediation. Upon notification of contamination the NRCB will ensure the contingency plan is implemented.
- (i) A reclamation plan to decommission the site at the end of operations is to be provided to the NRCB Approvals Officer by the applicant, whereby the cost is to be borne by the applicant. The reclamation plan will detail decommissioning of the storage facility, monitoring wells and any other structures on the site, including the length of time monitoring will continue after decommissioning.
- (j) The construction of manure storage or feedlots, that shall not occur when the soil is frozen.
- (k) A Certificate of Completion, should be completed and sealed by a registered member of the Association of Professional Engineers, Geologists and Geophysicists for the design and construction of the manure storage and/or handling facilities. The Certificate should be supported with documentation to ensure that the facilities were constructed to meet the requirements of the NRCB Approvals Officer.

(3) SITING of FEEDLOTS may occur on the Grimshaw Gravels Aquifer area, at the



NRCB REGISTRATION LEVEL, subject to the following:

- (a) Feedlots generally cover a large area, so to account for variations in the subsurface, one (1) exploratory hole, 25 metres deep, should be drilled for every 16 ha. of feedlot area by the applicant, and the cost for drilling the exploratory holes shall be borne by the applicant. This equates to spacing of 400 metres.
- (b) The drilling or excavation of a minimum of 5 holes, each to a depth of 5 metres below the floor elevation of the feedlot or manure storage. The test holes should be placed in a grid pattern covering the entire area to be used for the feedlot or solid manure storage with a maximum spacing of 200 metres. If 2 or more distinct soil types are encountered, at least 3 permeability tests should be completed in each soil type. The drilling or excavation of the holes shall be done or conducted by the applicant and the cost to do so shall be borne by the applicant.
- (c) The maintenance of the compacted soil/manure interface that forms when cattle are in the pens. Caution should be taken to leave this layer intact, when cleaning pens. This compacted layer acts as an impermeable layer restricting downward flow of water.
- (d) The construction of feedlots to provide drainage of water to prevent the buildup of water in the feedlot. Manure runoff should be prevented from entering surrounding surface or groundwater and be contained on the owner's property. Runoff water that would normally flow onto the feedlot/manure storage should be diverted around the site. If a catch basin is used to retain manure runoff, the catch basin construction shall follow the guidelines for liquid manure system found in this document in Section C 2(b).
- (e) The complete removal of all manure, as soon as possible, after the cattle are removed, if the feedlot is to be empty for more than 2 months. If the feedlot is to be shut down permanently, all manure should be removed and the feedlot properly decommissioned according to its plan.

### **10.3 MANURE SPREADING ON THE GRIMSHAW GRAVELS AQUIFER**

- (1) Manure spreading from Confined Feeding Operations shall not be allowed on any quarter section or parcel having 4 metres, or less than 4 metres, of clay cover. The total quarter section will be rejected for manure spreading if any area in the said quarter section has less than 4 metres of clay cover.
- (2) Those quarter sections where manure shall not be spread are currently identified below and shown on Map 4: Confined Feeding Operations Exclusion Zone and Manure Spreading Exclusion Zone:
  - (a) Sections 3,4,9,10,13,24,25, & 36 – 82-26W5

- (b) Sections 15,18,19,20,21,25,26,28,29,30,31,32,35, & 36-82-25-W5
- (c) Sections 4,5,13,14,21,22,23,24,25,26,27,28,33, & 34-83-25-W5
- (d) Sections 5,6,7,8,9,18,19,25,26,35, & 36-83-24-W5
- (e) Sections 27,31,32,33, & 36-83-23-W5

Where there is a disagreement between the landowner and the Municipality on the amount of clay cover, the owner may, at his sole cost, provide geo-technical data from boreholes to have the bylaw amended. The Municipality will require a minimum of 16 boreholes per quarter section, that is one borehole for each 10 acres in the quarter section. Said geo-technical data shall be certified by a registered member of the Association of Professional Engineers, Geologists and Geophysicists. The boreholes shall be a minimum depth of 4 metres. Based on the soils in the field, additional boreholes may be required. All landscape features and soil types must be included in the sampling.

