



LAND USE BYLAW

CLEAR HILLS COUNTY

BYLAW NO. 189-16

Clearly an Area of Opportunity

Adopted: August 17, 2016

Updated: June 26, 2019

Prepared by Clear Hills County and the Mackenzie Municipal Services Agency





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Land Use Bylaw No. 189-16

Effective Date

Insert Bylaw here



Guide to using the Clear Hills County Land Use Bylaw

The Land Use Bylaw establishes the regulations on how land can be developed in Clear Hills County. Regulations vary depending on the location and type of development. Other Bylaws or regulations of the County, Province or Federal government also have to be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw maps divide the County into various land use districts. Secondly, the text of the Land Use Bylaw details which uses are permitted in each land use district. Thirdly, the text provides additional regulations that apply to specific uses. The following steps may assist the user:

- 1) Locate the subject property on the land use district maps. Each land use district has a designation such as “AG-1” for AGRICULTURAL DISTRICT – 1 or “CR-1” for COUNTRY RESIDENTIAL DISTRICT – 1. Take note of which land use district the subject property is located in. The subject property may be affected by an Area Structure Plan (ASP) if it is located within the hamlets of Worsley and Cleardale, which may modify some of the uses and regulations of the Land Use Bylaw or impose additional regulations.
- 2) Next, check the table of contents and locate the land use district that you are working with, in Section 10. In each land use district, you will find a list of permitted and discretionary uses, and various regulations. This determines how and what can be developed in any given land use district. There are definitions in Section 1 that may help with unfamiliar terminology.
- 3) Review the table of contents to see if there might be any general or special land use provisions that apply to the situation or use in question. For example, Section 6 describes the enforcement procedure. Section 8 contains General Land Use Provisions including “accessory” developments and “signs;” Section 9 contains Special Land Use Provisions including “home occupations.”
- 4) Discuss your proposal/concern with the Planning and Development staff. The Clear Hills County staff is more than willing to assist you with development/subdivision or general inquiry issues and explain procedures. They can also assist with other situations such as enforcement or Land Use Bylaw amendments.

NOTE: THIS PAGE IS INTENDED ONLY TO ASSIST USERS AND DOES NOT FORM PART OF THIS BYLAW.



SECTION 1: ADMINISTRATION



SECTION 1: ADMINISTRATION

1.1 General

Clear Hills County is an agricultural community, and one which strongly desires the retention and maintenance of the agricultural sector. Thus it should be realized that the first priority use for all lands capable of agricultural production should be farming. The normal sights, sounds and smells of agricultural operations are part of the County's rural character. In accordance with the principle that agriculture and activities associated with agriculture in all its forms has priority in rural areas, no legitimate activity related to the production of food should be curtailed solely because of objections of nearby landowners.

The occupation of food production includes, but is not limited to, the use of irrigation pumps and equipment, aerial and ground seeders, sprayers, tractors and motors, the raising of livestock and poultry, and the application of fertilizers, and pesticides (insecticides, herbicides and fungicides). When conducted in accordance with generally accepted agricultural practices, these activities may occur on holidays, Sundays and weekdays, at night and in the day, and noise, odours, dust and fumes caused by them are permitted as part of the activities directed to the production of food. This policy statement is a reminder to those who wish to move to the country that they must recognize that agriculture has priority and that agricultural activities shall be permitted in the County.

1.2 Purpose

The purpose of this Bylaw is to regulate and control the use, conservation and development of land and buildings within Clear Hills County to achieve orderly, planned development of land, and for that purpose:

- (1) To divide Clear Hills County into land use districts.
- (2) To prescribe and regulate for each land use district, the uses for which land and buildings may be used and regulated.
- (3) To establish the office of one or more Development Officers and the Municipal Planning Commission (MPC).
- (4) To prescribe a procedure to notify owners of land likely to be affected by the issuance of a development permit.
- (5) To follow adopted statutory plans (Area Structure Plans, Municipal Development Plans, Inter-Municipal Development Plan), regional plans, the Municipal Government Act, Subdivision and Development Regulation, Land Stewardship Act, and other applicable Provincial and Federal legislation.



- (6) To establish a procedural framework for decision making on subdivision referrals, stop orders, land use bylaw amendments and applications for development permits including the issuance of development permits.
- (7) To establish the size and density of uses within each land use district.

1.3 Application

Unless exempted by the Municipal Government Act or otherwise specified in this Bylaw, the provisions of this bylaw apply to all land use districts and buildings within the boundaries of Clear Hills County.

1.4 Conformity

- (1) No person shall commence any development unless it is in accordance with the terms and conditions of this Bylaw.
- (2) Other Approvals & Licenses
In addition to meeting the requirements of this Bylaw, it is the developers' responsibility to obtain other such approvals or licenses as may be required by Clear Hills County or other Provincial and/or Federal government departments or organizations.
- (3) In instances where there is a discrepancy between this bylaw and the Municipal Government Act (MGA), the MGA prevails.
- (4) In instances where there is a discrepancy between the provisions within this bylaw and Figure 25, Land Use Matrix, this bylaw prevails.

1.5 Interpretation

"OTHER WORDS AND EXPRESSIONS" means all other words and expressions contained in this Bylaw will have the meaning commonly given to them or as outlined in the Province of Alberta Municipal Government Act, R.S.A. 2000, c.M-26.

- (1) Any doubt as to the meaning of a word, or the boundaries of a land use district shall be settled by a resolution of Council.
- (2) In accordance with Alberta Land Titles practice, all areas and distances in this Bylaw are in metric measure. Imperial equivalents are given as a convenience but may not be exact. In case of conflict, the metric measure shall govern.
- (3) The words *he*, *him*, and *his* are to be read as *she*, *her*, and *hers*, and the singular is to be read as the plural, as the case requires.
- (4) The word *may* is an operative word meaning a choice is available with no particular direction or guidance intended.



- (5) The word *must* is an operative word which means an action that is imperative and mandatory.
- (6) The word *shall* is an operative word, which means an action that is imperative and mandatory.
- (7) The word *should* is an operative word which means, that in order to achieve local goals and objectives, it is strongly advised the action be taken.
- (8) Where the boundary of a lot is also the boundary between two land use districts, and the lot boundary is then changed through subdivision, the land use classification follows the new boundary.
- (9) Where a road is closed and added to an adjacent parcel, the added area takes the land use classification of the parcel to which it is added.
- (10) Building setbacks are measured from the footings/outside wall of the building, not from overhangs.
- (11) Where this Bylaw allows an exercise of discretion or judgment, the discretion or judgment is that of the Development Authority, or in the case of an appeal, the judgment of the Subdivision and Development Appeal Board.

1.6 Acronyms

Table A: Acronyms

A.R.	Alberta Regulation
AER	Alberta Energy Regulator
AOPA	Agricultural Operation Practices Act
ASP	Area Structure Plan
c.M-26	Chapter M-26
CAN/CSA	Standards Council of Canada
CSA	Canadian Standards Association
CFO	Confined Feeding Operation
DAB	Development Appeal Board
DO	Development Officer
MMSA	Mackenzie Municipal Services Agency
MPC	Municipal Planning Commission
R.S.A.	Revised Statutes of Alberta
SAB	Subdivision Appeal Board



1.7 Definitions

"ABATTOIR" means a facility used for the slaughtering of animals and the processing of meat products.

"ACCESSORY BUILDING OR STRUCTURE" means a detached building or structure on the same lot as the principal building, the use of which is clearly secondary to the principal building or use and includes, but is not limited to, a detached garage, a detached deck, a gazebo, a private greenhouse, a dock, a boathouse, an above ground swimming pool, an in-ground swimming pool and a satellite dish greater than 1.2 m (3.94 ft) in circumference. The accessory building or structure shall not be used for overnight habitation except for a farm help accommodation located in an agricultural zone or a secondary suite above a detached garage.

For the purposes of this Bylaw, an accessory building shall not be used as a dwelling unit, except as noted.

"ACCESSORY USE" means a use which is separate and subordinate to the principal use of the building or land located on the same site, but does not include a farm building or dwelling unit.

"ACT" means the Province of Alberta Municipal Government Act, R.S.A 2000, c.M-26 and amendments thereto.

"ADJACENT LAND" means land or a portion of land that shares a common boundary with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be adjacent if not for a public roadway, railway, utility right of way, water feature or reserve land. See Figure 4 (Adjacent Land) for the explanation note.

"AERODROME" means any area of land, water (including frozen surface thereof) or other supporting surface used or designed, prepared, equipped or set apart for use either in whole or in part for arrival and departure, movement or servicing of aircraft and includes any building, installations and equipment in connection with this use.

"AGRICULTURAL INDUSTRY" means any industrial use directly related to agriculture involving the production, storage or sale of farm related products and generally includes:

- (1) Agricultural machinery sales & service;
- (2) Agricultural supplies;
- (3) Auction mart;
- (4) Bulk fuel sales or storage;
- (5) Grain elevator;



-
- (6) Hay or grain dryer plant;
 - (7) Livestock holding station;
 - (8) Pellet plant;
 - (9) Seed cleaning plant; or
 - (10) Other agricultural industry developments.

“AGRICULTURAL USE, INTENSIVE” means a commercial agricultural operation other than Confined Feeding Operations that, due to the nature of the operation, require smaller tracts of land. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, market gardens, kennels, sod farms, bee keeping, and tree farms.

“AGRICULTURAL USE, MINOR” means the keeping of, and shelters for horses, cattle, sheep or other farm animals to a maximum of two head for the first three (3) acres of land and one head for each additional two (2) acres, or as permitted by the Municipal Planning Commission.

“AGRICULTURAL USE (RESTRICTED), MINOR” means the keeping of farm animals, subject to a restriction on the keeping of large farm animals.

“AIRPORT” means:

- (1) 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.
- (2) This includes any building, installation or equipment in connection therewith, operated by the Department of National Defence or for which an airport licence has been issued by Transport Canada.

“AMENITY” means an area within a site which has been designed to be used for passive or active recreation and may include features such as patios, balconies, landscaping, recreation facilities, and communal gathering spaces.

“APARTMENT” see ***“DWELLING, APARTMENT”***

“AQUIFER” means a layer of rock, sand, or earth that contains water or allows water to pass through it.

“AUTO BODY AND SERVICE STATION” means a use where the primary activities include the repairing and maintaining of vehicles, including auto body repair; and any building, land area or other premises used for the retail dispensing or sale of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and other similar accessories. It may also include an enclosed restaurant facility or convenience store facility as a secondary use to the principal fuel sale use.



"AUTOMOBILE SALES" means the premises for the display and sale of new or used automobiles and light duty trucks less than 5000 kilograms G.V.W. (11,023 lbs.). This does not include recreation vehicles, boats, trailers, campers and similar vehicles.

"BALCONY" means a platform, attached to and projecting from the face of a building with or without a supporting structure above the first storey, normally surrounded by a balustrade or railing and used as an outdoor porch or sundeck with access only from within the building.

"BASEMENT" means the portion of a building or structure which is partially or wholly below lot grade and having a floor below lot grade by a distance greater than one-half the distance from floor to ceiling.

"BETTER AGRICULTURAL LAND" means a quarter section or river lot inclusive of agriculture classes 1 to 3 and class 4 for specially adapted crops, as identified in the Canada Land Inventory. Lands that have high grazing value may also be considered as better agricultural land.

"BOULEVARD" means that part of a road right-of-way that is between the travelled roadway and the lot frontage along the road right-of-way. Clear Hills County owns the boulevard land. See Figure 5 (Boulevard) for the explanation note.

"BUFFER" means an area where development is restricted to a row of trees, shrubs, fencing, berming or other similar means to provide visual screening and separation between sites, roadways or districts. See Figure 12 (Buffer) and Figure 21 (Fencing) for the explanation notes.

"BUILDING HEIGHT" means the vertical distance between grade and the highest point of a building. See Figure 13 (Building Height) for the explanation note.

"BUILDING OR SITE STORAGE FACILITY" means a building or site that is used to store goods, products or equipment and is usually associated with a commercial and/or industrial operation.

"BULK FUEL SALES OR STORAGE" means a facility and/or grounds used for the bulk storage and sale of oil and fuel products.

"BUS DEPOT" means a building and associated facilities used by bus operators for the loading and unloading of persons and goods and may be used to store buses and related equipment.

"BUSINESS" means the use of land or buildings for business activities of a commercial nature.

"BUSINESS, CONTRACTOR'S" means the use of land or buildings for a business, contractor's operation including a building contractor, an oilfield servicing contractor or another similar type of contracting operation.

"BUSINESS, HANDICRAFT" means the production and selling of handmade useful and/or decorative items on a commercial basis.



"BUSINESS, TRADESMAN'S" means the use of land or a building for business purposes by an individual or group engagement in a skilled trade, craft or art.

"BYLAW" means the Clear Hills County Land Use Bylaw No. 189-16.

"CABIN" means a building intended for short term occupancy. A cabin normally does not include a full kitchen or bathroom facilities and is not connected to services (sanitary, water, electrical) and includes a trap line cabin.

"CAMPGROUND" means any parcel of land on which holiday trailers, tents or recreational vehicles are parked for camping purposes on a temporary basis for a stipulated time period.

"CAMP, WORK" see **"WORK CAMP"**

"CAR OR TRUCK WASH" means the provision of facilities, including a central water supply for washing vehicles.

"CARDLOCK FACILITY" means an outlet where petroleum products are dispensed from fuel pumps utilizing a cardlock or keylock system but does not include gasoline service stations. A cardlock facility may be supervised or unsupervised and may include retail petroleum sales, convenience food stores, or restaurants all of which are accessory to the primary cardlock use.

"CARETAKER'S RESIDENCE" see **"DWELLING, CARETAKER'S"**

"CEMETERY" means a parcel of land that is used as a burial ground and is licensed by the appropriate provincial government department.

"CHILD CARE OR CHILD CARE FACILITY, HOME" see **"HOME CHILD CARE OR HOME CHILD CARE FACILITY"**

"CHURCH" see **"PLACE OF WORSHIP"**

"COLD STORAGE FACILITY" means the use of buildings or structures for the cold storage of goods, products or other items.

"COMMUNICATION TOWER" means a structure that is used to convey broadband signals for radio cell phones, internet and television and may include other structures necessary for the carrying out of this function.

"COMMUNITY HALL OR CLUBHOUSE" means a building that is used as a community meeting or activity place.

"CONFINED FEEDING OPERATION (CFO)" means a confined feeding operation as defined and regulated under the provisions of the Agricultural Operation Practices Act (AOPA).



“CONTRACTOR’S BUSINESS” see ***“BUSINESS, CONTRACTOR’S”***

“CORNER LOT” means a lot having a frontage on two or more roads at their intersection excluding lots that abut alleys or a lane.

“COUNCIL” means the Council of Clear Hills County.

“COUNTRY RESIDENTIAL PARCEL” means:

- (1) The rural subdivision of an undeveloped parcel from a quarter section for residential purposes; and/or
- (2) The second or additional rural subdivision of a parcel from a quarter section for residential purposes.

“COUNTY” means Clear Hills County, and where required by the context shall include all lands within the corporate boundaries of Clear Hills County.

“CROWN LAND” means land belonging to the Province of Alberta and includes the beds and shores of all permanent and naturally occurring water features.

“CRUDE OIL TRANSLOADING FACILITY” 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.

“DECK” means a recreational platform either attached or not attached to the principal building. A deck can be at ground level or elevated, and may be an open or closed design construction. See Figure 11 (Deck Perspective) for the explanation note.

“DENSITY” means a quantitative measure of the number of persons, families, or dwelling units per unit of area.

“DEVELOPER” means a person having interest and applying for development of land.

“DEVELOPMENT” means:

- (1) An excavation or stockpile and the creation of either of them; or
- (2) A building or an addition to, or replacement, or repair of a building; and the construction or placing in, on, over or under land; or
- (3) 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



- (4) A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; or
- (5) In the case of a lot used for residential purposes, significant alterations made to a building such as structural alteration or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit; or
- (6) In the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot; or
- (7) The placement of an already constructed or partially constructed building on a parcel of land; or
- (8) The display of advertisements or signs on the exterior of a building or on any land; or
- (9) The placing or stockpiling of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered; or
- (10) The removal of topsoil from land; or
- (11) The recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than twelve (12) months; or
- (12) The use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery; or
- (13) The removal or demolition of a building.

“DEVELOPMENT APPEAL BOARD (DAB)” means an appeal board for development appointed by the Council pursuant to the Province of Alberta Municipal Government Act, R.S.A. 2000, c.M-26.

“DEVELOPMENT AUTHORITY” means one or more of the following:

- (1) Development Officer (DO); or
- (2) The Municipal Planning Commission (MPC); or
- (3) A combination of both the DO and MPC; or
- (4) Any other person appointed by resolution or Bylaw of Council pursuant to the provisions of this Bylaw.



"DEVELOPMENT OFFICER (DO)" means a person(s) appointed as a Development Officer by the Council pursuant to Section 624 of the Municipal Government Act, R.S.A. 2000, c.M-26 and who is/are responsible for receiving, considering, and recommending a decision on applications for development and other duties as specified under this Land Use Bylaw.

"DEVELOPMENT PERMIT" means a document authorizing development of a specific type on a specific parcel of land to proceed in compliance with this Land Use Bylaw.

"DISCRETIONARY USE" means the use of land or of a building provided for in this Bylaw for which a development permit may be issued at the judgement of the development authority with or without conditions.

"DISTRICT" means an area of land classified on a land use district map in this Bylaw.

"DOMESTIC PET" see **"PET, DOMESTIC"**

"DUGOUT OR WATER RESERVOIR" means an excavation of earth; rock, concrete or other material designed to supply water for household, landscaping, or general agricultural purposes but does not include a lagoon for the purpose of processing wastewater.

"DUPLEX DWELLING" see **"DWELLING, DUPLEX"**

"DWELLING" means any building or portion of a building containing one dwelling unit used for human habitation and which includes a dwelling, modular home; or a dwelling, manufactured home whether or not it is placed on a permanent foundation or is standing on wheels or is supported by blocks or jacks or other non-permanent supports.

"DWELLING, APARTMENT" means a residential building use consisting of at least three dwelling units with shared entrances and other essential facilities and services.

"DWELLING, CARETAKER'S" means a dwelling that is secondary or accessory to a principal industrial, commercial or recreational use 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, DUPLEX" means a building containing two dwelling units which share a common wall or ceiling/floor, and which has an independent entrance either directly from outside the dwelling or through a common lobby area. See Figure 15 (Dwelling, Duplex) for the explanation note.

"DWELLING, MANUFACTURED HOME (previously known as Mobile Home)" means a prefabricated transportable detached dwelling unit, which is manufactured to be relocated from one location to another by being towed or carried and is capable of human habitation for residential occupancy. Dwelling, manufactured homes generally have steel supporting beam, running gear or wheels, and can be situated on site without a permanent foundation.



Dwelling, manufactured homes are required to be built to CSA A277 or CAN/CSA Z240 standards and meet the requirements of the Alberta Building Code, but does not apply to dwelling, modular homes, recreational vehicles or work camps.

"DWELLING, MODULAR HOME" means a prefabricated dwelling, single-detached; dwelling, modular home unit; manufactured to be transported and assembled on site on a permanent perimeter foundation such as a concrete basement wall or a brick wall. A dwelling, modular home unit has no chassis, running gear or wheels and is assembled on site in home units to form one or more complete dwelling units for residential occupancy.

Dwellings, modular home are required to be built to the CSA A277 standard and to meet the Alberta Building Code. For the purposes of this Bylaw a *dwelling, manufactured home* shall not be considered to be a dwelling, modular home.

"DWELLING, ROW HOUSE" means a residential use where at least three dwelling units on separate lots, share a common wall between units, and with each unit having direct access to the outside grade, but shall not mean a "dwelling, apartment."

"DWELLING, SECONDARY SUITE" means a second self-contained dwelling unit that is located within a principal dwelling unit either above or below grade level. Further a dwelling, secondary suite shall also constitute a proposed dwelling unit situated above a garage. Dwelling, secondary suites shall meet the standards of the Alberta Building Code.

"DWELLING, SEMI-DETACHED" means a building containing two dwelling units attached side-by-side. Each dwelling unit is located entirely on a separate lot. See Figure 14 (Dwelling, Semi-Detached) for the explanation note.

"DWELLING, SINGLE-DETACHED" means a building containing only one (1) dwelling unit which is completely separated on all sides from any other dwelling or structure and, except as otherwise allowed by the Bylaw, used for no other purpose.

"DWELLING, TEACHERAGE" means a house or lodgings provided for a teacher by a school.

"DWELLING, TRI-PLEX" means a building containing three dwelling units one above the other, each of which has an independent entrance either directly from outside the dwelling or through a common lobby area. See Figure 16 (Dwelling, Tri-Plex) for the explanation note.

"DWELLING UNIT" means self-contained living quarters (which include sleeping, cooking and toilet facilities) with an independent entrance either directly from outside a building or through a common hallway inside a building.

"(DWELLING UNIT) SENIORS' HOUSING" see **"SENIORS' HOUSING"**

"EASEMENT" means a right to use land, generally for access to another property; or as a right-of-way for a public utility.



“ELECTRICAL POWER FACILITY” means the activity of producing electrical power and associated structures.

“ENVIRONMENTAL AUDIT” means a comprehensive site analysis to determine:

- (1) 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; and/or
- (2) If there are any breaches of federal, provincial and/or County environmental standards; and/or
- (3) The level of risk that a contaminated site poses to the environment and/or human health; and/or
- (4) The necessary remedial actions that 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 analysis to determine:

- (1) The potential environmental impact of the proposed development on site; and/or
- (2) The potential environmental impact of the proposed development upon adjacent properties or land uses; and/or
- (3) The potential environmental impact the proposed development may have on the future land use potential of the site.

“ENVIRONMENTAL IMPACT ASSESSMENT REPORT” means a written document containing the result of an environmental impact assessment.

“EQUIPMENT RENTAL SHOP” means the use of a building for the renting of equipment, usually on a commercial basis.

“EQUIPMENT REPAIR SHOP” see ***“REPAIR SHOP”***

“EXHIBITION GROUNDS AND/OR RODEO” means an area that is used for public display of arts, objects, industrial achievements, agricultural products, rodeo, merchandise, articles, skills, innovation or information.

“EXISTING BUILDING SITE” means parcels of land on which the principal use is residential; the position on that parcel at which the existing or principal dwelling is located; and for parcels on



which the principal use is agricultural, includes the area generally described as a farmstead or yard, sometimes partially or entirely enclosed by shelterbelt.

"EXTENSIVE AGRICULTURAL USE" see ***"AGRICULTURAL INDUSTRY"***

"EXTENSIVE RECREATIONAL USE" see ***"RECREATIONAL USE, EXTENSIVE"***

"EXTERIOR SIDE YARD" means a side yard immediately adjoining a road. See Figure 7 (Lot Definitions and Yard Definitions) and Figure 8 (Yard Definitions) for the explanation notes.

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

"FARMING OPERATION" means a small scale business operation, dependent upon on-site (usually family) labour, and which is secondary to the use of a parcel of land for agricultural purposes.

"FARMSTEAD" means a farmyard which was once established or is currently established with some or all of the following:

- (1) A dwelling;
- (2) A potable water source;
- (3) A sewage collection system;
- (4) An electrical power service;
- (5) A shelter belt; and/or
- (6) Any other feature which would indicate a previous or present developed farmstead.

"FIRE HALL" means a facility in which fire trucks and equipment is located, and fire-fighting personnel may be accommodated.

"FLOODPLAIN" means an area of land bordering a water feature that would be inundated by a 1 in 100 year flood event, as determined by Alberta Environment and Parks, in consultation with Clear Hills County.

"FLOOR AREA" means the total of the floor areas of every room and passageway contained in a building, but not including the floor areas of basements, attached garages, sheds, open porches, decks or breezeways. See Figure 17 (Floor Area) for the explanation note.



"FLYING CLUB" means a private organization for flying enthusiasts that includes the storing of private aircraft. A flying club can only be accommodated at a private or registered aerodrome, not at a certified aerodrome.

"FRAGMENTED PARCEL" means a parcel that is separated from the balance of a quarter section or a part of a quarter section by a natural barrier such as a river or a coulee, or by a physical barrier such as a road or a highway.

"FRONT LOT LINE" means the lot line at the front of a lot. See Figure 7 for the Lot Definitions and Yard Definitions explanation note.

"FULLY SERVICED" means having all appropriate services including water and sewer developed to provincial standards, developed road access and utilities such as power and gas.

"GARAGE" means an accessory building or part of the principal building, designed and used primarily for the storage of non-commercial motor vehicles.

"GRAIN ELEVATOR" means a structure that is used for the off-farm storage of grain and is usually located in such a manner to take advantage of a rail or truck loading facility.

"HAIR SALON OR SPA" means personal services related to the care and appearance of the body.

"HAMLET" means an unincorporated community administered by and within the boundaries of the municipality that consists of (5) five or more dwellings, has a generally accepted boundary and name, and has been designated as a hamlet by Council as per Section 59 of the MGA.

"HANDICRAFT BUSINESS" see **"BUSINESS, HANDICRAFT"**

"HEAVY INDUSTRIAL MANUFACTURING" means a large-scale industrial manufacturing or processing activity. Without restricting the generality of the foregoing, heavy manufacturing and processing industry would include plants for the manufacture of petroleum products, pulp and paper products, stone, clay and glass products, cement and lime products, fertilizers, animal by-products; plants engaged in the primary metal industry, including metal processing; the processing of natural gas or its derivatives; and incinerators, including those for municipal and industrial use. Heavy industrial uses may have some negative effect on the safety, use, amenity and enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or the presence of dangerous goods.

"HIGHWAY MAINTENANCE YARD" means a facility that is used for the storage and maintenance of vehicles and road maintenance equipment.

"HIGHWAY OR ROAD" means land used or surveyed for use as a public highway or road; and includes a bridge forming part of a public highway or road and any structure incidental to the public highway or road or bridge.



“HISTORIC RESOURCE, MUNICIPAL” see ***“MUNICIPAL HISTORIC RESOURCE”***

“HOME CHILD CARE OR HOME CHILD CARE FACILITY” means the use of a building or portion thereof for the provision of care, maintenance, and supervision of children under the age of thirteen (13) years, by persons other than one related by blood or marriage, for periods not exceeding twenty four (24) consecutive hours and includes all facilities licensed by the relevant provincial licensing authority. Home child care or home child care facilities include daycares.

“HOME OCCUPATION” means the use of a dwelling or permitted accessory building that is conducted primarily by the permanent resident of the dwelling and is secondary to the principal residential use.

“HOTEL” means a building providing accommodation for the public containing guest rooms accessed by a common entrance, and that commonly include a kitchen, dining; and/or other public rooms.

“IDENTIFICATION SIGN” see ***“SIGN, IDENTIFICATION”***

“INDOOR RECREATIONAL FACILITY AND USE” see ***“RECREATIONAL FACILITY AND USE, INDOOR”***

“INSTITUTIONAL BUILDING OR USE” means community buildings and/or uses including, but not limited to; a school, a hospital, a correctional centre, an assisted living facility, or a post office.

“INSTRUMENT” means a plan of subdivision and an instrument as defined in the *Land Titles Act*.

“INTENSIVE AGRICULTURAL USE,” see ***“AGRICULTURAL USE, INTENSIVE”***

“INTENSIVE RECREATIONAL USE” see ***“RECREATIONAL USE, INTENSIVE”***

“INTERIOR LOT” means a lot other than a corner lot.

“INTERIOR SIDE YARD” means a side yard other than an exterior side yard. See Figure 7 for the Lot Definitions and Yard Definitions explanation note.

“KENNEL” means facilities where dogs or cats are boarded, bred, trained or cared for.

“LANDFILL” see ***“WASTE TRANSFER STATION”***

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

- (1) “Soft landscaping” consisting of vegetation such as trees, shrubs, hedges, grass and ground cover
- (2) “Hard landscaping” consisting of non-vegetative materials such as brick, stone concrete, tile and wood, excluding monolithic concrete and asphalt.



"LANE" means a public right-of-way which provides a secondary means of access to a parcel or parcels and which is registered in the Land Titles Office.

"LAUNDRY FACILITY" means a self-service laundry use, but does not include dry cleaners.

"LIGHT INDUSTRIAL MANUFACTURING" means an industry engaged in the assembly, processing, manufacture, cleaning, testing, repairing, storage, or distribution of various materials into a new product. The industry may exhibit most or all of the following characteristics:

- (1) Can be developed on smaller parcels or land,
- (2) Is suitable for industrial parks,
- (3) Most of the activities are confined to the building,
- (4) Does not require large areas of outdoor storage,
- (5) Does not produce emissions which are obnoxious or hazardous, and
- (6) Employs 50 or fewer people on site.

"LIVESTOCK" means animals as described in the Agricultural Operation Practices Act.

"LOT" means:

- (1) A tract or parcel of land owned or meant to be owned and is shown on an official plan as defined in The Surveys Act for which there is a certificate of title.
- (2) A portion of a parcel of land where the boundaries of the part are separately described in a certificate of title with or without reference to a plan of subdivision.

"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. See Figure 7 (Lot Definitions and Yard Definitions) and Figure 8 (Yard Definitions) for the explanation notes.

"LOT LINE" means a legally defined limit of any lot. See Figure 7 (Lot Definitions and Yard Definitions) and Figure 8 (Yard Definitions) for the explanation notes.

"LOT LINE, FRONT" see **"FRONT LOT LINE"**

"LOT LINE, REAR" see **"REAR LOT LINE"**

"LOT LINE, SIDE" see **"SIDE LOT LINE"**



"LOT WIDTH" means the horizontal measurement between the side lot lines measured at a point 1.5 m (5 ft) perpendicularly distant from the front lot line, when the front lot line is irregular in shape. See Figure 7 (Lot Definitions and Yard Definitions) and Figure 8 (Yard Definitions) for the explanation notes.

"LUMBER YARD" means a retail outlet used for the storage and selling of wood-related products.

"MACHINE SHOP" means the use of a where power driven tools are used for making, finishing or repairing machinery or machine parts.

"MAIN BUILDING" see **"PRINCIPAL BUILDING OR USE"**

"MANSE" means a minister's dwelling attached to, adjacent or nearby a place of worship.

"MANUFACTURED HOME" see **"DWELLING, MANUFACTURED HOME"**

"MANUFACTURED HOME PARK" means a parcel of land under single ownership which has been designed for the placement of dwelling, manufactured homes on dwelling, manufactured home lots.

"MANUFACTURING, HEAVY INDUSTRIAL" see **"HEAVY INDUSTRIAL MANUFACTURING"**

"MANUFACTURING, LIGHT INDUSTRIAL" see **"LIGHT INDUSTRIAL MANUFACTURING"**

"MARINA OR BOAT RENTAL FACILITY" means a facility located in close proximity to a water feature or waterbody for the purpose of selling, renting, storing or repairing boats and related equipment.

"MARKET GARDEN" means a parcel of land where fruits, vegetables, flowers and similar plants are grown for sale.

"MINIMUM STANDARDS" means the least possible requirements relating to parcel or lot area, floor area, yards, landscaping, design, character and appearance of building, etc. for the permitted uses of land or buildings or the discretionary use of land or buildings or both listed in the land use district regulations of the Bylaw and where these are not specified, as determined by the Development Officer.

"MINOR AGRICULTURAL USE," see **"AGRICULTURAL USE, MINOR"**

"MOBILE HOME" see **"DWELLING, MANUFACTURED HOME"**

"MOBILE HOME PARK" see **"MANUFACTURED HOME PARK"**

"MODULAR HOME" see **"DWELLING, MODULAR HOME"**



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

"MOVED-IN BUILDING" see **"RELOCATED BUILDING"**

"MUNICIPAL AND SCHOOL RESERVE" means the land designated as municipal and school reserve under the MGA.

"MUNICIPAL HISTORIC RESOURCE" means a building, structure or zone designated by a municipal, provincial or federal authority to be historically or architecturally significance.

"MUNICIPALITY" means Clear Hills County.

"MUNICIPAL PLANNING COMMISSION (MPC)" means a commission established by Bylaw pursuant to the Province of Alberta Municipal Government Act, R.S.A. 2000, c.M-26.

"NATURAL RESOURCE EXTRACTION OR PROCESSING INDUSTRY" means an industry engaged in the extraction of natural resources such as timber, clay, sand and gravel, limestone, shale, coal, and other minerals including petroleum and natural gas and which may include primary treatment into a marketable form of the resource and includes such industries as cement plants.

"NON-CONFORMING BUILDING" means a building:

- (1) That is lawfully constructed or lawfully under construction at the date a Land Use Bylaw, affecting the building or the land on which the building is situated, becomes effective, and;
- (2) That on the date the Land Use Bylaw becomes effective, does not, or when constructed will not, comply with the Land Use Bylaw.

"NON-CONFORMING USE" means a lawful specific use:

- (1) Of existing land(s) or building(s); or land(s) or building(s) lawfully under construction at the time the Land Use Bylaw is passed, and;
- (2) That on the date the Land Use Bylaw becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw.

"NUISANCE" means anything that endangers personal health or safety or interferes with the legal rights of others to use or enjoy a property.

"OFFICE" means a facility providing for the administration of business or government, or the provision of professional services.



"OWNER" means:

- (1) In respect of unpatented land, the Crown;
- (2) In respect of other land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land; and
- (3) In respect of any property other than land, the person in lawful possession of it.

"PARCEL" means the area of land described in a Certificate of Title with or without reference to a plan registered in the Land Titles Office.

"PARK OR PLAYGROUND" means an area of land used for recreation purposes, usually including facilities such as picnic benches, slides, swings, and other playground type equipment, built in accordance with the Alberta Safety Codes Act.

"PERMANENT FOUNDATION" means a structure constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, with a foundational system or arrangement composed of, but not limited to, footing, raft, or pile and may include walls, light standards, fences, and signs, and renders the structure fixed and immovable but, does not include grain bins.

"PERMITTED USE" means the use of land or of a building which is listed in the column captioned "Permitted Uses" in most districts appearing in this Bylaw and for which a development permit shall be issued upon an application having conformed to the provisions of this Bylaw.

"PET, DOMESTIC" means a domestic or tamed animal kept for companionship or pleasure, including a bird, cat, rabbit or ferret, or similar common domestic animals.

"PLACE OF WORSHIP" means a structure where people gather for prayer and related religious, philanthropic, and/or social activities. Accessory developments include rectories, manses, classrooms and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

"PORCH" means a covered shelter located at the front entrance to a building.

"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 by the Transportation Minister.

"PUBLIC BUILDING" means a building which is owned or leased by a department or agency of the Federal, Provincial, or Municipal Government, or a community organization for purposes of public administration and services, and may include a building for the purpose of assembly, instruction, cultural or community activities.



"PUBLIC USE" means the use of any lot, building or structure for public use and shall include a cemetery, fire halls, police stations, ambulance stations, government offices, public works yards, public libraries, including building and facilities accessory, but does not apply to essential infrastructure such as the provision of waterlines, sewer lines, road or utility lines provided by agencies such as gas, power, cable, telephone or internet companies, and does not include schools.

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

- (1) Water or steam;
- (2) Sewage disposal;
- (3) Public transportation operated by or on behalf of Clear Hills County;
- (4) Irrigation;
- (5) Drainage;
- (6) Fuel;
- (7) Electric power;
- (8) Heat;
- (9) Waste management;
- (10) Telecommunications;
- (11) Residential and commercial street lighting; and
- (12) Includes the goods and services provided for public consumption, benefit, convenience or use.

"PUBLIC UTILITY BUILDING" means a building or structure used for the provision of public utilities, offices, or housing for any equipment used in connection with the public utility.

"PUBLIC UTILITY LOT" means land required to be given under Part 17, Division 8 of the MGA for public utilities.

"REAR LOT LINE" means the lot line of a lot which is at the rear of a lot. See Figure 7 for the Lot Definitions and Yard Definitions explanation note.



"REAR YARD" means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building. See Figure 7 (Lot Definitions and Yard Definitions) and Figure 8 (Yard Definitions) for the explanation notes.

"RECREATIONAL FACILITY AND USE, INDOOR" means an indoor recreational facility and/or use for active recreation that may include spectator amenities. A typical facility may include a field house, arena, walking track, weight room, change rooms, eating establishment, meeting rooms and offices.

"RECREATIONAL USE, EXTENSIVE" means a recreational land use, scattering users and development over a dispersed area of land and for purposes of clarification includes passive parks, walking trails, and back country campsites which do not typically involve buildings.

"RECREATIONAL USE, INTENSIVE" means high density outdoor recreational activities and facilities available to the public for sports and active recreation such as campgrounds, fishing lodges, beach areas, riding stables, race tracks, baseball diamonds and other sports fields, golf courses, driving ranges, outdoor swimming pools, tennis courts, outdoor ice rinks and other similar facilities.

"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 dwelling, manufactured homes are not recreational vehicles.

"RECREATIONAL VEHICLE PARK" means the use of land for the keeping of recreational vehicles in an organized setting and on a temporary (usually one to three weeks) basis. This type of land use is usually associated with recreation or tourist facilities.

"RECTORY" see **"MANSE"**

"REGISTERED OWNER" see **"OWNER"**

"RELOCATED BUILDING" means a building that has been used for a similar use or different use in another location and is then moved to a new site for re-use. New manufactured and modular buildings brought to a site are also considered relocated buildings. Dwellings and accessory buildings may be considered relocated buildings.

"REPAIR SHOP" means a building that is used to repair various goods and appliances on a commercial basis.

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

"ROW HOUSE" see **"DWELLING, ROW HOUSE"**



"SALVAGE AND/OR AUTO WRECKING 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.

"SAND AND GRAVEL PIT" means a surface mine or excavation used for the removal of sand or gravel for sale or private use.

"SAWMILL or PLANING MILL" means a mill that is used for the sawing of logs into a usable product.

"SCREENING" means a fence, berm, or hedge used to visually separate areas or uses which, in the opinion of the Development Authority, detracts from the roadway or neighbouring land uses.

"SEA CAN" means a pre-built metal container(s) originally designed and/or constructed for the purpose of cargo storage and/or shipment of goods.

"SECONDARY SUITE" see **"DWELLING, SECONDARY SUITE"**

"SEMI-DETACHED DWELLING" see **"DWELLING, SEMI-DETACHED"**

"SENIORS' HOUSING" means housing primarily for elderly persons, with the option of medical and/or supervisory care being available.

"SETBACK" means the minimum horizontal distance that the nearest exterior wall of a development, or a specified portion of it, must be located from a parcel boundary/property line.

"SEWAGE TREATMENT FACILITY" means a man-made body of water or facility for the purpose of collecting sewage and in which the waste is broken down by bacteria.

"SHIPPING CONTAINER" see **"SEA CAN"**

"SHOOTING RANGE" means the use of land for the purpose of the controlled use of firearms.

"SHOP, EQUIPMENT RENTAL" see **"EQUIPMENT RENTAL SHOP"**

"SHOP, MACHINE" see **"MACHINE SHOP"**

"SHOP, REPAIR" see **"REPAIR SHOP"**

"SHOP, WELDING" see **"WELDING SHOP"**

"SHORELINE" see **"WATER FEATURE"**

"SIDE LOT LINE" means any lot line other than a front or rear lot line. See Figure 7 for the Lot Definitions and Yard Definitions explanation note.



"SIDE YARD" means that portion of land lying between the side lot line of the parcel and the side wall(s) of the principal building situated on the parcel and not including the front and rear yards. See Figure 7 (Lot Definitions and Yard Definitions) and Figure 8 (Yard Definitions) for the explanation notes.

"SIDE YARD WIDTH" means the least horizontal distance between the side lot line and the nearest part of a building. See Figure 7 for the Lot Definitions and Yard Definitions explanation note.

"SIGHT TRIANGLE" when applied to hamlets, means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site, 6.1 m (20 ft) from the point where they intersect. See Figure 6 (Sight Triangle) for the explanation note.

"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.

"SIGN, IDENTIFICATION" means a sign indicating the name of the business or the type of development at the site of the development. See Figure 24 (Signs) for the explanation note.

"SINGLE-DETACHED DWELLING" see **"DWELLING, SINGLE-DETACHED"**

"STABLE" means a facility that is used for horse riding activities, including buildings that are necessary for the keeping of horses or other functions related to this activity.

"STORAGE FACILITY, BUILDING OR SITE" see **"BUILDING OR SITE STORAGE FACILITY"**

"STORE" means the use of a building or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment.

"SUBDIVISION APPEAL BOARD (SAB)" means an appeal board for subdivision appointed by the Council pursuant to the Province of Alberta Municipal Government Act, R.S.A. 2000, c.M-26.

"SUBDIVISION AUTHORITY" means a Subdivision Authority established pursuant to the Municipal Government Act (MGA), R.S.A. 2000, CM-26, as amended from time to time.

"TEACHERAGE" see **"DWELLING, TEACHERAGE"**

"TEMPORARY STRUCTURE" means a structure without any permanent foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was **erected or placed** has ceased.



"THROUGH LOT" means any lot other than a corner lot having access on two roads. See Figure 7 (Lot Definitions and Yard Definitions) for the explanation note.

"TRADESMAN'S BUSINESS" see **"BUSINESS, TRADESMAN'S"**

"TRAIL DEVELOPMENT" means a marked or established path or route on a linear parcel of land or water, including associated improvements. Trails are for recreational purposes only, and include but not limited to the following trail types: walking, skiing, horseback riding, sledding, quadding, hiking, bicycling, and wagons.

"TRANSFER STATION, WASTE" see **"WASTE TRANSFER STATION"**

"TRI-PLEX DWELLING" see **"DWELLING, TRI-PLEX"**

"TRUCK STOP" means any land or building, where the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks or similar commercial vehicles and may include overnight accommodations and restaurant facilities.

"UNSIGHTLY CONDITION" means:

- (1) A structure whose exterior shows signs of significant physical deterioration; and/or
- (2) Land(s) with visible serious disregard for general maintenance and/or upkeep.

"UTILITY LOT" see **"PUBLIC UTILITY LOT"**

"VARIANCE" means the difference between the regulations indicated within this Bylaw and the provision (distance, height, etc.) being proposed pursuant to a development permit application made, pursuant to this Bylaw.

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

"WAREHOUSE" means the use of building for the storage of merchandise or commodities. These are generally larger in scale than "mini storage", storage facilities and "indoor storage".

"WASTE TRANSFER STATION" means a permanent collection and transportation facility used to contain solid waste, which is then transferred into larger transfer vehicles for transport to a solid waste handling facility. Transfer stations may also contain recycling bins.

"WATER BODY" see **"WATER FEATURE"**

"WATERCOURSE" see **"WATER FEATURE"**



“WATER FEATURE” means the bed and shore of a lake, lagoon, swamp, marsh, river, stream, creek or any other natural body of water; or a reservoir, canal, ditch or other man-made surface feature, whether it contains water continuously or intermittently.

“WATER RESERVOIR OR DUGOUT” see ***“DUGOUT OR WATER RESERVOIR”***

“WATER TREATMENT FACILITY” means a facility for the collection and treatment of the water supply.

“WELDING SHOP” means a facility that is used primarily for welding.

“WORK CAMP” means one or more buildings established to accommodate persons who are employed in logging, construction, resource exploration or any other similar industry, and includes the land on which the building or buildings are situated.

“YARD” means a part of a lot upon or over which no principal building is erected except for specifically permitted accessory structures.

“YARD, HIGHWAY MAINTENANCE” see ***“HIGHWAY MAINTENANCE YARD”***

“YARD, SALVAGE AND/OR AUTO WRECKING” see ***“SALVAGE AND/OR AUTO WRECKING YARD”***

“YARD, SIDE” see ***“SIDE YARD”***

“YARD WIDTH, SIDE” see ***“SIDE YARD WIDTH”***



EXPLANATION NOTES

Development Permit Process

This graphic is not part of this bylaw but is provided to aid in its interpretation.