- (3) All fertilizer sources applied in a crop year must be considered when determining application rates.
- (4) The manure and other fertilizers together shall be applied at rates to provide no more than a one year supply of nutrients.
- (5) APPLICATION OF MANURE, on permitted quarters, shall adhere to the following buffers around sensitive features, such as gravel outcrops, active or abandoned wells, drainage sumps, or water bodies, and measured from the nearest perimeter of said feature:
  - (a) For land having a mean slope of less than 4% toward a sensitive feature, 30 metres (98 feet)
  - (b) For land having a mean slope of greater than 4% but less than 6% toward a sensitive features, 60 metres (197 feet)
  - (c) For land having a mean slope of greater than 6% but less than 12% toward a sensitive features, 90 metres (295 feet)
  - (d) Manure shall not be applied on land having a mean slope of 12% or greater toward a sensitive feature.
  - (e) Liquid or dry manure shall not be applied to frozen or snow covered soil.
  - (f) Surface application of liquid or dry manure should be incorporated into the soil as soon as practicable (i.e. 24 – 48 hours). Incorporation is not required when manure is applied to forages.
  - (g) Injection of liquid manure into the soil shall be at a maximum depth of 20 cm (8 inches) to minimize the amount of nutrients that leach below the root zone of the crop.

## 10.4 ROADS

- (1) The Applicant for an Approval or Registration to construct or expand a CFO is required to enter into an agreement with the Municipal District of Peace No. 135 for the provision of a road construction, upgrading or maintenance required as a result of the traffic to serve the CFO. The road use agreement will consider:
  - (a) volume and weight of vehicles
  - (b) distance to the site
  - (c) impact of road dust on residences abutting or near the road to the site
  - (d) requirements for increased grading, gravel or dust control

# **PART ELEVEN**

## **FORMS**

*Deleted*

## **PART TWELVE**

### **LIST OF AMENDMENTS**

## LIST OF AMENDMENTS

DATE (yyyy/mm/dd)	BYLAW NUMBER	PURPOSE
2012/06/12	3/2012	From AG to CR Part of SE 10-83-24-W5M
2012/06/12	4/2012	From AG to CR Part of NE 26-83-24-W5M
2012/07/10	6/2012	From AG to CR Part of NW 23-83-22-W5M
2012/08/14	8/2012	From AG to CR Part of Surrendered Indian Reserve 151D
2012/08/14	9/2012	From JPAG to CR Part of River Lot 25 (Lot 1, Blk1, Plan 982 1745)
2013/05/14	2/2013	From AG to CR Part of NW 21-82-23-W5M
2013/06/11	4/2013	From JPAG to RI Part of SE 36-83-23-W5M
2013/07/09	5/2013	From JPAG to HC & SC Part of S½ of SW 33-83-22-W5M
2013/07/09	6/2013	From JPAG to CR Part of NW 23-83-22-W5M
2013/08/13	7/2013	From JPAG to CR Part NW 34-83-22-W5M
2013/11/07	10/2013	From AG to CR-2 Part of NW 35-83-25-W5M
2014/04/08	11/2013	Add Definitions: Aboveground Crude Oil Storage Tanks, Crude Oil Transloading Facility and Petroleum Facility Add Sections 4.46 and 5.10-A
2014/03/11	1/2014	From JPAG to RI Part of NE 28-83-22-W5M
2014/03/11	2/2014	From JPAG to RI Part of NW 33-83-22-W5M
2014/03/11	3/2014	From AG to CR Part of NW 11-83-23-W5M
2014/03/11	4/2014	From JPAG to CR Part of NW 24-83-23-W5M
2014/05/12	5/2014	From AG to CR Part of NW 35-82-24-W5M
2014/06/10	8/2014	From JPAG to CR Part of SW 28-83-22-W5M
2014/08/12	9/2014	From JPAG to HC, SC, RI Part of NW 28-83-22-W5M
2014/09/09	10/2014	From AG to HC Part of NW 33-82-24-W5M

<b>DATE (yyyy/mm/dd)</b>	<b>BYLAW NUMBER</b>	<b>PURPOSE</b>
2014/08/12	11/2014	Add Definitions: Commercial Storage Facility, Indoor; Commercial Storage Facility, Outdoor Add to discretionary uses of Sections 5.4, 5.15, 5.16 Section 5.5 Parcel Density amended
2014/12/09	13/2014	From AG to CR2 Part of NW10-81-26-W5M
2015/01/13	14/2014	From AG to CR Part of NE27-83-23-W5M
2015/02/10	1/2015	From JPAG to SC Part of NW28-83-22-W5M
2015/06/09	3/2015	From JPAG to CR Part of S ½ SE13-83-23-W5M
2015/07/09	4/2015	From JPAG to CR Part of River Lot 32 Shaftesbury Settlement
2015/09/08	5/2015	From AG to CR Part of NE33-83-23-W5M
2015/10/13	7/2015	From AG to HC Part of SE7-83-23-W5M
2016/02/09	9/2015	From JPAG to CR Part of NW24-83-23-W5M
2016/04/12	1/2016	From SC to HC Part of NW28-83-22-W5M
2016/06/14	4/2016	From HD to AG Part of SE19-83-23-W5M
2016/09/13	5/2016	Add Shaftesbury Trail RI-SG District and definitions
2016/09/13	7/2016	Remove Part Eleven – Forms
2016/08/09	8/2016	From AG to RI-GP Part SE32-83-23-W5M
2017/07/11	4/2017	Land Use Matrix Amendment
2018/04/10	5/2018	From JPAG to CR Part of the SW26-83-22-W5M
2018/06/26	10/2018	Add Cannabis Definitions
2018/06/26	11/2018	Add Cannabis Regulations and Uses to Land Use Districts
2018/10/09	15/2018	Update to Administrative Agencies
2020/01/14	10/2019	Municipal Government Act Amendment Update SDAB changes
2020/01/14	13/2019	From AG to RI Part of E ½ of 30-82-23-W5 (Lot 1, Block 1, Plan 1425436)