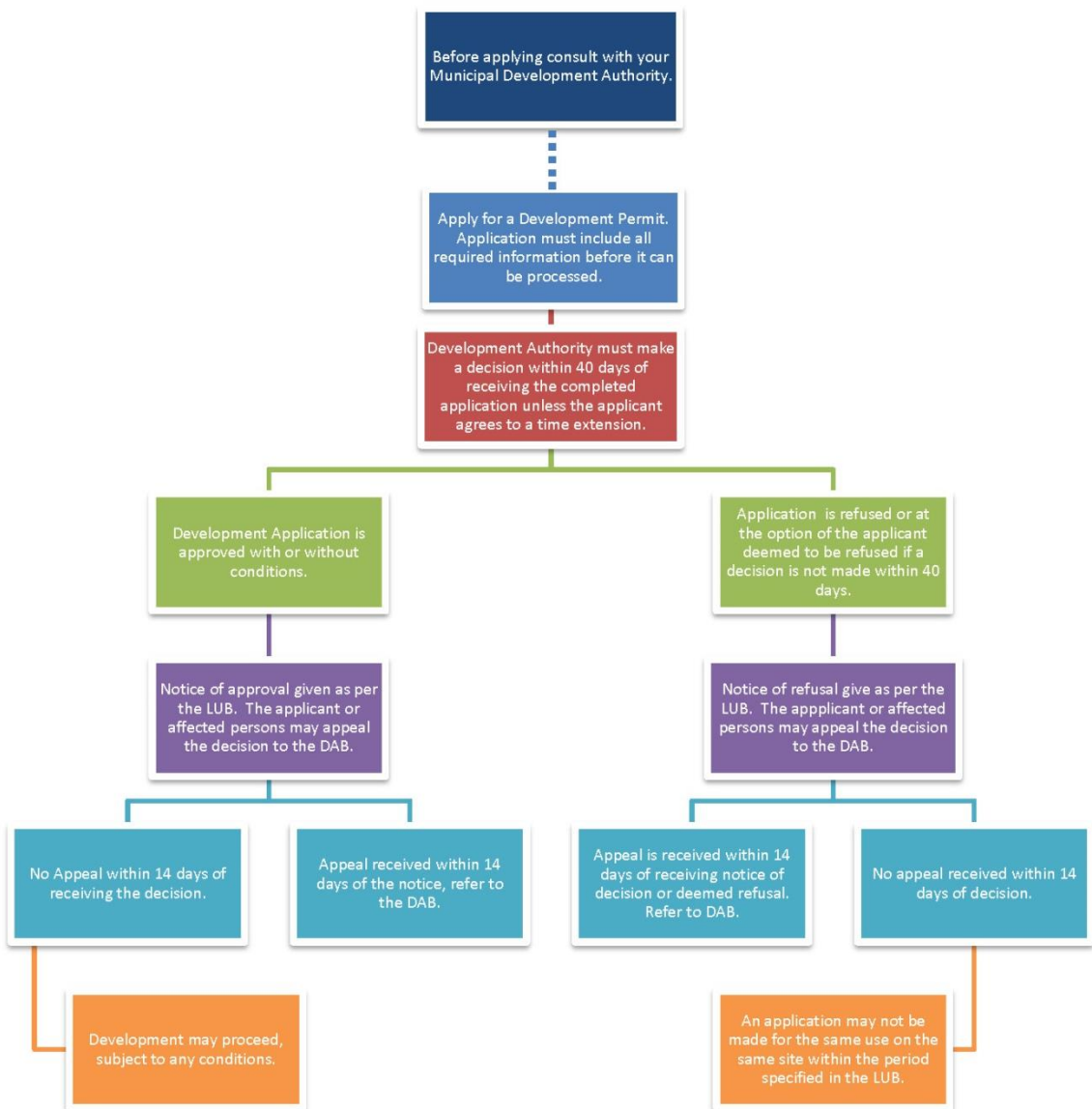


Figure 1: Development Permit Process



EXPLANATION NOTES

Amendment to the Land Use Bylaw

This graphic is not part of this bylaw but is provided to aid in its interpretation.

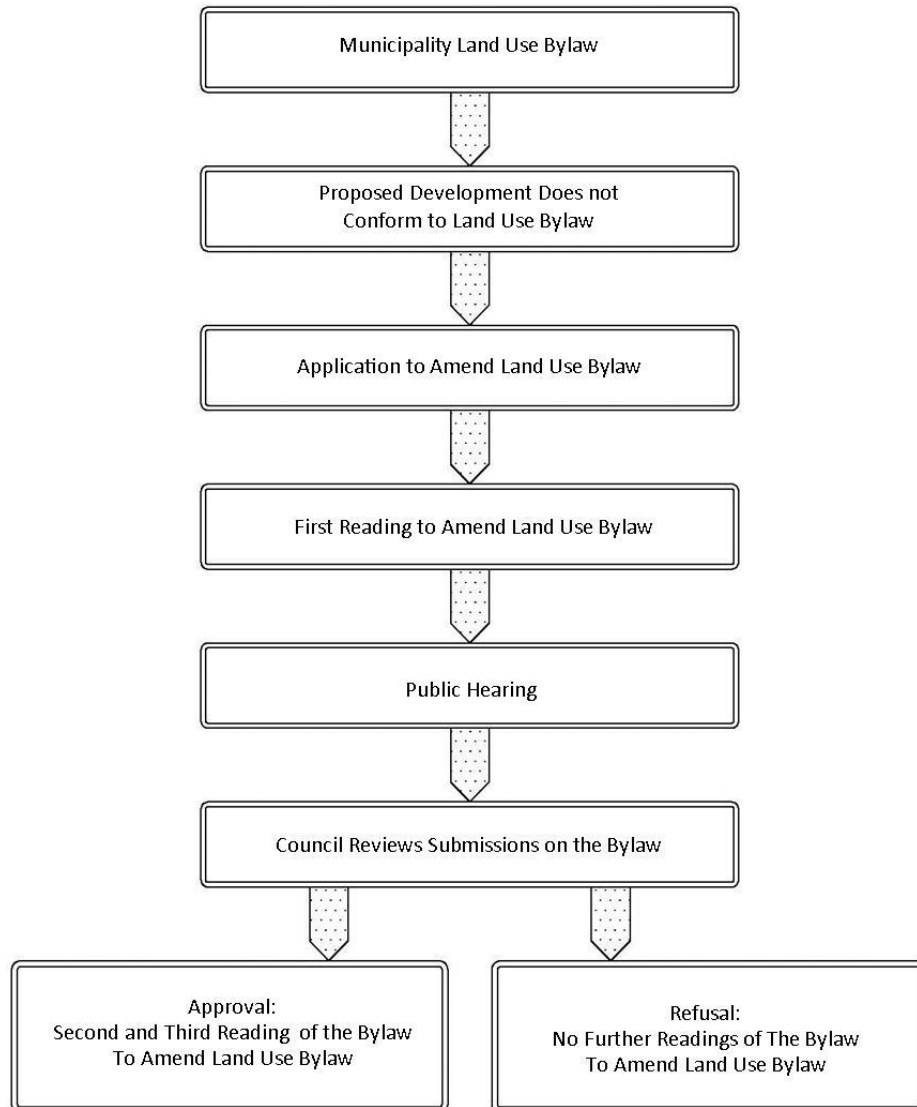


Figure 2: Amendment to the Land Use Bylaw



EXPLANATION NOTES

Development Standards –

Features Traditionally Regulated Through Zoning

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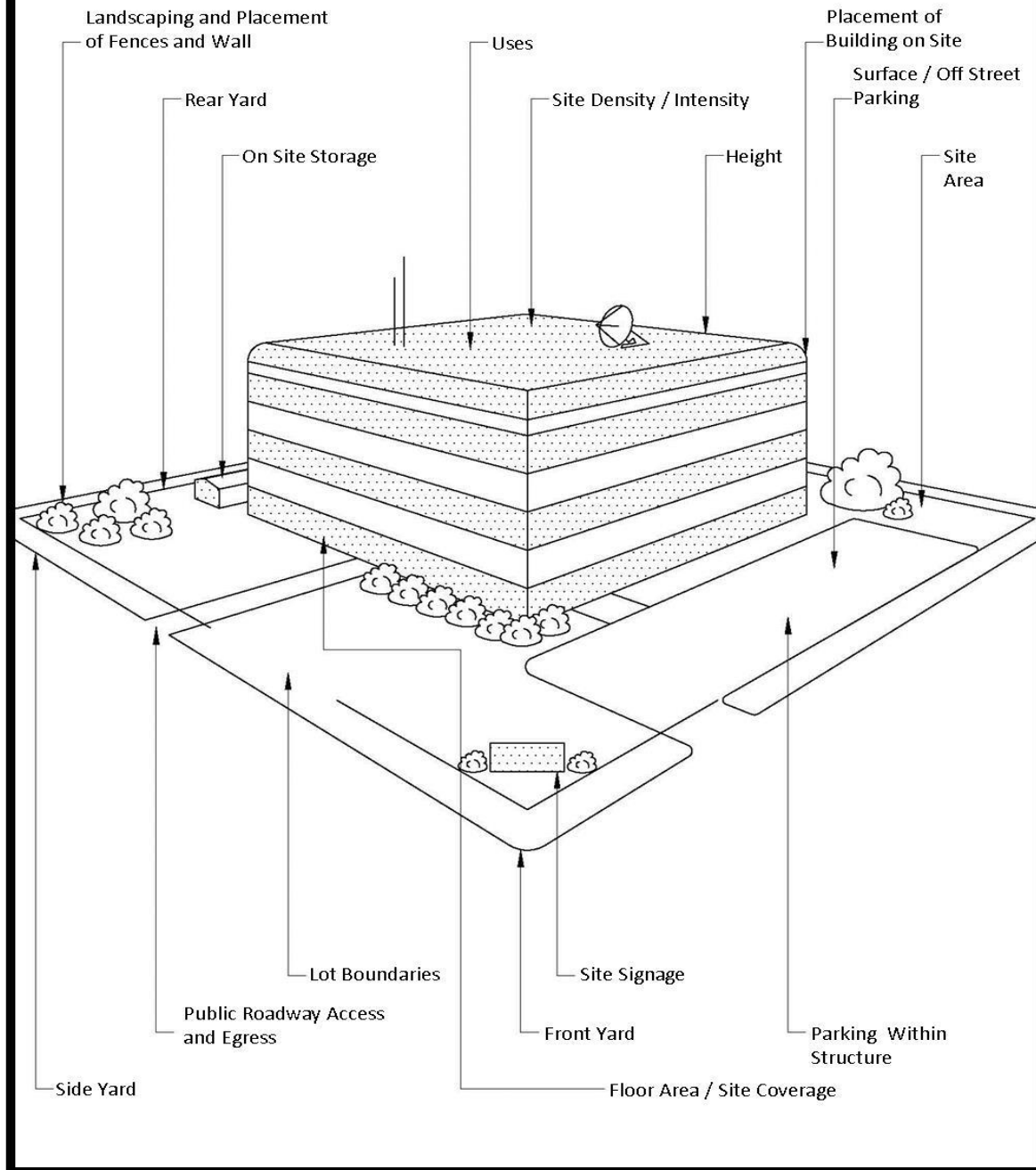


Figure 3: Development Standards - Features Traditionally Regulated through Zoning



EXPLANATION NOTES

Adjacent Land

This graphic is not part of this bylaw but is provided to aid in its interpretation.

"ADJACENT LAND" means land or a portion of land that shares a common boundary with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be adjacent if not for a public roadway, railway, utility right of way, water feature or reserve land

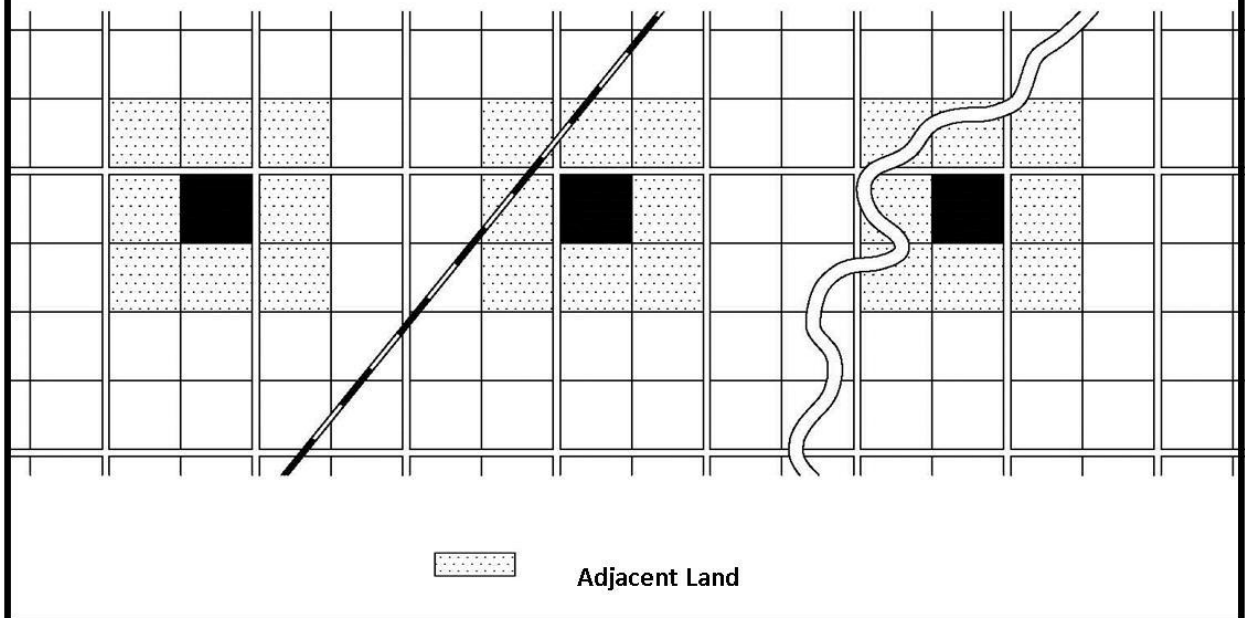


Figure 4: Adjacent Land



EXPLANATION NOTES

Boulevard

This graphic is not part of this bylaw but is provided to aid in its interpretation.

A “Boulevard” means that part of a road right-of-way that is between the travelled roadway and the lot frontage along the road right-of-way. Clear Hills County owns the boulevard land.

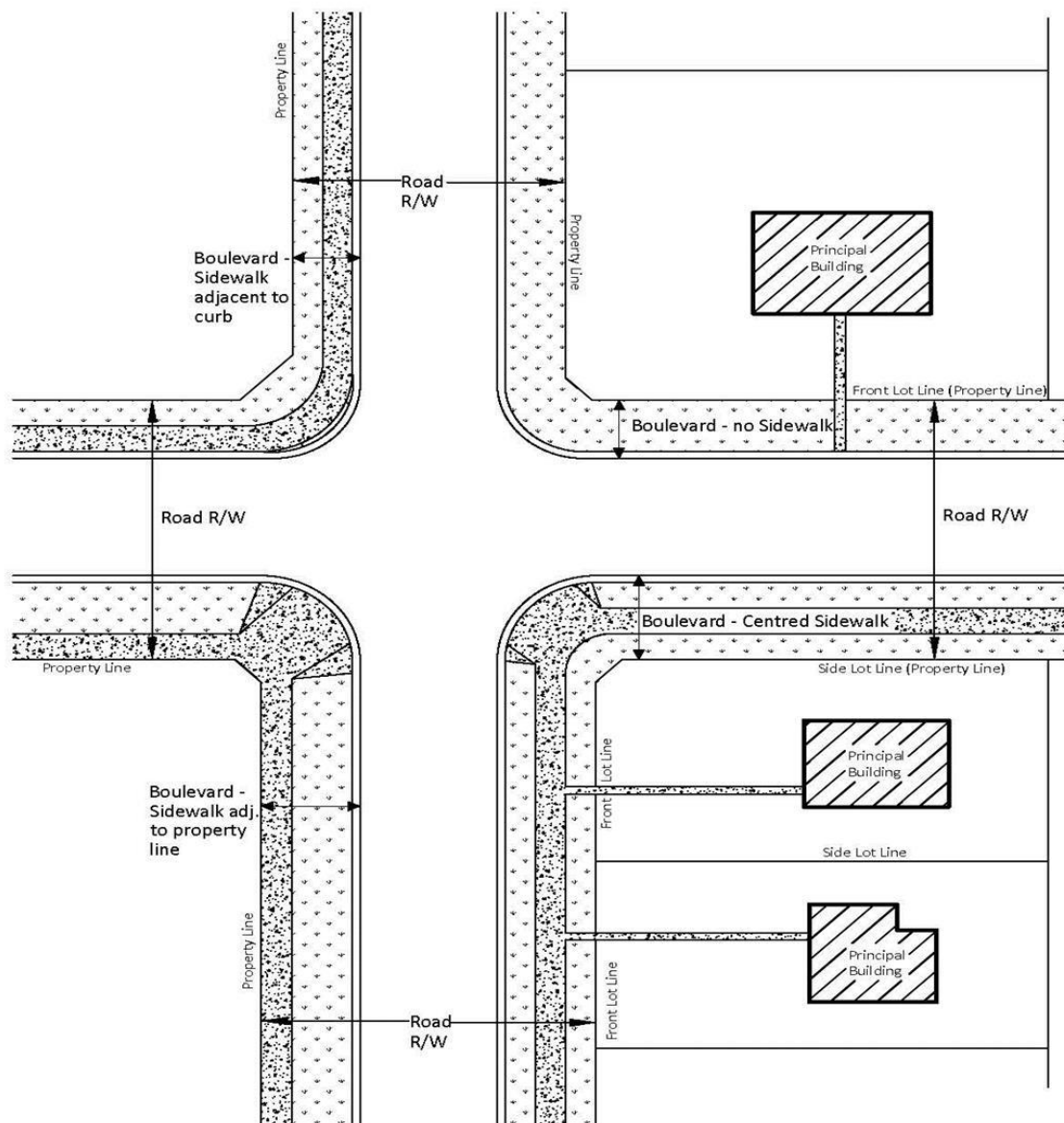


Figure 5: Boulevard



EXPLANATION NOTES

Sight Triangle

This graphic is not part of this bylaw but is provided to aid in its interpretation.

A "SIGHT TRIANGLE" when applied to hamlets, means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site, 6.1 m (20 ft) from the point where they intersect.

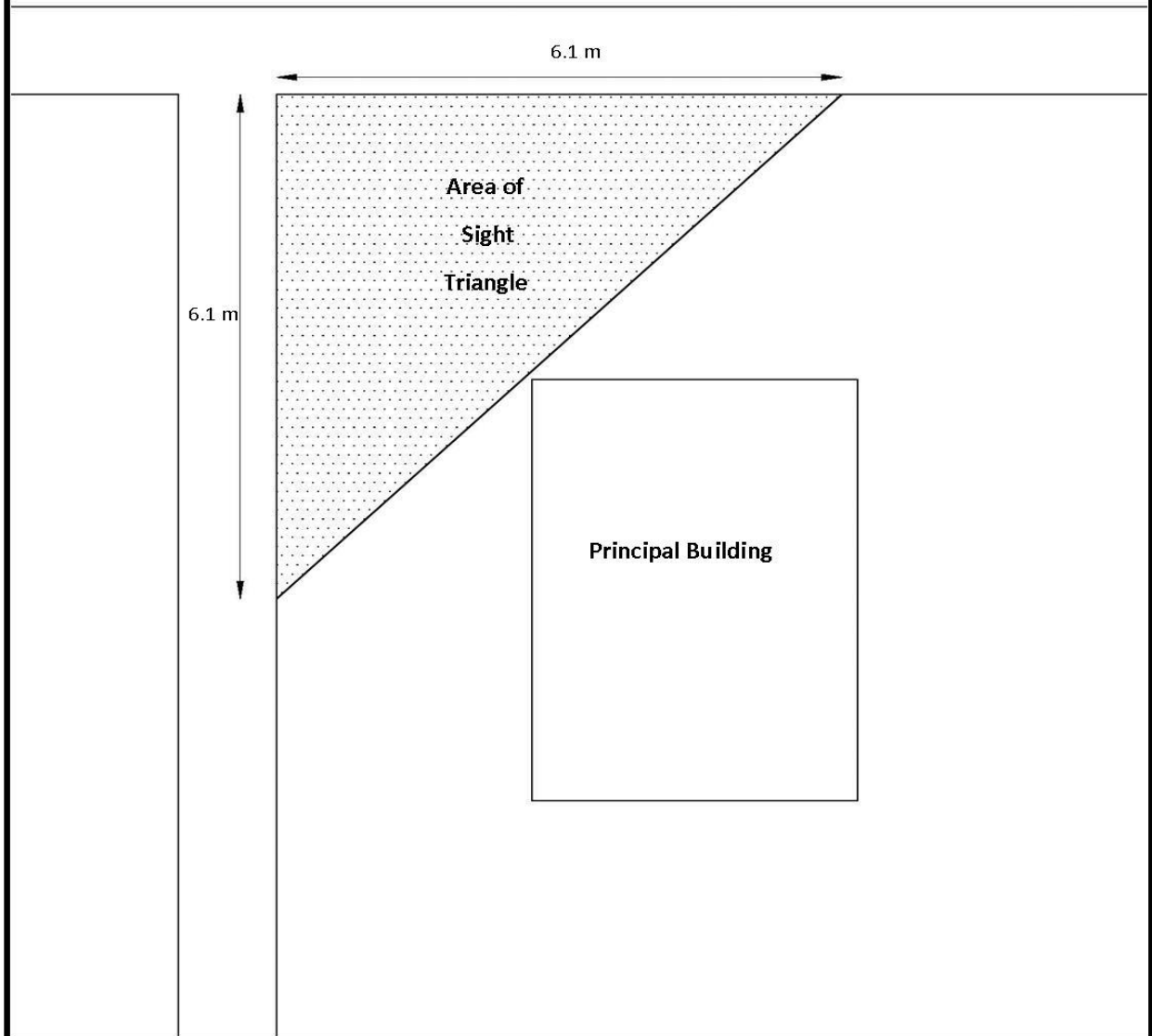


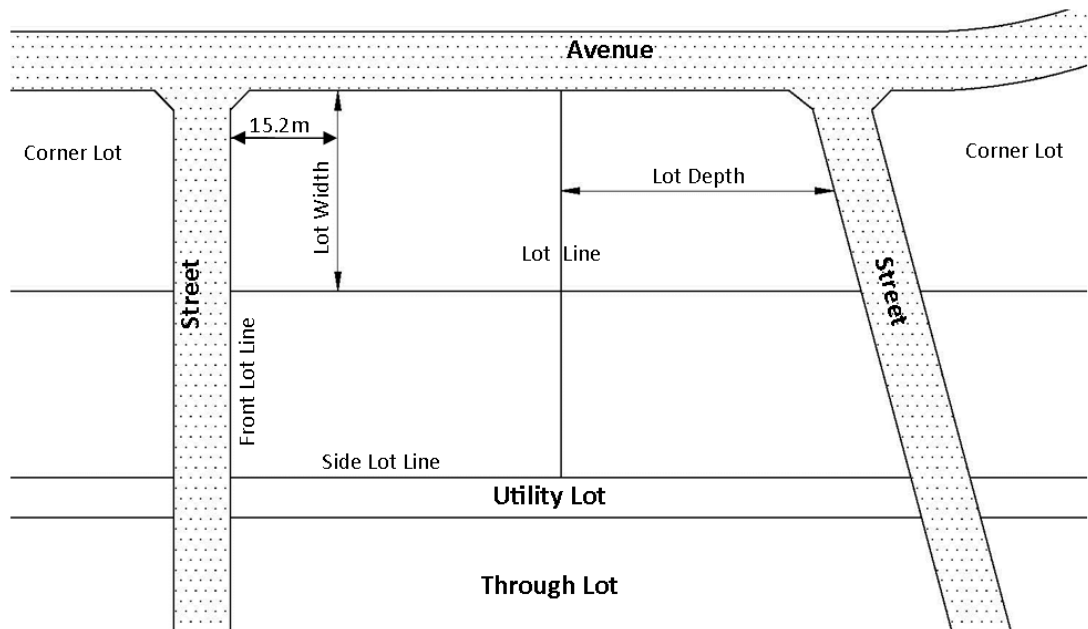
Figure 6: Sight Triangle



EXPLANATION NOTES

Lot Definitions

This graphic is not part of this bylaw but is provided to aid in its interpretation.



EXPLANATION NOTES

Yard Definitions

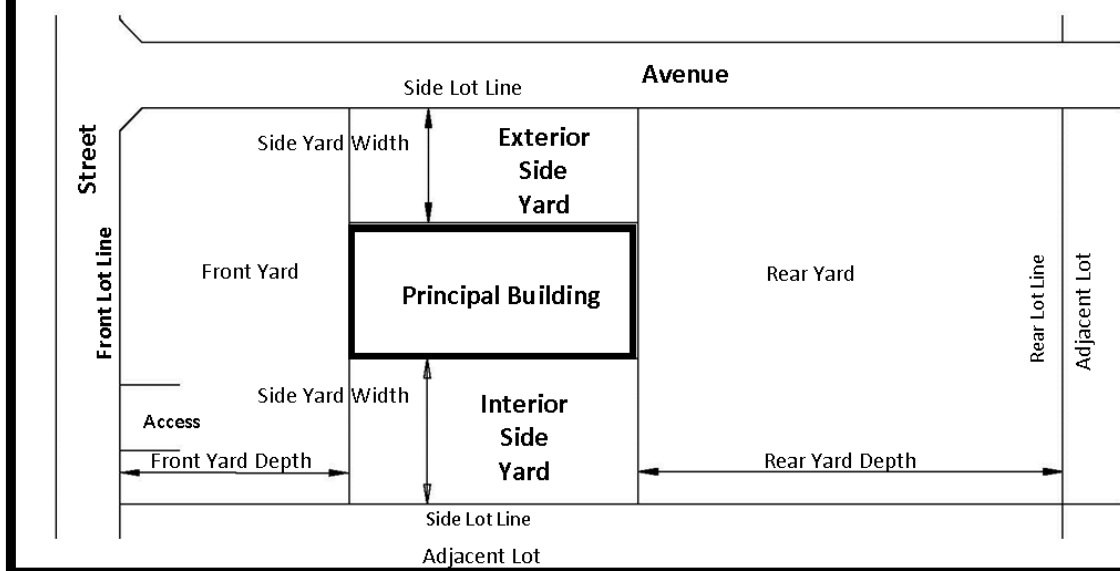


Figure 7: Lot Definitions and Yard Definitions



EXPLANATION NOTES

Yard Definitions

This graphic is not part of this bylaw but is provided to aid in its interpretation

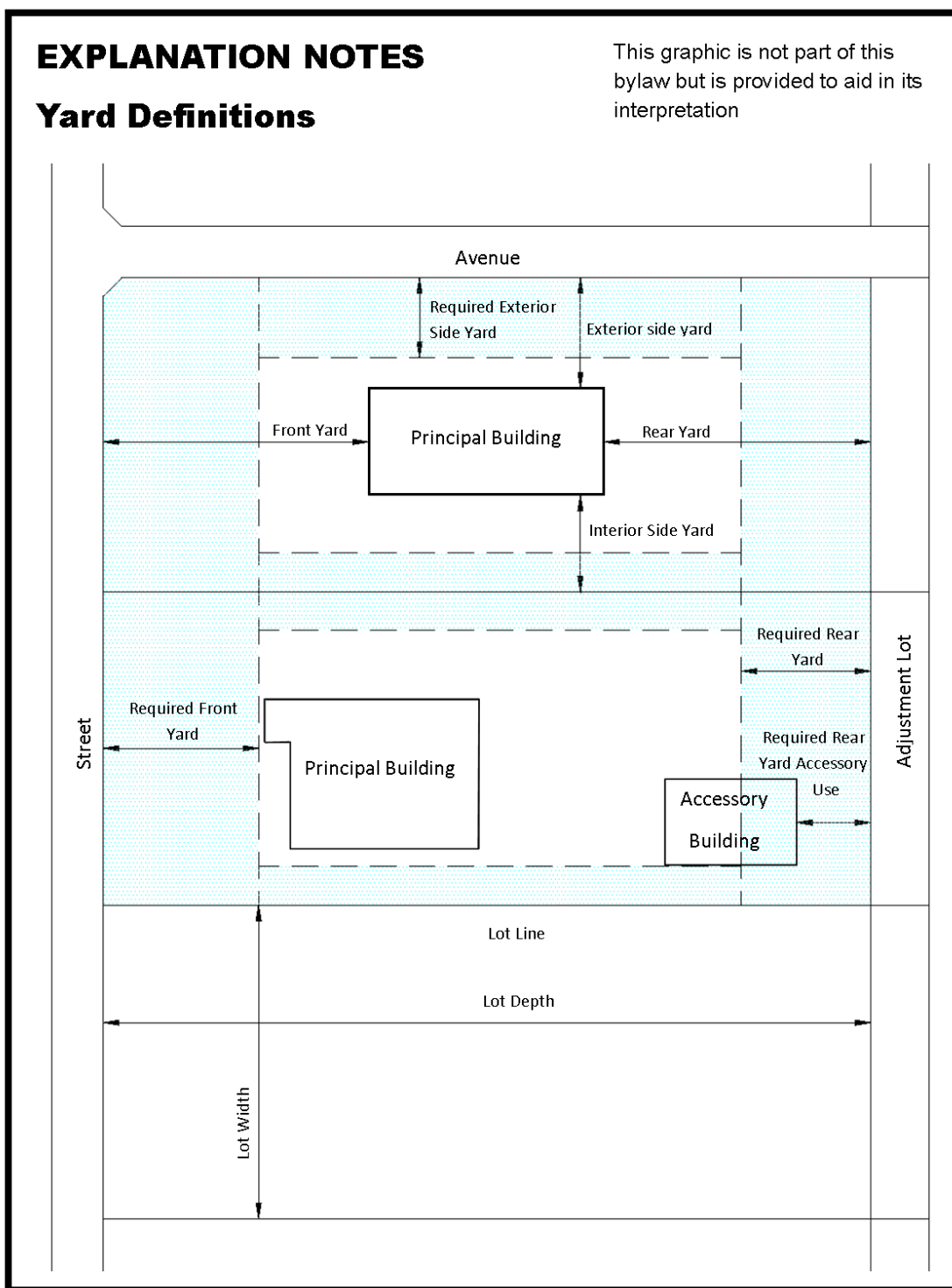


Figure 8: Yard Definitions



EXPLANATION NOTES

Lot Width on curved Lot Frontage

This graphic is not part of this bylaw but is provided to aid in its interpretation.

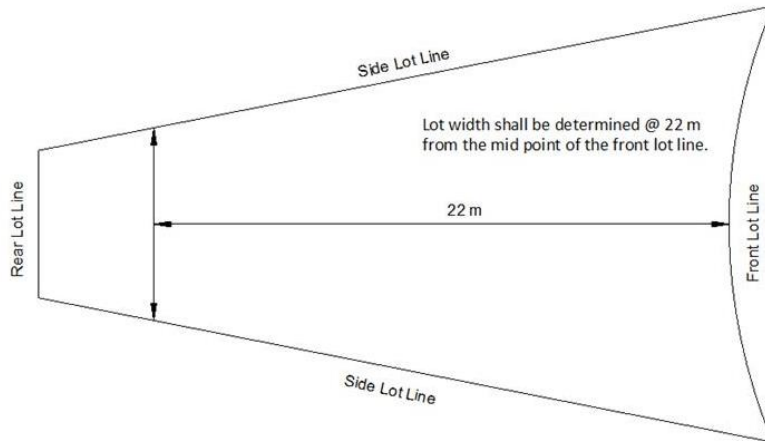


Figure 9: Lot Width on Curved Lot Frontage

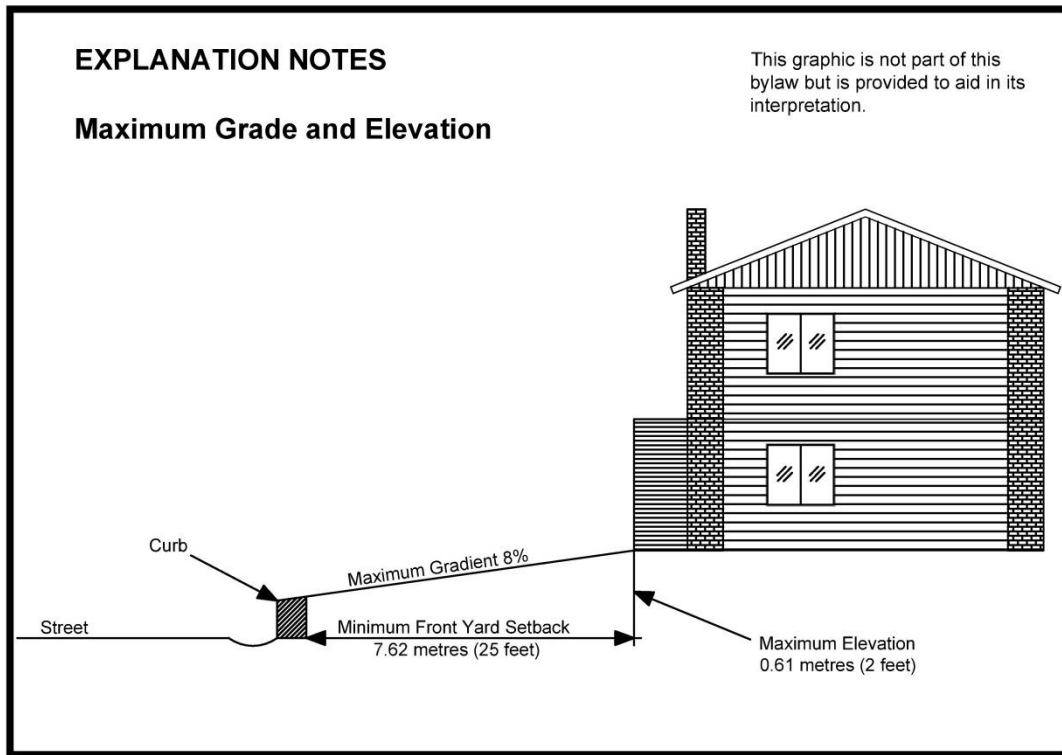


Figure 10: Maximum Grade and Elevation

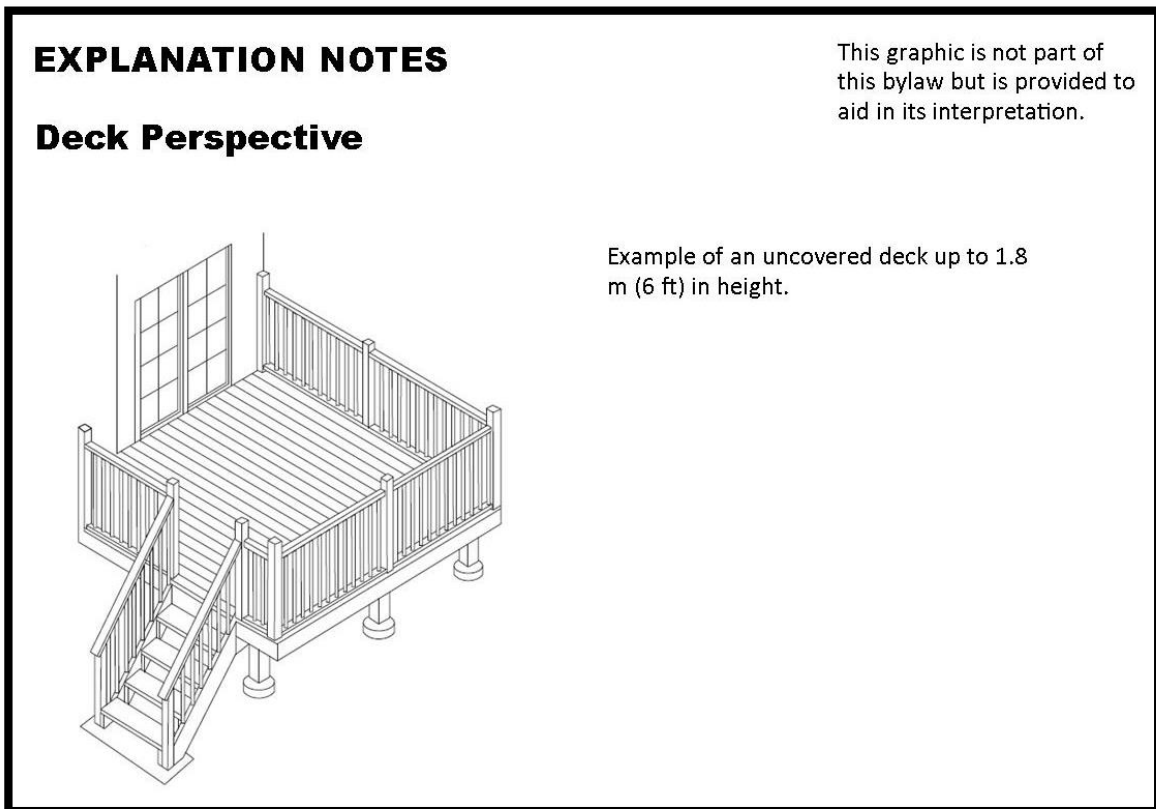


Figure 11: Deck Perspective

EXPLANATION NOTES

Buffer

This graphic is not part of this bylaw but is provided to aid in its interpretation.

"BUFFER" means an area where development is restricted to a row of trees, shrubs, fencing, berming or other similar means to provide visual screening and separation between sites, roadways or districts.

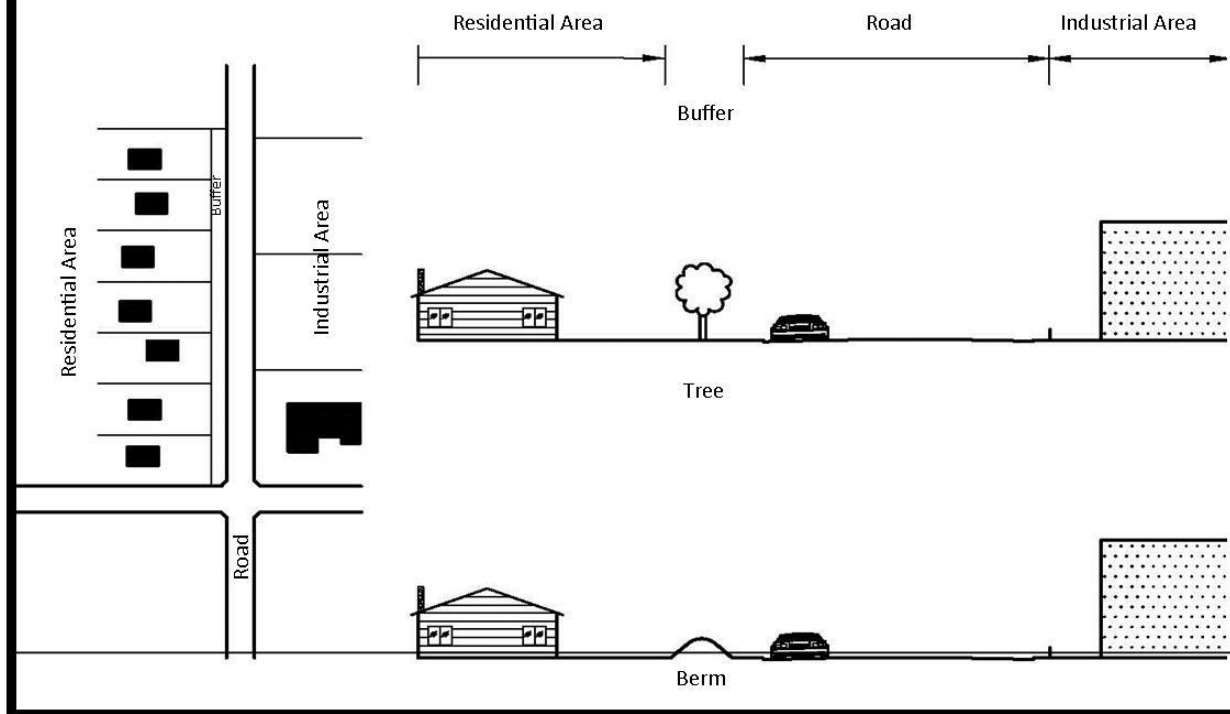


Figure 12: Buffer



EXPLANATION NOTES

Building Height

This graphic is not part of this bylaw but is provided to aid in its interpretation.

"BUILDING HEIGHT" means the vertical distance between grade and the highest point of a building.

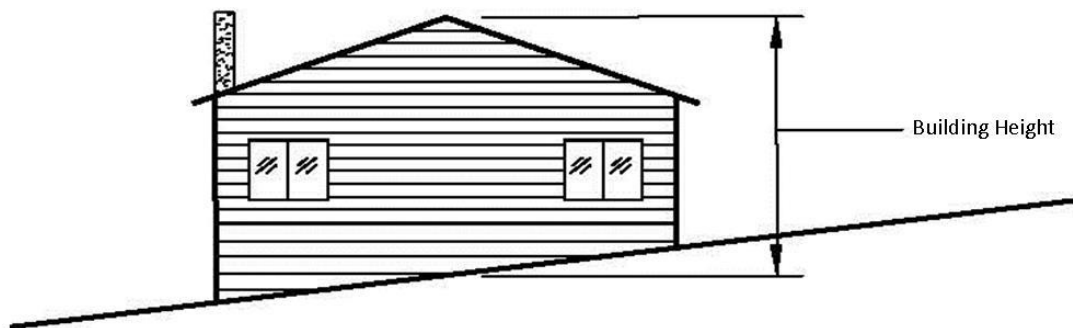
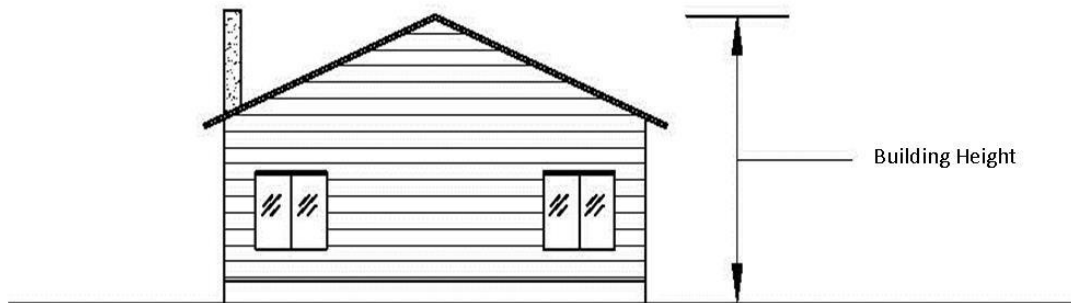


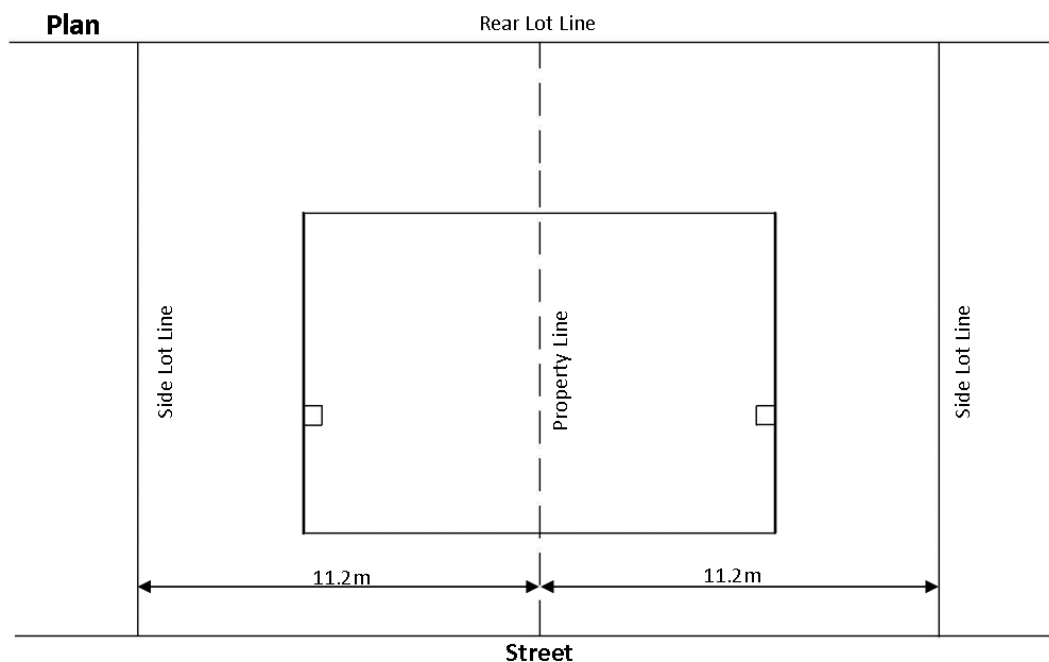
Figure 13: Building Height



EXPLANATION NOTES

Dwelling, Semi-Detached

This graphic is not part of this bylaw but is provided to aid in its interpretation.