2020/04/14	5/2020	From AG to RI Part of SW32-83-23-W5 (Lot 3 Blk1, Plan 1027025)
2020/10/13	11/2020	Add Water Reservoir or Dugout to discretionary uses in Section 5.6 CR District
2021/10/12	4/2021	Add definitions: Shouse; Cabin, Guest; Cabin, Recreational; Short-term Rental Accommodation. Update definition for Bed and Breakfast. Add Regulations for Shouse and Cabins, and add Shouse, Cabins and Short-term Rental Accommodation to Land Use Districts
2021/11/09	5/2021	From JPAG to CR Part of SW30-83-22-W5
2022/01/25	7/2021	Amend site provisions for RI, CI, HC and SC
2022/06/12	2/2022	From AG to RI-GP Part of NE32-83-23-W5
2022/05/24	5/2022	From JPAG to CR Part of NW15-83-22-W5



## **PART THIRTEEN**

### **DETAIL AND LAND USE DISTRICT MAPS**





# Municipal District of Peace No. 135

## Land Use Bylaw No. 1/2012

### Map 1: Land Use Bylaw Districts

- # Detail Map Number
- Municipal or Provincial Park

#### Land Use District

- Crown Land (C)
- Agricultural (AG)
- Joint Plan Agricultural (JPAG)
- Country Residential (CR)
- Country Residential Hobby Farm (CR-2)
- Highway Development (HD)
- Rural Industrial (RI)
- Rural Industrial: Gravel Pit (RI-GP)
- Rural Industrial: Petroleum Facility (RI-PF)
- Rural Industrial: Shaftesbury Trail Gravel Pit (RI-SG)
- Commercial - Industrial (CI)
- Hamlet General (HG)
- Direct Control 1 (DC-1)
- Direct Control 2 (DC-2)
- Highway Commercial (HC)
- Service Commercial (SC)

Adopted by Council this 8th day of May, 2012.

Original Signed By: *Veronica Bliska*  
REEVE - Veronica Bliska

Original Signed By: *Lyle McKen*  
CHIEF ADMINISTRATIVE OFFICER - Lyle McKen

## Amendments

Bylaw No.	Date	Bylaw No.	Date
3/2012	Jun. 12, 2012	9/2014	Aug. 12, 2014
4/2012	Jun. 12, 2012	10/2014	Sep. 9, 2014
6/2012	Jul. 10, 2012	13/2014	Dec. 9, 2014
8/2012	Aug. 14, 2012	14/2014	Jan. 20, 2015
9/2012	Aug. 14, 2012	1/2015	Feb. 10, 2015
2/2013	May 14, 2013	3/2015	Jun. 9, 2015
4/2013	Jun. 11, 2013	4/2015	Jul. 9, 2015
5/2013	Jul. 9, 2013	5/2015	Sep. 8, 2015
6/2013	Jul. 9, 2013	7/2015	Oct. 13, 2015
7/2013	Aug. 13, 2013	9/2015	Feb. 9, 2016
10/2013	Nov. 7, 2013	1/2016	Apr. 12, 2016
1/2014	Mar. 11, 2014	4/2016	Jun. 14, 2016
2/2014	Mar. 11, 2014	8/2016	Aug. 9, 2016
3/2014	Mar. 11, 2014	5/2018	Apr. 10, 2018
4/2014	Mar. 11, 2014	13/2019	Jan. 14, 2019
5/2014	May 12, 2014	5/2020	Apr. 14, 2020
8/2014	Jun. 10, 2014	2/2022	Jul. 12, 2022

Cadastral Data Source (Date): AltaLIS Ltd, (Aug 2016)  
Updated and Printed: August 2022