"DWELLING, SEMI-DETACHED" means a building containing two dwelling units attached side-by-side. Each dwelling unit is located entirely on a SEPARATE lot.

Elevation

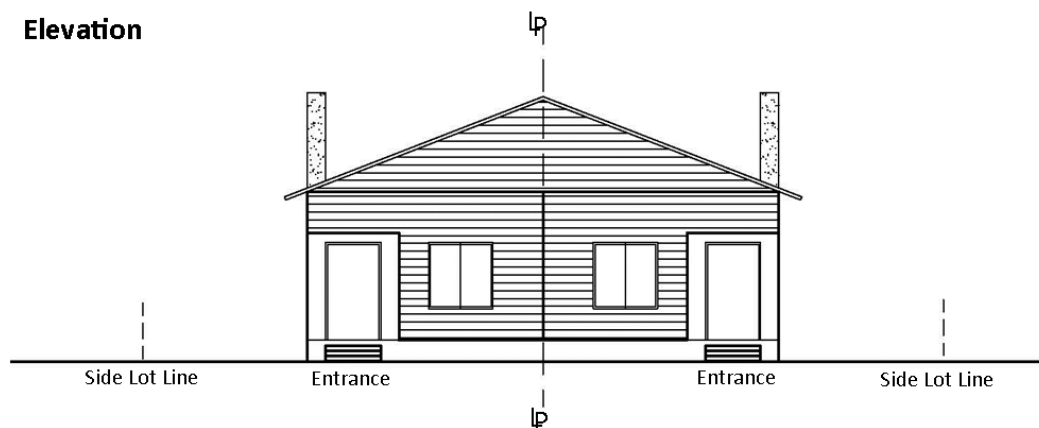
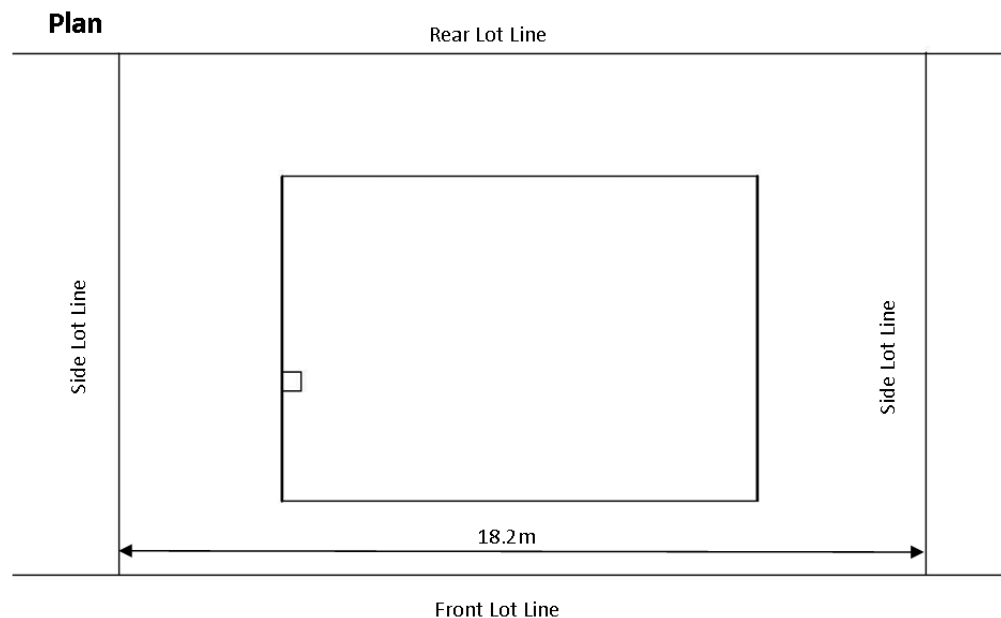


Figure 14: Dwelling, Semi-Detached

EXPLANATION NOTES

This graphic is not part of this bylaw but is provided to aid in its interpretation.

Dwelling, Duplex



"DWELLING, DUPLEX " means a building containing two dwelling units which share a common wall or ceiling/floor, and which has an independent entrance either directly from outside the dwelling or through a common lobby area.

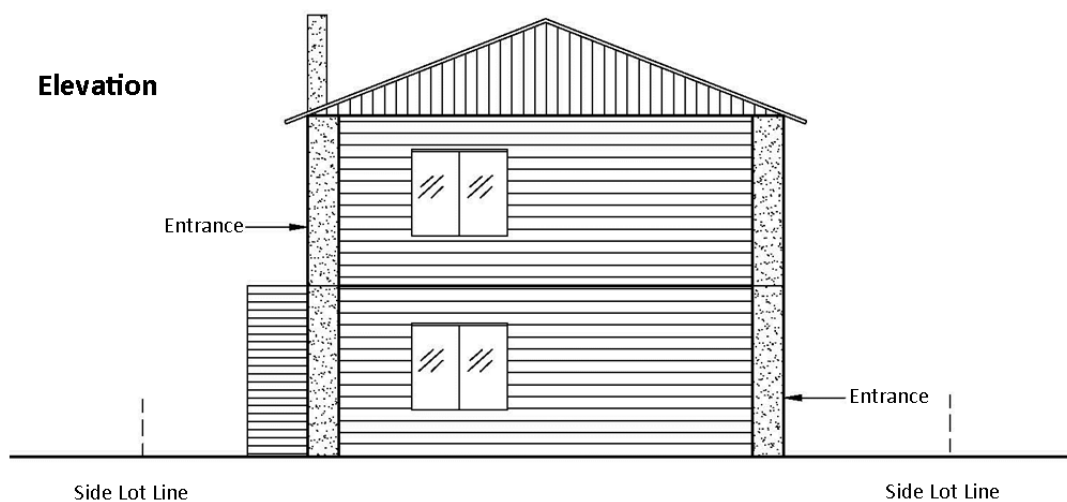


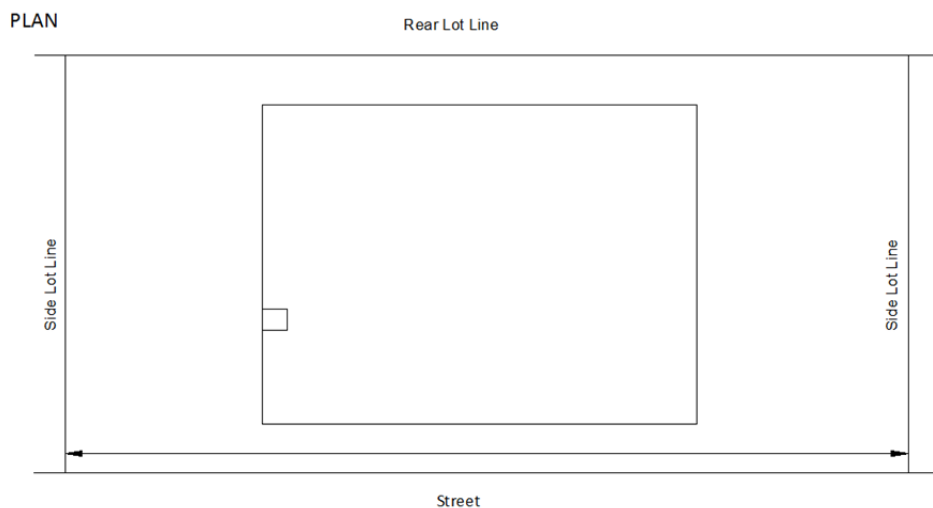
Figure 15: Dwelling, Duplex



EXPLANATION NOTES

Dwelling, Tri-Plex

This graphic is not part of this bylaw but is provided to aid in its interpretation.



“DWELLING, TRI-PLEX” means a building containing three dwelling units one above the other, each of which has an independent entrance either directly from outside the dwelling or through a common lobby area.

ELEVATION

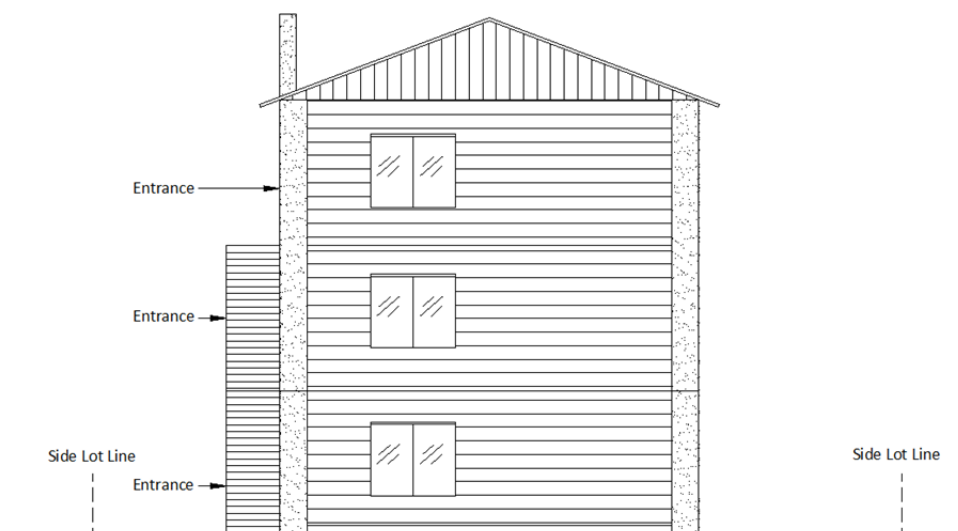


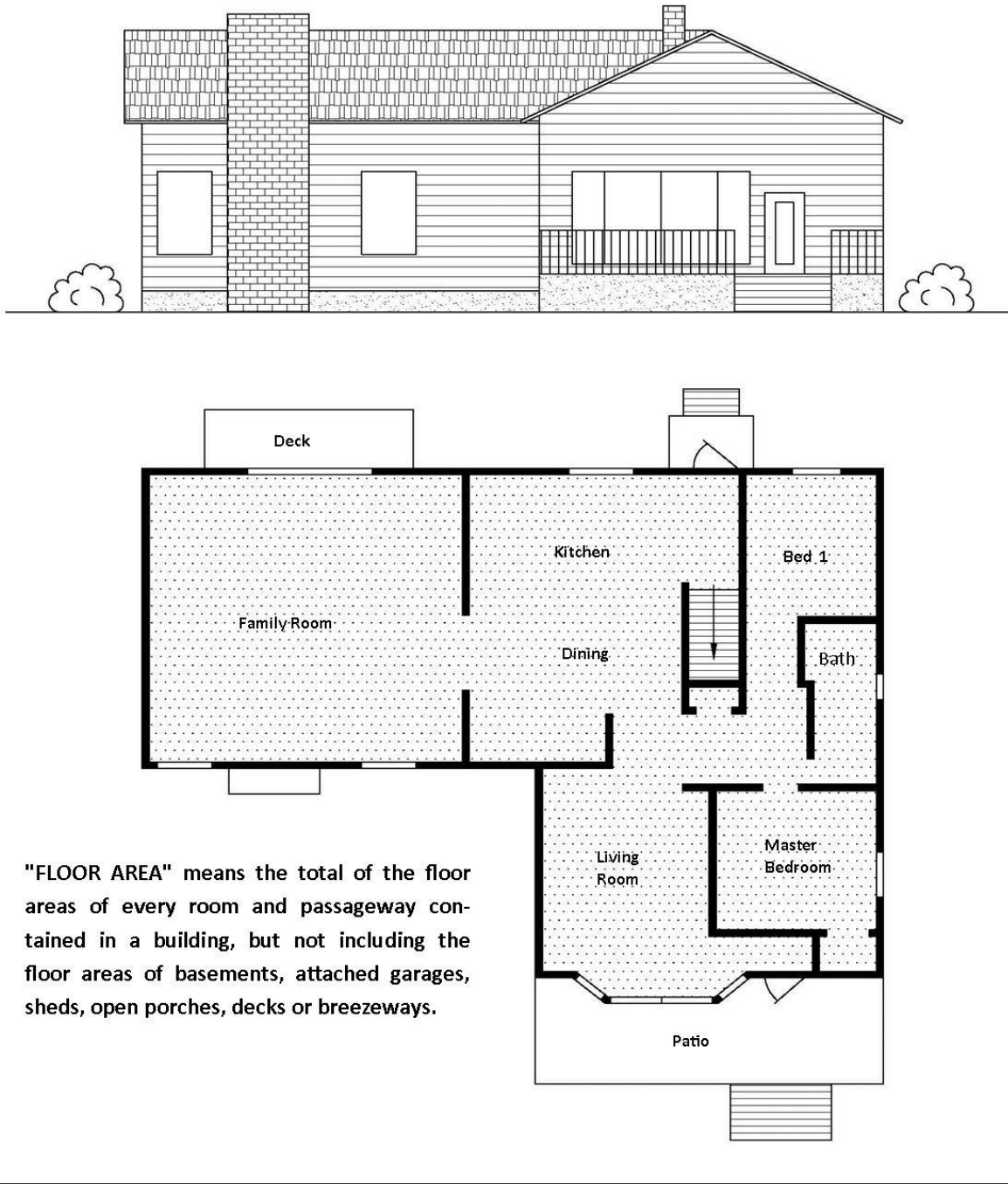
Figure 16: Dwelling, Tri-Plex



EXPLANATION NOTES

Floor Area

This graphic is not part of this bylaw but is provided to aid in its interpretation.



"FLOOR AREA" means the total of the floor areas of every room and passageway contained in a building, but not including the floor areas of basements, attached garages, sheds, open porches, decks or breezeways.

Figure 17: Floor Area



EXPLANATION NOTES

This graphic is not part of this bylaw but is provided to aid in its interpretation.

Requirement for Development Permit Application

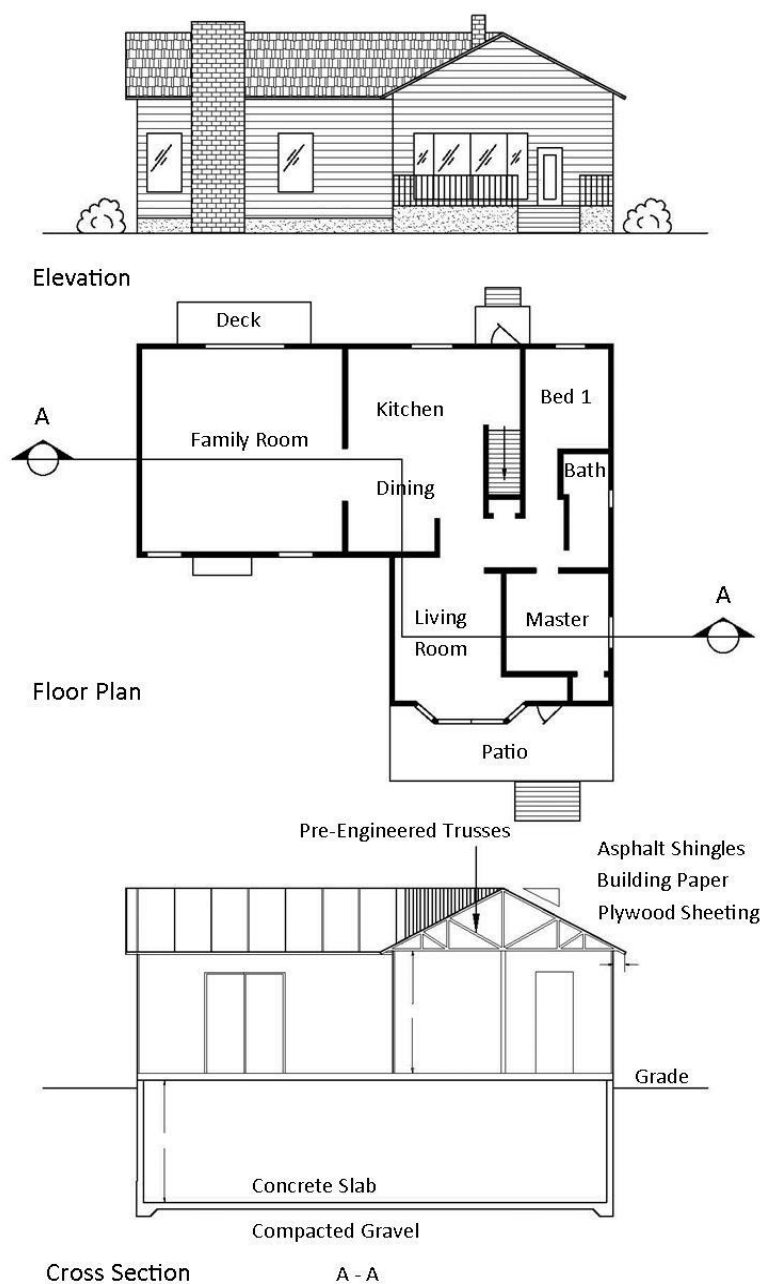


Figure 18: Requirement for Development Permit Application



EXPLANATION NOTES

A Typical Site Plan for Rural Development Permit Applications

This graphic is not part of this bylaw but is provided to aid in its interpretation.

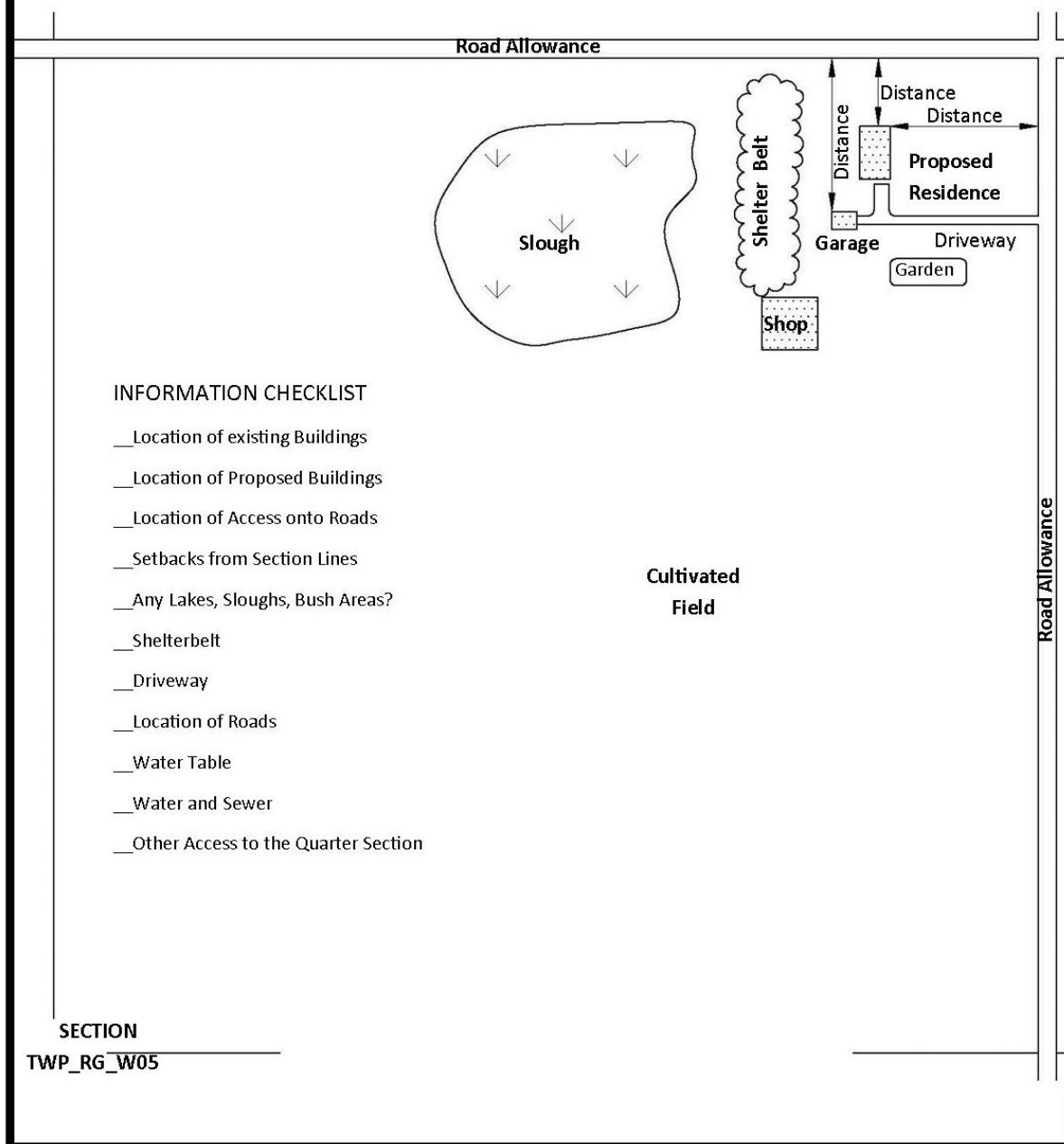


Figure 19: A Typical Site Plan for Rural Development Permit Applications



EXPLANATION NOTES

A Typical Site Plan for Non-Rural Development Permit Applications

This graphic is not part of this bylaw but is provided to aid in its interpretation.

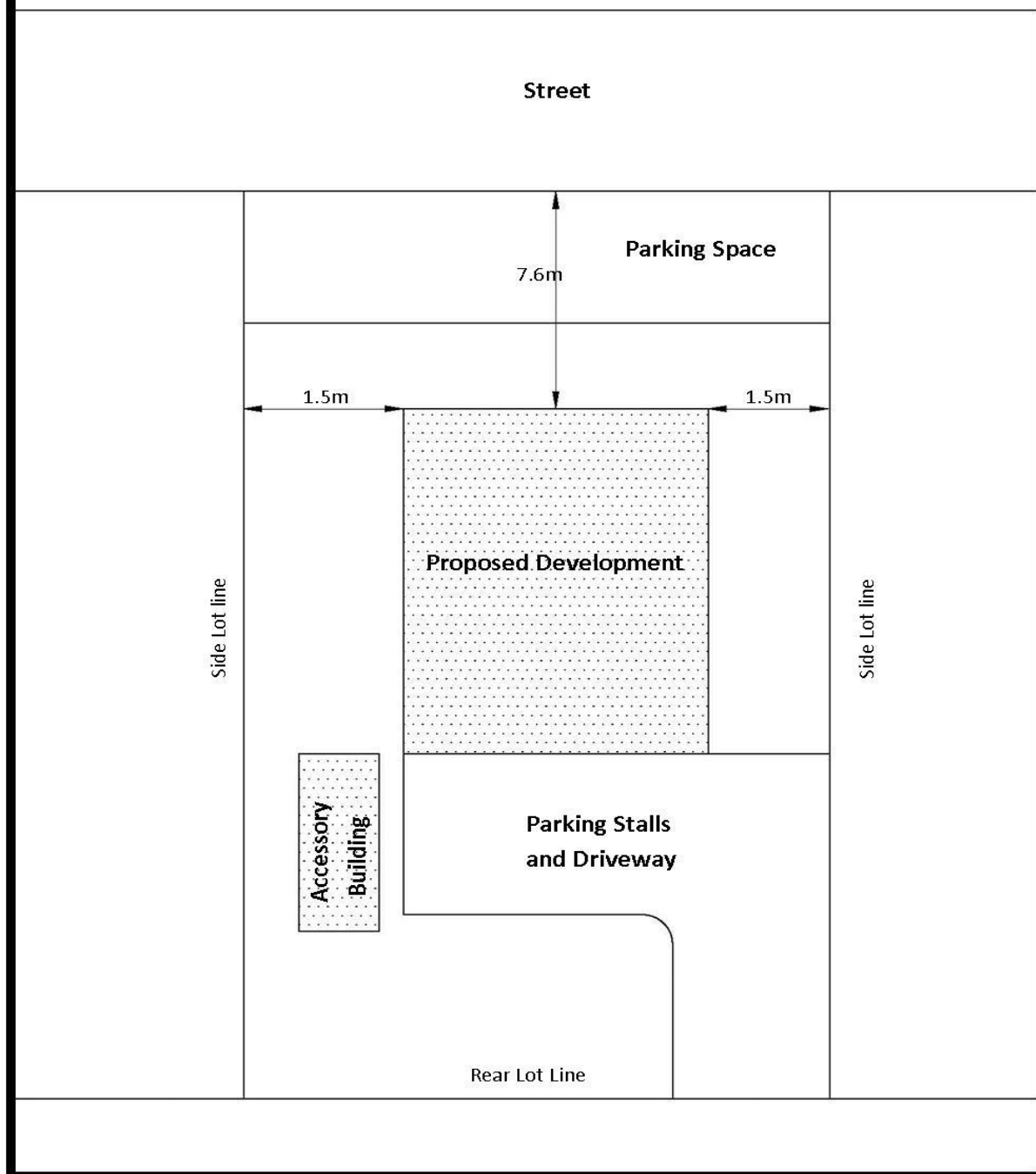


Figure 20: A Typical Site Plan for Non-Rural Development Permit Applications

EXPLANATION NOTES

Fencing

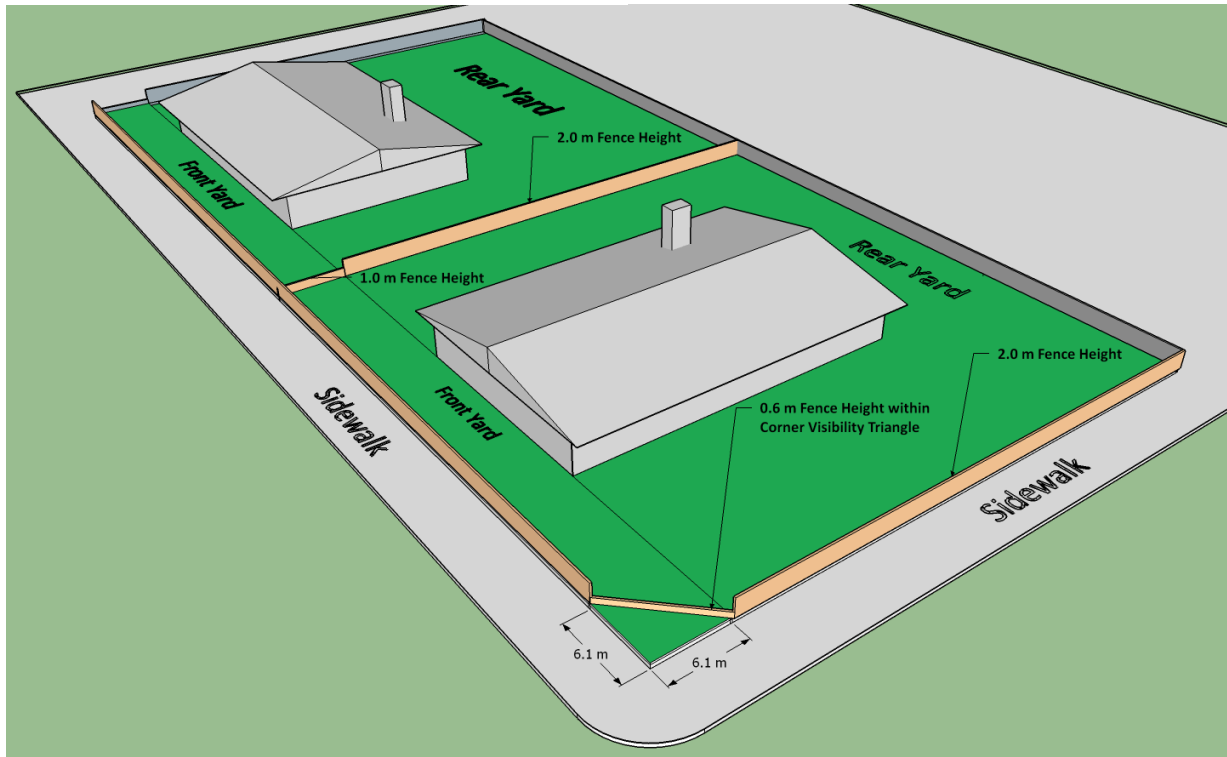


Figure 21: Fencing



SECTION 2: PLANNING AUTHORITY



SECTION 2: PLANNING AUTHORITY

2.1 Development Officer

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution or Bylaw by the Council.
- (2) For the purpose of the Municipal Government Act, R.S.A. 2000, c.M-26, the Development Officer is hereby declared to be a designated person of Clear Hills County.
- (3) The Development Officer shall perform such duties as are specified in Section 2.2 of this Bylaw.

2.2 Duties and Responsibilities of the Development Officer

- (1) Assist and advise Council, MPC and the public with respect to the requirements of the current Land Use Bylaw and other pertinent legislation;
- (2) Receive and review all complete applications for development permits and shall:
 - (a) Consider and decide upon all applications which constitute a "Permitted Use" in a land use district that comply in all respects to the standards of that district and will all other provisions of this Bylaw. The Development Officer may approve such applications with or without conditions;
 - (b) Refer, with comments and/or recommendations to the MPC all applications for "Discretionary Uses";
 - (c) Refer, with comments and/or recommendation to the MPC all applications for development not listed under the "Permitted Uses" or "Discretionary Uses" in the district for which the application was made;
 - (d) Refer, any application for development permits to any agency or person for comments when deemed appropriate;
 - (e) Refer to the MPC, with comments, any planning application for which a variance of the Land Use Bylaw is required.
- (3) Keep and maintain for inspection by the public during office hours, a copy of this Bylaw and all amendments and resolutions thereto and ensure that copies are available to the public at a reasonable charge.
- (4) Keep a register of all applications for development, including the decisions therein and the reasons therefore, for a minimum period of seven (7) years.
- (5) The Development Officer may refer to the Municipal Planning Commission, any other matter which in the opinion of the Development officer does not comply with the intent of the relevant provisions of the Bylaw.



- (6) In making a decision on an application for a use listed under the Permitted Uses in that district, the Development Officer may:
 - (a) Approve the application unconditionally; or
 - (b) Approve the application and attach conditions dealing with any or all of the following:
 - (i) A developers agreement;
 - (ii) The construction, operation and maintenance of sewer and water facilities;
 - (iii) Site drainage
 - (iv) The location of refuse disposal facilities;
 - (v) Access for fire and police protection;
 - (vi) Water supply for firefighting purposes;
 - (vii) General access and circulation;
 - (viii) Provision for recreation areas;
 - (ix) Landscaping and other aesthetic considerations;
 - (x) Building design and site layout;
 - (xi) Provision for parking facilities;
 - (xii) Buffering, screening & fencing or any other appropriate planning condition;
 - (c) Refuse the application.
- (7) The Municipal Planning Commission may decide upon an application for a development permit if, in the opinion of the Development Authority:
 - (a) The proposed development would not;
 - (i) Unduly interfere with the amenities of the neighbourhood; or
 - (ii) Materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - (b) The proposed development does not conflict with the use prescribed for that land or building in this Bylaw.

2.3 Municipal Planning Commission

- (1) The Municipal Planning Commission (MPC) is established by a separate Bylaw and shall perform such duties as are specified in the Municipal Government Act, R.S.A., 2000, c.M-26.
- (2) Where the phrase “as approved by the Municipal Planning Commission and/or Development Authority” appears in the land use district regulation of this Bylaw, the MPC prior to giving its decisions, shall take into consideration the Land Use Bylaw,



Subdivision Regulations, and S. 622 of the MGA, R.S.A 2000, c.M-26. See Appendix C, Establishing a Municipal Planning Commission.

2.4 Subdivision Appeal Board and Development Appeal Board

- (1) Applicants may appeal the decision of the approving authority to the appropriate board in accordance with Part 17, Division 10, of the MGA, R.S.A. 2000, c.M-26, as amended from time to time.
 - (a) The Subdivision Appeal Board (SAB) shall perform such duties as delegated in the County Bylaw that establishes the Board, and as specified in Sections 4, 5 and 6 of this Bylaw and Part 17 Division 10 of the MGA, R.S.A. 2000, c.M-26.
 - (b) The Development Appeal Board (DAB) shall perform such duties as delegated in the County Bylaw that establishes the Board, and as specified in Sections 4, 5 and 6 of this Bylaw and Part 17 Division 10 of the MGA, R.S.A. 2000, c.M-26.
 - (c) The Mackenzie Inter-Municipal Subdivision Appeal Board shall act as the Subdivision Appeal Board (SAB) on behalf of the County. See Appendix B, Establishing Subdivision & Development Appeal Boards.

2.5 The Mackenzie Municipal Services Agency (MMSA)

- (1) In accordance with Section 623 (2) and 625 of the MGA, R.S.A. 2000, c.M-26, Clear Hills County has delegated its subdivision authority to the Mackenzie Municipal Services Agency.
- (2) MMSA also serves as an advisor to the Development Officer, Municipal Planning Commission, Subdivision Appeal Board, Development Appeal Board and Council on all planning and development related matters.



SECTION 3: DEVELOPMENT PERMIT RULES



SECTION 3: DEVELOPMENT PERMIT RULES

3.1 Control of Development

No development other than that designated in Section 3.3 shall be undertaken within Clear Hills County unless a development permit application has been approved and a development permit has been issued with respect to it. See Figure 1 (Development Permit Process), Figure 18 (Requirement for Development Permit Application), Figure 19 (A Typical Site Plan for Rural Development Permit Applications) and/or Figure 20 (A Typical Site Plan for Non-Rural Development Permit Applications) for the explanation notes.

3.2 Development Requiring a Permit

- (1) Except as provided for in Section 3.3, no person shall undertake any development in Clear Hills County unless a development permit application for it has been approved and issued pursuant to this Bylaw. Development is to be in accordance with the terms and conditions of the development permit issued, pursuant to this Bylaw.
- (2) A Development Permit is required for all new developments including the following, but not limited to:
 - (a) Any new building to be erected;
 - (b) Any major structural addition or changes to a building;
 - (c) Changes to the use and/or intensity of use of an existing building;
 - (d) Changes to the use of vacant land.
- (3) If a proposed work camp is to be established for a period in excess of six (6) months, a development permit shall be required.

3.3 Development Not Requiring a Development Permit

The development(s) identified in Subsections (1) to (9) below shall not require a development permit and shall otherwise comply with the provisions of this Bylaw.

- (1) The carrying out of works of maintenance or repairs, external or internal provided that such works do not include structural alterations or change the use or the intensity of use of the structure.
- (2) The completion and use of a building which was lawfully under construction on the date this Bylaw came into effect. The building shall be completed within a period of twelve months (12) from the date of approval.



- (3) With the exception of agricultural districts and the Crown Land Management District (CLM), the placing, construction, or maintenance of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a curved road used by vehicular traffic) less than 0.9 m (3 ft) in height in front yards and less than 1.8 m (6 ft) in side and rear yards, provided the erection of such does not contravene any other provisions of this Bylaw.
- (4) The placing or construction of a temporary structure or the 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 and which is removed from the site upon completion of construction/alteration.
- (5) The maintenance or repair of public works, services and utilities.
- (6) The use of a building in whole or in part as a temporary polling station for a Federal, Provincial or Municipal election.
- (7) The carrying out of extensive agricultural operations on a parcel greater than 4.05 ha (10 ac) in size.
- (8) Any minor farm building, shed, dugout or water reservoir located at least 40.8 m (134 ft) from a road right-of-way or minor accessory use.
- (9) Structures which are accessory to dwellings and are less than 10 m² (107.6 ft²) in floor area, and decks which are less than 0.6 m (2 ft) from ground level, provided they satisfy all the setback requirements of this Bylaw.

3.4 Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a building may be continued, when that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building, but shall not include any structural alterations.
- (3) A non-conforming use of part of a lot shall not be changed or transferred to any other part of the lot.
- (4) No additional accessory building(s) associated with the non-conforming use are permitted.
- (5) A non-conforming building may continue to be used and shall not be enlarged, added to, rebuilt or structurally altered except to make it a conforming building.



- (6) A non-conforming building may not be repaired or rebuilt if damages equivalent to 75 percent or more the of the building's value above the foundation occur.
- (7) The use of land or a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

3.5 Application for a Development Permit

- (1) An application for a development permit shall be made to the Development Authority in writing, on the application provided by Clear Hills County, and shall be signed by the owner or designated agent. The Development Authority may require any or all of the following information be submitted with the application:
 - (a) A dimensional site plan showing the legal description, identifying the building in relationship to the property lines, the front, rear, and side yard setbacks, vehicle parking, and access points to the site.
 - (b) A site plan showing the proposed location of utilities, site drainage, grade elevations, existing and finished lot grades, and street grades.
 - (c) Water supply for firefighting purposes.
 - (d) A dimensional floor plan of the proposed development, including elevations and descriptions of external finishing materials.
 - (e) A site plan indicating any external storage areas, fencing or screening and landscaping for the proposed development.
 - (f) Any related loading and parking provisions.
 - (g) Development of parks and recreation areas.
 - (h) A statement of existing and proposed uses.
 - (i) A statement of ownership of land and interest of the applicant therein.
 - (j) Estimated commencement and completion dates.
 - (k) Estimated cost of the project or contract price.
 - (l) Topographical features, the extent of existing treed areas and the trees proposed to be removed.
 - (m) A professional engineering report evaluating the site suitability for private sewage disposal.
 - (n) A professional engineering report identifying the quality and quantity of groundwater supply on the site.
 - (o) A professional engineering analysis and evaluation on the impact of development on the Grimshaw Gravels Aquifer.
 - (p) Water/groundwater level contour mapping.



-
- (q) The evaluation of such reports by various agencies.
 - (r) Any studies or assessments required for evaluating the proposal.
 - (s) Any other information to assist in evaluating the development.
 - (2) When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may return the application to the applicant for further details.
 - (a) The application so returned shall be deemed not to have been complete until all required information has been received.
 - (3) Each application for a development permit shall be accompanied by a non-refundable fee as established by resolution of Council from time to time.
 - (4) Where a development permit application in a land use district is for a temporary development, the Development Authority:
 - (a) Shall consider and decide upon a development and the specific time duration for the development;
 - (b) Shall impose a condition on such a permit that the County is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit.

3.6 Development Referrals

- (1) At least five days prior to the MPC meeting at which the Development Authority will be considering the application, the Development Authority may refer a development permit application for comments and/or recommendations to the MMSA, any County department, Provincial or Federal Government Agency including, but not limited to:
 - (a) Alberta Environment and Parks;
 - (b) Alberta Health Services;
 - (c) Alberta Infrastructure;
 - (d) Alberta Transportation; and/or
 - (e) Any other agencies that the Development Authority deems appropriate.
- (2) The Development Authority shall refer a development permit application to the Village of Hines Creek when the development proposal affects lands within the Inter-Municipal Planning Area in accordance with the *Municipal District of Clear Hills County No. 21 and the Hines Creek Inter-Municipal Development Plan*.
- (3) Having received a reply on a matter referred to the MMSA and/or any local, Provincial or Federal government agency, the Development Authority shall make a decision giving due consideration to their recommendations.



- (4) After thirty (30) days from the date of referral, the application may be dealt with by the Development Authority whether or not comments have been received.

3.7 Environmental Audits

- (1) The Development Authority 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 adopt or 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 County 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 include:
 - (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 verifying 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 uses of adjoining properties;
 - (g) A completed sampling program to determine type and level of contamination of soil, ground and surface water, site facilities, etc.;
 - (h) A determination of the extent of contamination; and
 - (i) Comprehensive site and area maps noting the locations of natural and built features and other elements of the site audit as noted above.



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- (4) The environmental audit shall be conducted by qualified person(s).
 - (5) The environmental audit report shall be referred to the County from Alberta Environment and Parks for comment.
 - (6) The Development Authority may use the recommendations of the environmental audit report as:
 - (a) Reason(s) for issuing or not issuing a development permit with or without conditions;
 - (b) A reason(s) to amend or not amend this Bylaw;
 - (c) A reason(s) to recommend refusal of an amendment to this Bylaw;
 - (d) A basis for recommendations to the Subdivision Approving Authority related to applications for subdivision;
 - (e) Reasons to adopt or amend a statutory plan; and
 - (f) Reasons to refuse to adopt or amend a statutory plan.

3.8 Environmental Impact Assessment

- (1) "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; and
 - (c) The potential environmental impact the proposed development may have on the future land use potential of the site.
- (2) ENVIRONMENTAL IMPACT ASSESSMENT REPORT means a written document containing the result of an environmental impact assessment.
- (3) The Council or the Development Authority 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 or an application to adopt or amend a statutory plan.
- (4) The environmental impact assessment shall be conducted by qualified persons.
- (5) The environmental impact assessment report shall be referred to Alberta Environment and Parks for comment.



-
- (6) The Development Authority may use the recommendations of the environmental impact assessment report as:
- (a) Reasons for issuing or not issuing a development permit, with or without conditions;
 - (b) Reasons to amend or not amend this Bylaw;
 - (c) A basis for recommendations to the Subdivision Authority related to applications for subdivision;
 - (d) Reasons to adopt or amend a statutory plan; and
 - (e) Reasons to refuse to adopt or amend a statutory plan.

3.9 Subdivision Variance

- (1) Notwithstanding the requirements in all land use districts for lot width, lot depth, and lot size, the Development Authority may recommend a variance to the district requirements.
- (2) Prior to making a recommendation for a subdivision variance, the Development Authority may notify adjacent land owners and indicate a time and place at which they may speak for or against the proposed variance, if Council deems it necessary.
- (3) Where the Development Authority has deemed it necessary to allow for a variance, written reasons for their recommendation will be sent to the Subdivision Authority.
- (4) Upon recommendation from the Development Authority the Subdivision Authority may approve a subdivision application which requires a variance in accordance with Section 3.9(1).



SECTION 4: ISSUANCE OF DEVELOPMENT PERMITS AND NOTICES



SECTION 4: ISSUANCE OF DEVELOPMENT PERMITS AND NOTICES

4.1 Decisions

(1) Permitted Use Applications

- (a) Upon receipt of a completed application for a development permit for a permitted use, the Development Authority shall approve, with or without conditions, where the proposed development conforms to this Bylaw and may:
 - (i) Require a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that Clear Hills County can utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed or existing development against all land use regulations relating to the use and building(s) that is (are) the subject of the development permit application;
 - (ii) Prior to a decision, refer any application for a permitted use to any municipal department or external agency for comment;
 - (iii) Approve the application if the use conforms to this Bylaw; or
 - (iv) Approve the application if the condition of the approval ensures that the development would conform to the provisions of the Land Use Bylaw.
- (b) A person to whom a development permit has been issued shall obtain from the appropriate federal, provincial or municipal authority, applicable permits relating to building construction, utility or infrastructure connections, and any other permits required for the proposed development.
- (c) The Development Officer will refer to the Municipal Planning Commission those applications for development specified in the list of permitted uses that require a variance to comply with this Bylaw.

(2) Discretionary Use Applications

- (a) Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall forward the application to the Municipal Planning Commission for review and a decision. The MPC may:
 - (i) Require a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that Clear Hills County can utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed or existing development against all land use regulations relating the use and building(s) that is (are) the subject of the development permit application;



- (ii) Prior to a decision, refer the application to any municipal department or external agency for comment;
 - 1. In the case of a Confined Feeding Operation (CFO) application, a committee of adjacent and nearby landowners is to be formed by the applicant to receive input and feedback regarding the adjacent and nearby landowners, to discuss their concerns in relation to the proposed new CFO and its effect on their properties.
 - (iii) Approve the application if the condition of the approval ensures that the development would conform to the provisions of the Land Use Bylaw;
 - (iv) Where any use is applied for which is not specifically shown in any land use district but is, in the opinion of the Municipal Planning Commission, similar in character, intent and purpose to other uses of land and buildings provided by the Bylaw in the land use district in which such use is proposed, the Municipal Planning Commission may rule that the proposed use is a discretionary use in the land use district in which such use is proposed; or
 - (v) The Municipal Planning Commission may refuse, or approve with conditions, any development, if in the opinion of the Municipal Planning Commission, the proposed development will detract from the character or appearance of the existing development in the area.
 - (b) A person to whom a development permit has been issued shall obtain from the appropriate federal, provincial or municipal authority, applicable permits relating to building construction, utility or infrastructure connections, and any other permits required for the proposed development.
- (3) Variance Provisions
- (a) The MPC may approve or conditionally approve a discretionary use or a permitted use referred to the Municipal Planning Commission that does not comply with the Bylaw if, in the opinion of the Development Authority or Municipal Planning Commission, as the case may be:
 - (i) The proposed development would not:
 - 1. Unduly interfere with the amenities of the neighbourhood; or
 - 2. Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - (ii) The proposed development conforms to the use prescribed for that land or building in this Bylaw.
 - (iii) Variances will be considered to a maximum of 40% of development standards.
- (4) The Development Authority shall consider and decide on applications for development permits within forty (40) days of the receipt of the application in its complete and final form.



- (5) When, in the opinion of the Development Authority satisfactory arrangements have not been made by a developer for the supply of water, electrical power, sewage, and road access, or any of them, including payment of the costs of installation or construction, the Development Authority shall refuse to issue a development permit.

4.2 Conditions of a Development Permit

- (1) In making a development decision, the Development Authority may attach conditions addressing the following matters when issuing a development permit:
 - (a) The developer requires a developer's agreement to construct or pay for the construction of public roadways or parking areas to include;
 - (i) The provision to install or pay for the installation of utilities and/or any Clear Hills County services mutually agreed upon,
 - (ii) The provision to pay for an off-site levy or redevelopment levy imposed by order;
 - (b) The operation and maintenance of sewer and water facilities;
 - (c) The location of refuse disposal facilities;
 - (d) Access for fire and police protection;
 - (e) General access and circulation;
 - (f) Provision for recreation areas;
 - (g) Landscaping, screening and other aesthetic considerations for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials or other similar uses;
 - (h) Building design;
 - (i) Provision for off street parking, loading and unloading facilities;
 - (j) Public safety;
 - (k) Property taxes to be paid in full at the time of development permit approval or to the satisfaction of the County;
 - (l) Other conditions as are necessary, having due regard to the nature of a proposed development and the purpose of the relevant district.
- (2) Notwithstanding any specific provisions and standards set out in this Bylaw, the Development Authority may establish a more stringent standard for a discretionary use when it is deemed necessary to do so.
- (3) Where the development of land involves a subdivision of land, no development permit shall be issued until the application has been submitted to the Subdivision Agency and written evidence received by the Development Authority that the necessary subdivision has the approval of the Subdivision Agency.



- (4) Where certain works are required or conditions are imposed against a lot or parcel, due to a decision by the Subdivision Agency, no development permit shall be issued until the works or conditions have been complied with or until a development agreement for specific performance is in existence between the developer and the municipality.
- (5) Where an appeal is made pursuant to Section 5 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or cancelled.

4.3 Compliance Certificate

- (1) Where any development has taken place in conformance with a development permit, and the conditions, if any, attached to the permit have been fully complied with, a Development Officer may, if requested, issue a Compliance Certificate stating that the completed development conforms to the requirements of this Bylaw.
- (2) Every application for a Compliance Certificate shall include sufficient information to determine conformance with this Bylaw, including:
 - (a) Completed application form, see Form D (Compliance Certificate Application) in Appendix A;
 - (b) Signature of the registered owner or authorized agent;
 - (c) Legal description; and
 - (d) Certified Real Property Report prepared by an Alberta Land Surveyor, in duplicate at an appropriate scale, showing the details of the development and the relation to property boundaries so that compliance with setbacks and yard regulations may be determined.
- (3) A Development Officer shall not approve an application for a Compliance Certificate if necessary details of the development have not been included with the application. The application shall be deemed not to be complete until all required information has been submitted.
- (4) A Development Officer shall rely on the Real Property Report and is not required to undertake an onsite inspection. A Development Officer shall not be liable for any damages arising from the use of a Compliance Certificate where the errors are the result of incorrect or incomplete information provided by the surveyor.
- (5) A Development Officer may issue a Compliance Certificate where a minor non-compliance exists, subject to the provisions regarding variances.



4.4 Development Permit: Notification

- (1) The Development Authority's decisions on a Development Permit application shall be prepared in writing and a copy of the notice provided to the applicant.
- (2) When an application for a development permit is approved for a permitted use where the provisions of the Bylaw have not been relaxed or varied, the Development Authority is not required to notify adjacent landowners.
- (3) When an application for a development permit is approved for a development for a which a variance has been granted or a discretionary use, the Development Authority shall:
 - (a) Immediately mail a notice in writing to all adjacent land owners advising of the decision and the right to appeal; or
 - (b) 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.
- (4) The Development Permit decision notice shall indicate:
 - (a) The date a decision of the development permit application was made; and
 - (b) The location and use of the parcel in respect of which the application has been made and the decision of the Development Authority.
 - (i) Approvals will contain conditions if any
 - (ii) Refusals will contain reasons for the refusal
- (5) An appeal may be made by a person affected by the decision to the Development Appeal Board in accordance with Section 5.1 of this Bylaw.
- (6) Effective Date of a Development Permit

A development permit granted pursuant to this Bylaw comes into effect seventeen (17) calendar days following the date an order, decision or development permit is issued, and any development proceeded with by the applicant prior or during this period is done solely at the risk of the applicant.

- (7) Validity of Development Permits
 - (a) A development permit is valid unless:
 - (i) It is suspended or cancelled;
 - (ii) The development is not commenced within twelve (12) months from the date of the issuance of the development permit; or



- (iii) The development is not commenced within the timeframe set out by the Development Authority for development that is to be completed in less than twelve (12) months.
 - (b) The Development Authority may extend the period of time that a development permit is valid if, in their opinion, circumstances warrant such a time extension. A written extension request is required from the applicant prior to extension consideration.
- (8) Deemed Refusal of a Development Permit

Pursuant to Section 684 of the Municipal Government Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Authority, is not made within forty (40) days of the completed application being received by the Development Officer, unless an agreement to extend the 40 days is established between the applicant(s) and the Development Authority.
- (9) Subsequent Applications of a Development Permit

When an application for a development permit is refused by the Development Authority or Development Appeal Board, another application for development, with respect to the same parcel may not be made by the same or any other applicant within six (6) months of the refusal of the application.
- (10) Suspension or Cancellation of Development Permits
 - (a) If, after a development permit has been issued, the Development Officer becomes aware that:
 - (i) The application for the development contains a misrepresentation;
 - (ii) Facts concerning the application of the development, which should have been disclosed at the time the application was considered were not disclosed;
 - (iii) The development permit was issued in error;
 - (iv) The applicant fails to comply with a notice under Section 645 of the Municipal Government Act; or
 - (v) The Development Officer may suspend or cancel the notice of decision or the development permit by notice, in writing, to the development permit applicant.
 - (b) A person whose development permit is suspended or cancelled under this Section may appeal the decision to the Development Appeal Board.



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- (11) The granting of a development permit shall:
- (a) Indicate only that the development to which the development permit relates is approved 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 Regulations;
 - (b) Be without prejudice to the Development Authority right to refuse any other permit or approval that may be required of it in respect to the development by this or any other Bylaw; or
 - (c) be subject to the right of the Development Authority to suspend or revoke the development permit in accordance with the provisions of this Bylaw and the Province of Alberta Municipal Government Act, R.S.A. 2000, c.M-26.

4.5 Notices and Forms

- (1) The forms and notices contained in Appendix A: Sample Forms and Notices as listed below are deemed to have the full force and effect of this Bylaw, in execution of the purpose for which they were designated, and issued.

Form A: Application for Development Permit
Form B: Development Permit Notice of Decision
Form C: Amended Development Permit Notice of Decision
Form D: Compliance Certificate Application
Form E: Application for Development Appeal
Form F: Notice of Development Appeal Board Hearing
Form G: Notice of Development Appeal Board Decision
Form H: Application for Amendment to the Land Use Bylaw
Form I: Stop Order
Form J: Application for Sign Placement on Private Land
Form K: Application for Sign Placement for Municipal Right-of-Way or Municipal Reserve Land
Form L: Application for Sign Placement for a Recreational & Community Facility and/or a Historic Landmark

- (2) The forms and notices pursuant to this Bylaw may be posted, issued, served or delivered by the Development Officer or an official of the municipality.



SECTION 5: SUBDIVISION AND DEVELOPMENT APPEALS



SECTION 5: SUBDIVISION AND DEVELOPMENT APPEALS

5.1 Development Appeal Procedure

- (1) An appeal may be made to the Development Appeal Board where the Development Authority;
 - (a) Refuses a development permit;
 - (b) Fails to issue a development permit to a person within forty (40) days of receipt of the application;
 - (c) Issues a development permit subject to conditions; or
 - (d) Issues an order under Section 6.1 of this Bylaw.
- (2) An appeal may be made to the Development Appeal Board by any other person affected by an order, decision or development permit approved by the Development Authority.
- (3) An appeal shall be made by serving a written notice of appeal, with reasons, to the Secretary of the Development Appeal Board within 14 days after the date the order, decision or development permit was issued. See Form E (Application for Development Appeal) in Appendix A.
- (4) Each appeal made to the 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 and may be or may not be refundable.
- (5) Notwithstanding Subsection 5.1 (1) above, no appeal is enforceable regarding the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.

5.2 Development Appeal Hearing

- (1) The Development Appeal Board shall hold a public hearing within thirty (30) days of receipt of a notice of appeal.
- (2) The Secretary to the Development Appeal Board shall give at least five (5) days' notice in writing of the appeal hearing to:
 - (a) The applicant;
 - (b) The Development Authority from whose order, decision or development permit the appeal is made;
 - (c) Adjacent landowners and such other person as the Development Appeal Board may specify.



- (3) The Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
 - (a) The application for the development permit;
 - (b) Notice of decision; or
 - (c) Notice of appeal.
- (4) At the appeal hearing, the Development Appeal Board shall hear:
 - (a) The applicant or any other person acting on his/her behalf;
 - (b) The Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - (c) Any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his/her behalf; and
 - (d) Any other person who claims to be affected by the order, decision or permit and that the Development Appeal Board agrees to hear or a person acting on his/her behalf.

5.3 Development Appeal Decision and Notice of Appeal

- (1) In determining an appeal the Development Appeal Board;
 - (a) Shall comply with provincial land use policies, the Municipal Government Act, municipal statutory and regulatory documents, subject to Section 5.3 (1) (c) of this Bylaw.
 - (b) Must have regard for, and is not bound by, the Subdivision and Development Regulation A.R. 43/2002, in accordance with S. 687 (3) (b) of the MGA R.S.A. 2000, c.M-26.
 - (c) May confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own.
 - (d) Make an order, or decision, or issue, or confirm the issue of a development permit, for a proposed development that does not comply with the Land Use Bylaw or Land Use Regulations if, in the opinion of the Development Appeal Board;
 - (i) The proposed development would not:
 - 1. Unduly interfere with the amenities of the neighbourhood;
 - 2. Materially interfere with or affect the view, enjoyment or value of neighbouring properties; and
 - (ii) The proposed development conforms with the use prescribed for that land or building according to the Land Use Bylaw.



- (2) The Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the appeal hearing.
- (3) A decision made under section 5.3 (4) of this Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Province of Alberta Municipal Government Act, R.S.A. 2000, c.M-26. An application of appeal to the Court of Appeal shall be made:
 - (a) To a judge of the Court of Appeal; and
 - (b) Within thirty (30) days after the issue of the order, decision, permit or approval sought to be appealed.
- (4) If the decision of the Development Authority to approve a development permit application is reversed by the Development Appeal Board, the development permit shall be rescinded.
- (5) If the decision of the Development Authority to refuse a development permit application is reversed by the Development Appeal Board, the Development Authority shall issue a notice of decision in accordance with the decision of the Development Appeal Board.
- (6) If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall issue a notice of decision in accordance with the decision of the Development Appeal Board.

5.4 Subdivision Appeal Procedure

- (1) An appeal may be made to the Subdivision Appeal Board where the Subdivision Authority;
 - (a) Refuses a subdivision proposal;
 - (b) Fails to issue a subdivision decision to a person within twenty-one (21) days of receipt of a completed application if no referrals were made to commenting authorities, within 60 days if referrals are made to commenting authorities or a time agreed to between the Subdivision Authority and the applicant;
 - (c) Issues an order under Section 6.1 of this Bylaw.
- (2) The decision of the Subdivision Authority on an application for subdivision approval may be appealed by:
 - (a) The applicant;
 - (b) A Government department if the application was referred to that department;
 - (c) Council;
 - (d) A school authority with respect to municipal and school reserves.



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- (3) An appeal shall be made by serving a written notice of appeal, within 14 days after the date the decision was issued by the Subdivision Authority with reasons to:
 - (a) The Municipal Government Board, as required by the Subdivision and Development Regulations; or
 - (b) The Secretary of the Subdivision Appeal Board.
 - (4) For the purpose of Subsection (3), the date of receipt of the decision is deemed to be five (5) days from the date that the decision was mailed, S. 678 of the MGA R.S.A., 2000, c.M-26.
 - (5) Each appeal made to the Subdivision Appeal Board shall be accompanied by a processing fee, the amount of which shall be set from time-to-time by resolution of Council and may be or may not be refundable.

5.5 Subdivision Appeal Board Hearing and Decision

The Subdivision Appeal Board hearing and decision shall be in accordance with the MGA.



SECTION 6: ENFORCEMENT



SECTION 6: ENFORCEMENT

6.1 Contravention

- (1) Where the Development Officer finds that a development or use of land or buildings is not in accordance with:
 - (a) Part 17 of the Municipal Government Act (MGA);
 - (b) This land use bylaw; or
 - (c) A development permit or subdivision approval.
- (2) The Development Officer may, in accordance with the MGA provide in writing a Stop Order which orders the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them to:
 - (a) Stop the development or use of the land or buildings in whole or in part as directed by the notice;
 - (b) Demolish, remove or replace the development;
 - (c) Take such other measures as are specified in the notice so that the development; or use of the land or buildings; complies with Part 17 of the MGA, the regulations under the MGA, a development permit or subdivision approval, or this Bylaw, as the case may be; or
 - (d) Identify a timeframe within the notice, to complete requirements of the Stop Order.
- (3) Right of Entry:

A person shall not prevent or obstruct a designated officer from carrying out any official duty under this Bylaw.
- (4) A person who receives a notice pursuant to Section 6.1 (2) and the MGA may appeal the order to the Development Appeal Board.
- (5) The Development Authority may apply to the Court of Queen's Bench for an injunction or other order in compliance with Section 554 of the MGA.
- (6) Orders to remedy contraventions issued in compliance with Section 545 or 546 of the MGA will be brought to Council for information.



- (7) Where a notice is issued under Section 6.1 (1), the Stop Order or Order to remedy contraventions shall state the following and any other information considered necessary by the Development Officer:
 - (a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or of the Municipal Government Act the order is being carried out;
 - (b) The alternatives and processes which the person responsible for the contravention may pursue to correct the contravention;
 - (c) A timeframe in which the contravention must be corrected prior to the County pursuing action; and
 - (d) Advise the person of his/her right to appeal the order to the Development Appeal Board.

6.2 Compliance

- (1) When a person does not comply with a Stop Order or Order to remedy contraventions, a designated officer of the municipality may, in accordance with the MGA, enter upon the land or building and take such action as is necessary to carry out the order, and in accordance with Section 553 of the MGA, the costs incurred shall be added to the tax roll of the land as an additional tax against the property.
- (2) Compliance with other Legislation

A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out, and shall ascertain, comply with and carry out development in accordance with:

 - (a) The requirements of the Safety Codes Act, Environmental Protection and Enhancement Act, and the Natural Resources Conservation Board Act;
 - (b) The requirements of any other federal, provincial or municipal enactment or any other law; and
 - (c) The conditions of any caveat, covenant, easement or other instrument affecting a building or land.
- (3) The County is not responsible for, nor does the County have any obligation whatsoever, to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.

6.3 Fines and Penalties

- (1) A person who:
 - (a) Contravenes any provision of the Municipal Government Act or the regulations under the Municipal Government Act;



- (b) Contravenes this Bylaw;
- (c) Contravenes an order under Section 6.2 of this Bylaw;
- (d) Contravenes a development permit or subdivision approval or a condition attached thereto; and/or
- (e) Obstructs or hinders any person in the exercise or performance of his/her powers or duties under this Act, the regulations under the Municipal Government Act or this Bylaw;

Is guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.

- (2) If a person is found guilty of an offense under Section 6.3 of this Bylaw or Section 557 of the Municipal Government Act, the court may, in addition to any other penalty imposed, order the person to comply with:
 - (a) The Municipal Government Act and the regulations under the Municipal Government Act;
 - (b) This Bylaw;
 - (c) An order under Section 6.2 of this Bylaw; and/or
 - (d) A development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- (3) Any written order, or decision that is required under any provision of this Bylaw, to be undertaken by any person shall be deemed to have been so provided if it is:
 - (a) Delivered personally to the person or their agent;
 - (b) Mailed by registered mail to the last known address of the contact person on file; or
 - (c) Left with any agent or employee or resident at the last known address of the person to whom it is directed.



SECTION 7: AMENDMENTS



SECTION 7: AMENDMENTS

7.1 Bylaw Amendment Process

(1) Application:

Any person applying to have this Bylaw amended shall apply in writing to the Development Officer, using the application form provided by Clear Hills County, see Form H (Application for Amendment to the Land Use Bylaw) in Appendix A. See Figure 2 (Amendment to the Land Use Bylaw) and Figure 3 (Development Standards – Features Traditionally Regulated through Zoning) for the explanation notes.

(2) Proposed amendments may originate from the Development Authority:

The Development Authority may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw. The proposed amendment shall be accompanied by a report and recommendation.

(3) Amendments Proposed in Council:

Council may, at any time, initiate an amendment to this Bylaw. See Section 7.1 (6) for Application Referrals.

(4) Technical Amendments:

In accordance with Section 692(6) of the MGA, a bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographic errors and does not materially affect the bylaw in principle or substance.

(5) Application Requirements:

As part of the application referred to in Section 7.1 (1), the applicant must provide the following information:

- (a) An application fee as established from time to time by Council for each application;
- (b) A current title search of the land affected, or other documents satisfactory to the Development Officer showing the applicant's interest in the subject land;
- (c) Drawings showing the subject site, the proposed district, the existing/proposed development, and the existing/proposed use of the site, when applicable;
- (d) A signed certificate authorizing right of entry by the Development Officer to such lands or buildings as maybe required to investigate the subject lands of the proposed amendment; and
- (e) Any other information deemed necessary by the Development Authority or by Council.

An application is not considered complete until all required information is received.



(6) Application Referrals:

The Development Authority or Council may refer the application to such agencies as they consider necessary for comment, including but not limited to the Development Officer, Development Authority or Subdivision Authority.

(7) Development Officer Investigation:

Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:

- (a) Initiate or carry out any necessary investigation or analysis of issues or concerns related to the amendment, including circulating the application to such agencies as s/he considers necessary for comment; and
- (b) Submit a detailed report for the Council on the proposed amendment.

(8) Decision by Council:

As soon as is reasonably possible, the Development Authority shall submit the proposed amendment to Council, with comments from other agencies and recommendations from the Development Authority.

(9) Repayment of Application Fees:

If it appears that the proposed amendment is one which is for the benefit of Clear Hills County as a whole, or many properties in an area of the County Council may direct that the application fee be returned to the applicant.

(10) Limit on frequency of applications:

When an application to amend the Land Use Bylaw is refused; another application with respect to the same parcel may not be made by the same or any other applicant within six (6) months of the refusal of the application.

7.2 Public Hearing

- (1) All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the requirements of the Municipal Government Act regarding the notification and holding of a public hearing.
- (2) Amendments that affect the entire County shall be advertised in Fairview Post and the Banner Post, distributed by bulk mail out to local mailboxes and, by regular mail to recipients on the County newsletter mailing list.



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- (3) Amendments that reflect an amendment to a single property located outside and not adjacent to the generally accepted boundaries of a hamlet shall be advertised in the local newspaper (Fairview Post or Banner Post), and by registered mail to owners of property adjacent to and within an 8.05 km (5 mi) radius of the property.
 - (4) Amendments that reflect an amendment to property located adjacent to or within the generally accepted boundaries of a hamlet shall be advertised in the local newspaper (the Fairview Post), by registered mail to each customer on the County's utility list with a utility account linked to a property in the affected hamlet(s) and to owners of property adjacent to and within an 8.05 km (5 mi) radius of the property that do not have a utility account linked to a property in the affected hamlet(s).



SECTION 8: GENERAL LAND USE PROVISIONS



SECTION 8: GENERAL LAND USE PROVISIONS

8.1 Accessory Buildings

- (1) In a hamlet, no accessory building shall be located within the front yard of any parcel.
- (2) In a hamlet, an accessory building shall be situated on an interior lot so that the exterior wall of the structure shall be at minimum 0.9 m (3 ft) from the side and rear lot lines of the parcel.
- (3) In a hamlet, an accessory building on a corner lot shall be so situated that the side yard which abuts the street shall be not less than the side yard of the principal building.
- (4) In a hamlet, a garage shall be located so that the vehicle entrance doors shall be no closer than 5.5 m (18 ft) to the property boundary upon which they open, and shall not project past the front façade of the building, whichever is greater.
- (5) Notwithstanding Section 8.1 (2) and in addition to complying with Section 8.1 (1) and (3), a boathouse shall be located no closer than 7.6 m (25 ft) from the rear boundary of the parcel upon which it is erected unless otherwise approved by the Development Authority.
- (6) An accessory building shall be no more than 6.1 m (20 ft) in height, and shall not exceed the height of the principal building.
- (7) In a hamlet an accessory building erected on a site shall not be used as a dwelling.
- (8) Where a structure is attached to the principal building on a site by a roof, it is part of the principal building.
- (9) Any accessory building that is not physically connected to the principal building is to be located a minimum of 1.8 m (6 ft) from the principal building.
- (10) In a hamlet, all accessory buildings, with the exception of greenhouses, shall be constructed of materials of similar or superior quality to the principal building, to provide a consistent appearance on the lot.
- (11) Except in agricultural or recreational areas, no accessory building may be built on a lot before a principal building or main use is developed on the lot.

8.2 Corner Sites in Hamlets

- (1) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said lot, 6.1 m (20 ft) from the point where they intersect. See Figure 6 for the explanation note.



- (2) On any corner site in a residential district, no person shall erect, place or maintain within the site triangle a wall, fence, shrub, tree(s), hedge or any object over 0.9 m (3 ft) in height above the lowest road grade adjacent to the intersection.
- (3) On any corner site, no finished grade shall exceed the general elevation of the road line by more than 0.6 m (2 ft) within the area defined as a sight triangle. See Figure 10 (Maximum Grade and Elevation) for the explanation note.

8.3 Water Features

- (1) Where a parcel of land borders on or contains a coulee, ravine or valley, with or without a water feature, the following building or structure setbacks, from the upper break of the coulee, ravine or valley, shall apply:

Table B: Water Features Setbacks

Depth of the Coulee, Ravine or Valley	Minimum Building or Structure Setback
Less than 7.6 m (25 ft)	As required by the Development Authority
Greater than 7.6 m (25 ft) but less than 15.2 m (50 ft)	22.9 m (75 ft)
Greater than 15.2 m (50 ft) but less than 30.5 m (100 ft)	45.7 m (150 ft)
Greater than 30.5 m (100 ft)	61 m (200 ft)

See Figure 22 (Development Near Water Bodies and Water Features) for the explanation note.

- (2) Notwithstanding the above, the Development Authority may increase the building or structure setbacks where deemed necessary.
- (3) Where a parcel of land borders on or contains a water feature the setback from the water feature shall be determined by the Development Authority but shall not be less than 30.5 m (100 ft) from a water feature which is 8.09 ha (20 ac) or more.
- (4) Developments must adhere to the following land management practices:
 - (a) Stripping of vegetation or grading shall be done in a manner which will minimize soil erosion by ensuring that the extent of the disturbed area and the duration of its exposure is minimized, and that all grading work should be designed to blend with the natural contours of the land;
 - (b) Natural vegetation shall be retained and protected wherever possible;



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- (c) Natural drainage patterns shall not be disturbed and changes to water features shall be avoided except where controlled improvements are warranted subject to approval from Alberta Environment and Parks; and
 - (d) Developments shall not adversely affect groundwater resources or increase storm-water runoff velocity in a way that water levels on other lands are substantially raised or the danger from flooding is increased.

8.4 Minimum Servicing Requirements

- (1) For all developments sanitary sewage shall be provided in compliance with Alberta Private Sewage Systems Standard of Practice.
- (2) For all multi-parcel developments, storm drainage facilities shall be provided to the satisfaction of the Development Authority.



8.5 Sewage and Dugout or Water Reservoir Setbacks

- (1) The following is a description of the setbacks required for private sewage disposal systems:

Table C: Sewage and Dugout or Water Reservoir Setbacks

Type of Septic System	Minimum Building or Structure Setback
(a) Mounds	(i) 3 m (10 ft) from the property line (ii) 9.1 m (30 ft) from a dwelling (iii) 3 m (10 ft) from other buildings (iv) 3 m (10 ft) from septic tank (v) 15.2 m (50 ft) from water feature or source
(b) Open Discharge	(i) 45 m (148 ft) from a dwelling (ii) 90 m (296 ft) from a property line (iii) 45 m (148 ft) from water feature or source
(c) Field	(i) 1.5 m (5 ft) from a property line (ii) 3 m (10 ft) from a septic tank (iii) 9.1 m (30 ft) from a dwelling (iv) 3 m (10 ft) from other buildings (v) 15.2 m (50 ft) from water feature or source
(d) Lagoon	(i) 45 m (148 ft) from a dwelling (ii) 30.5 m (100 ft) from a property line (iii) 90 m (295 ft) from water feature or source
Type of Septic System	Minimum Building or Structure Setback
(e) Septic Tanks	(i) 1 m (3.2 ft) from property line & dwelling (ii) 9.1 m (30 ft) from a water feature or source

- (2) The following is a description of the setbacks required for a dugout or water reservoir:

Table D: Sewage and Dugout or Water Reservoir Setbacks Description

Dugout Setbacks to:	Dugout Setback distance
(a) Front Yard	40.8 m (134 ft) from road right-of-way or 70 m (229.6 ft) from the centre line, whichever is the greater
(b) Interior Side Yard	15.24 m (50 ft) or as required by the Development Authority
(c) Rear Yard	15.24 m (50 ft) or as required by the Development Authority



- (3) A development permit shall be required for a dugout or water reservoir located less than 40.8 m (134 ft) from a road right-of-way. The Development Authority shall consider the following factors when deciding upon an application for a development permit:
 - (a) The location of the proposed dugout or water reservoir in relation to the safe operation of roads;
 - (b) The location of the proposed dugout or water reservoir in relation to the aquifers in Clear Hills County; and
 - (c) Any effects the location of the dugout or water reservoir may have on the use of any adjacent roads or land.
- (4) The Development Authority may require the developer of the dugout or water reservoir to provide adequate fencing, guardrails and/or berming to its satisfaction, so as to prevent the dugout or water reservoir location from being a hazard to the traveling public. The size, type, and location of the berming, fencing, or guardrails will be site specific and will be determined at the time of an application and shall be referred to the Public Works Department for input as to required design standards.

8.6 Landscaping and Screening

- (1) In addition to any other provisions of this Bylaw, waste transfer stations, gravel pits, sewage treatment facilities, building or site storage facilities and other similar forms of development may be required to be screened from view by a vegetated buffer strip or some other form of screening, adjacent to incompatible uses such as residential or institutional uses.
- (2) The Development Authority, in considering an application, may impose conditions requiring the retention of trees or additional plantings of such a type and extent as are considered necessary.
- (3) A change to use of land(s) may require screening, as a buffer adjacent to incompatible uses.
- (4) Any area required to be landscaped shall be landscaped so that the finished grade does not direct surface drainage onto an adjoining parcel.
- (5) The finished grade with landscaping on any parcel shall not exceed the general elevation of the street by more than 0.6 m (2 ft). See Figure 10 (Maximum Grade and Elevation) for the explanation note.



8.7 Dwelling Units per Parcel

- (1) Where this Bylaw limits the number of dwellings that may be erected or placed on a parcel of land, the Development Authority may grant an exemption to allow additional dwellings on the subject parcel.
- (2) A development permit shall be required for the second or any additional dwellings on a parcel of land.
- (3) When determining an exemption to the number of dwellings on a parcel, the Development Authority shall consider the following:
 - (a) The suitability of the site for the proposed development;
 - (b) Access to and from the site;
 - (c) On-site water and sewer servicing;
 - (d) Existing and future surrounding land uses;
 - (e) Whether the additional dwelling is related to or necessary for the operation of an existing farm located on the parcel; and
 - (f) Human relationships including a family member or relative occupying the dwelling.

8.8 Lands Susceptible to Flooding, Slumping or Soil Erosion

- (1) Development shall be discouraged on land subject to slumping or within the 1:100 year floodplain as determined by Alberta Environment and Parks. See Figure 23 (1 in 100 Year Flood Zone) for the explanation note.
- (2) In reviewing a development permit application for a development on a site which Clear Hills County determines may be subject to flooding or is located in a designated floodplain, the Development Authority 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 flood 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 Canadian Mortgage and Housing Corporation;
 - (d) Diking of the water feature;
 - (e) increased development setbacks from the water feature;
 - (f) Site specific location and orientation of proposed development;



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- (g) The usage of back-flow prevention valves (stop valves);
 - (h) Any other flood abatement measures deemed necessary by the Development Authority;
 - (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
 - (j) Comments and recommendations from Alberta Environment and Parks.
- (3) In reviewing a development permit or subdivision application, an application to amend this Bylaw or any statutory plan, the Development Authority may require the following information regarding land subject to slumping:
- (a) A geotechnical study, prepared by a qualified engineer registered with APEGGA, addressing the safety and stability of the proposed development. The geotechnical study will establish building setbacks from property lines based on the land characteristics of the subject property;
 - (b) A certificate from a qualified professional engineer certifying that the design of the proposed development was undertaken with full knowledge of the soil and slope conditions of the subject property; and
 - (c) A certificate from a qualified professional engineer when the proposed development includes cut and/or fill sections on slopes, including the addition of fill to the subject property.
- (4) The County may require the landowner and/or developer to register a restrictive covenant against the certificate of title for the subject property related to the development approved for the subject property.

8.9 Relocated Buildings

- (1) An application for a development permit, Form A (Application for Development Permit) in Appendix A of this Bylaw, shall be completed for any building to be "relocated" to a parcel within the County, with the exception of a farm building in an agricultural district, and shall include:
- (a) Colour photographs of the building, accurately depicting the style and general condition of the structure with its aesthetic conformity being equal to, or greater than buildings in the immediate neighbourhood;
 - (b) A statement of the present location of the building; and
 - (c) A notification of the relocation route.



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- (2) The Development Authority shall consider the following to determine, whether the building is compatible with the character of the neighbourhood in which it is proposed to be located, and may refuse a development permit if, in his/her opinion, the building is incompatible, as follows:
 - (a) Age and appearance of the building;
 - (b) Building condition and building materials;
 - (c) The compatibility of the proposed building the surrounding neighbourhood and adjacent properties;
 - (d) The aesthetic conformity of the proposed building with the surrounding neighbourhood and adjacent properties; and
 - (e) Other planning considerations as deemed necessary by the Development Authority.
 - (3) The Development Authority may inspect the building which is proposed to be relocated, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.
 - (4) The relocated building shall conform to the current Alberta Safety Codes Act and Regulations and the current Alberta Building Code Regulation.

8.10 Objects Prohibited or Restricted in Yards

- (1) In a hamlet, one recreational vehicle may be parked on a site in a residential district for living and sleeping accommodation for a period not to exceed thirty (30) days within any given six (6) month period.
- (2) In a hamlet residential district, a maximum of two (2) recreational vehicles shall be stored or parked on a parcel.
- (3) No person shall allow a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain parked on a parcel in a residential district, or within 30.5 m (100 ft) of a local road or Provincial Highway in an agricultural district for more than 90 days, unless it is suitably housed or screened to the satisfaction of the Development Authority.



8.11 Projections over Yards

- (1) The following exceptions are not included within the setback calculation and may project into a yard setback as follows:
 - (a) In a residential district, a cornice, a 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 m (2 ft) or less provided that in each case it is not less than 0.9 m (3 ft) from the side boundary of the site;
 - (c) Unenclosed steps with or without a landing or deck and above the surface of the yard if they do not project more than 2.4 m (8 ft) over or on a minimum front or rear yard, or more than 0.9 m (3 ft) over or on a minimum side yard.

8.12 Signs

- (1) No signs or advertising structures of a commercial, directional or informative nature shall be erected or placed on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued, see Form J (Application for Sign Placement on Private Land) and/or Form K (Application for Sign Placement for Municipal Right-of-Way or Municipal Reserve Land) and/or Form L (Application for Sign Placement for a Recreational & Community Facility and/or a Historic Landmark) in Appendix A.
- (2) All signs shall be kept in a safe, clean and tidy condition and may be required to be refurbished, repaired or removed when not maintained.
- (3) The following signs do not require a sign placement approval:
 - (a) Statutory or official notices of government authorities;
 - (b) Outdoor signage for CHC owned facilities;
 - (c) Traffic, public information and directional signs authorized by the Development Authority or Council;
 - (d) Temporary signs for the sale of real estate, related to construction work on a site, fund-raising campaigns or other, similar temporary signs;
 - (e) Signs for traffic control devices;
 - (f) Name and number signs on residential properties; or
 - (g) Name of the farm or business in any of the following ways:
 - (i) On the fence line of the access road into the farm site;
 - (ii) As a free standing sign located on the property within 40 m (131 ft) of the farm entrance; or
 - (iii) Above the main entrance and mounted on posts that form part of the gate system.



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- (4) The following types of signs will not be allowed:
- (a) Any sign that displays an intermittent, flashing or rotating light;
 - (b) Any sign which is flood lighted in such a manner as to cause interference or create a hazard to the motoring public;
 - (c) Any sign that has moving or rotating parts;
 - (d) Any sign that bears a legend giving a command such as “stop, stop ahead, turn, caution”, etc., or any legend that in any way imitates a standard or commonly used traffic control device;
 - (e) Any sign that uses red or yellow as the background colour; or
 - (f) Any portable sign that may be internally lit for use at night.
- (5) Identification Signs:
- (a) The maximum sign size permitted will be 3 m² (32 ft²) and placed no closer than 10 m (33 ft) to the edge of the highway right-of-way;
 - (b) All signs shall be maintained in proper repair. The Development Authority may require that any sign not kept in an acceptable condition be repaired immediately or removed by the owner;
 - (c) One standard identification sign shall be permitted on each parcel of land. The sign shall indicate only the name of the business and the general type of service offered; and
 - (d) Signage adjacent to provincial roads and highways require Alberta Transportation approval.
- (6) Directional Signs:
- (a) Subject to Alberta Transportation approval, temporary signs may be permitted within the highway right-of-way to indicate the location and identity of forestry, mining, oilfield exploration and other similar operations; and
 - (b) Subject to Alberta Transportation approval, businesses accessed from the highway may be permitted to install private directional signs on the highway system at the access road junction.
- (7) Signs on Municipal Right-of-way and Municipal Reserve Land:
- (a) Unless otherwise specified, the maximum sign size will be 3 m² (32 ft²) and placed no closer than 10 m (30 ft) to the property line of the municipal right-of-way;
 - (b) Unless otherwise specified, the minimum setback from the sign will be 0.9 m (3 ft) from the municipal property line adjacent to a municipal road or on municipal reserve land; and



- (c) All signs shall be maintained in proper repair. Any sign not maintained to Clear Hills County standards will receive written notification identifying required repairs to be completed within a specified time period. If no action is taken to repair or remove the sign within the specified time period, the County may repair or remove the sign and costs incurred will be invoiced to the sign owner.
- (8) Historic Landmarks Signs:

For designated municipal historic buildings and sites, the number and size of Identification and Directional signs permitted will be determined on a site specific basis by the Development Authority.

8.13 Municipal Road Setbacks

- (1) At curves and intersections of roads, no development, landscaping, or vehicle access shall be permitted within the shaded areas illustrated in Figures 5 (Boulevard) and 6 (Sight Triangle) unless the variance is approved by the Development Authority.
- (2) All trees, hedges, shrubs, or closed fences, forming a shelter belt shall be indicated on the approved site plan and be in accordance with the municipal road setbacks.
- (3) Municipal road setbacks shall not apply to gates, open fences or other means of open enclosure less than 2.4 m (8 ft) in height or at the discretion of the Development Authority unless as identified in the Section, "Corner Sites In Hamlets," in this Bylaw.
- (4) Access or egress to a municipal road shall be installed in accordance with the current Clear Hills County Approach Construction Policy.
- (5) Notwithstanding Highways Development and Protection Regulation (326/2009) as amended from time to time, which apply to highways, this Bylaw may establish a higher standard than Alberta Regulation 326/2009 as amended from time to time for development adjacent to highways and intersections.

8.14 Parking and Loading Facilities

No land, building or structure shall be erected or used in any land use district, unless parking and loading is provided and maintained in accordance with the Alberta Building Code.

8.15 Barrier-Free Parking

Parking spaces are required for the disabled in accordance with the Alberta Building Code.



8.16 Road Access

The County may require a development agreement to include a provision requiring a developer to provide adequate accessibility to a multi-parcel development.

8.17 Highways

- (1) No development permit shall be issued for development within 0.8 km (0.5 mi) of the boundary of the right-of-way of the intersection of a public roadway with a highway or for a development within 300 m (984.3 ft) of the right-of-way of a highway until a permit for development in accordance with the Public Highways Development Act, has been issued by Alberta Transportation.
- (2) The minimum setback from railway rights-of-way and station grounds for buildings shall be as follows:
 - (a) 15.2 m (50 ft) for all residential, commercial, public use and recreational developments that are not deemed compatible with railway operations; or
 - (b) For manufacturing and other land uses that are deemed compatible with railway operations the minimum setback requirements may be more restrictive as determined by the Development Officer keeping in view traffic generation, site constraints, safety and access.
- (3) 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 Canadian National Railways: Business Planning Branch, for their review and comments.

8.18 Height of Buildings

- (1) Subject to the provisions of other sections of this Bylaw, the height of residential dwellings on a site where a development permit is or is not required is 10.97 metres (36 feet) and 2 storeys.
 - (a) Height for buildings being used for industrial, agricultural, commercial, religious and institutional purposes that require greater heights as part of their design, usage and operation will not be restrictive unless site conditions warrant otherwise.
 - (b) Notwithstanding anything to the contrary the height of commercial buildings within Hamlets may be restricted to 10.97 metres (36 feet) or 2 storeys, whichever is more restrictive.
 - (c) Two-storey detached garages/accessory buildings in residential districts shall be permitted only if the principal building is two storeys in height or more, and shall not exceed the height of the principal building.



8.19 Design, Character and Appearance of Buildings

- (1) Subject to the provisions of other sections of this Bylaw, the design, character and appearance of buildings shall conform with or incorporate greater design aesthetics and/or elements, with similar buildings and structures in the respective district and comply with the Safety Codes Act.
 - (a) This includes, but is not limited to elevation, material and colour.
- (2) Building exterior walls and roof shall be finished with a material or materials that are acceptable to the Development Authority.
- (3) Building material colours shall be to the satisfaction of the Development Authority.

8.20 Illumination

Lighting fixtures, which are not a public utility and are designed for exterior illumination of a site, shall be installed with the light directed and deflected away from public roads and adjacent properties so as not to be a source of nuisance or cause for glare.

8.21 The Keeping of Animals

No livestock, fowl, poultry or fur bearing animals, other than domestic pets shall be raised or kept in any hamlet residential district.

EXPLANATION NOTES

This graphic is not part of this bylaw but is provided to aid in its interpretation

Development near Water Bodies and Water Features

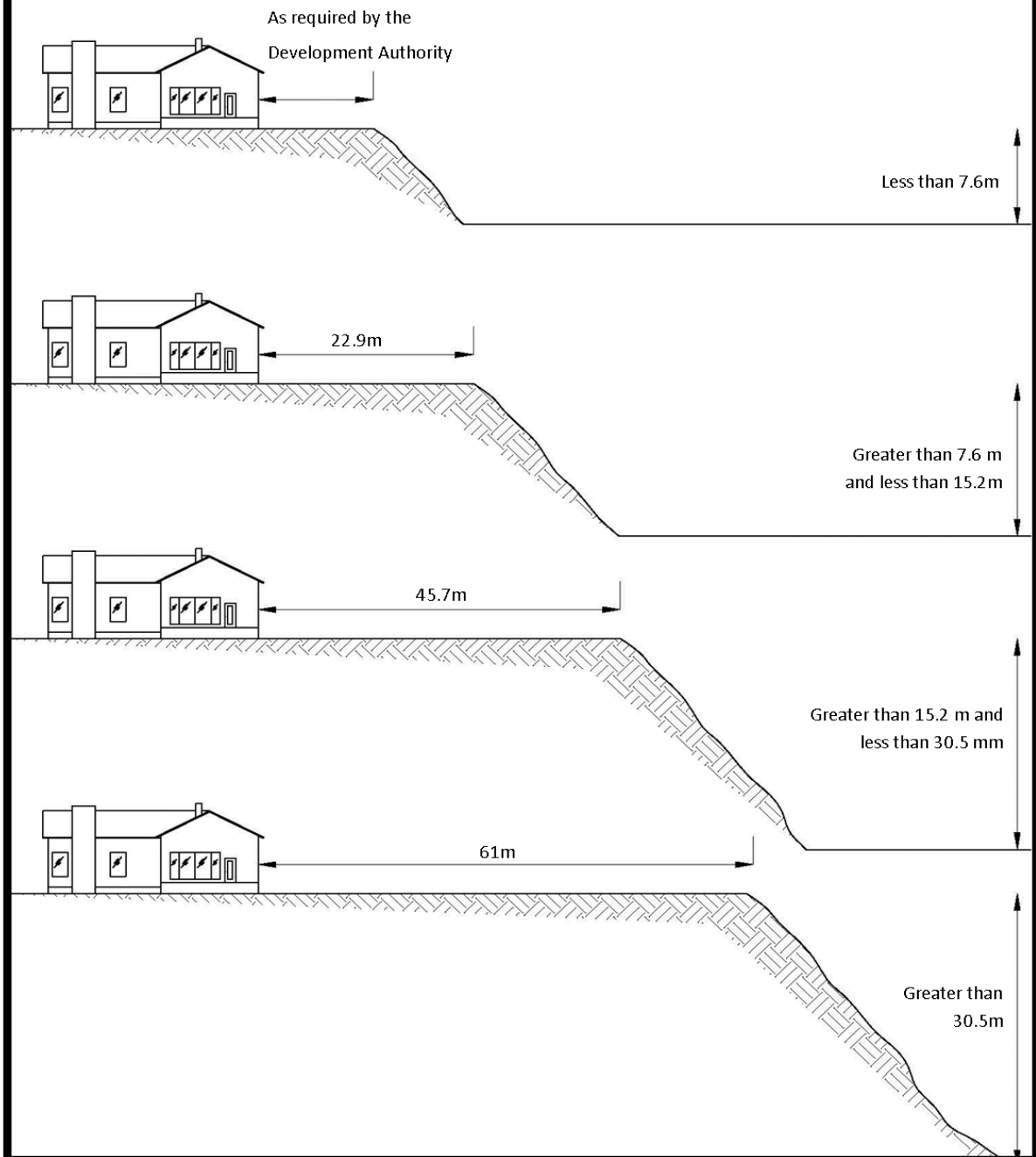


Figure 22: Development near Water Bodies and Water Features

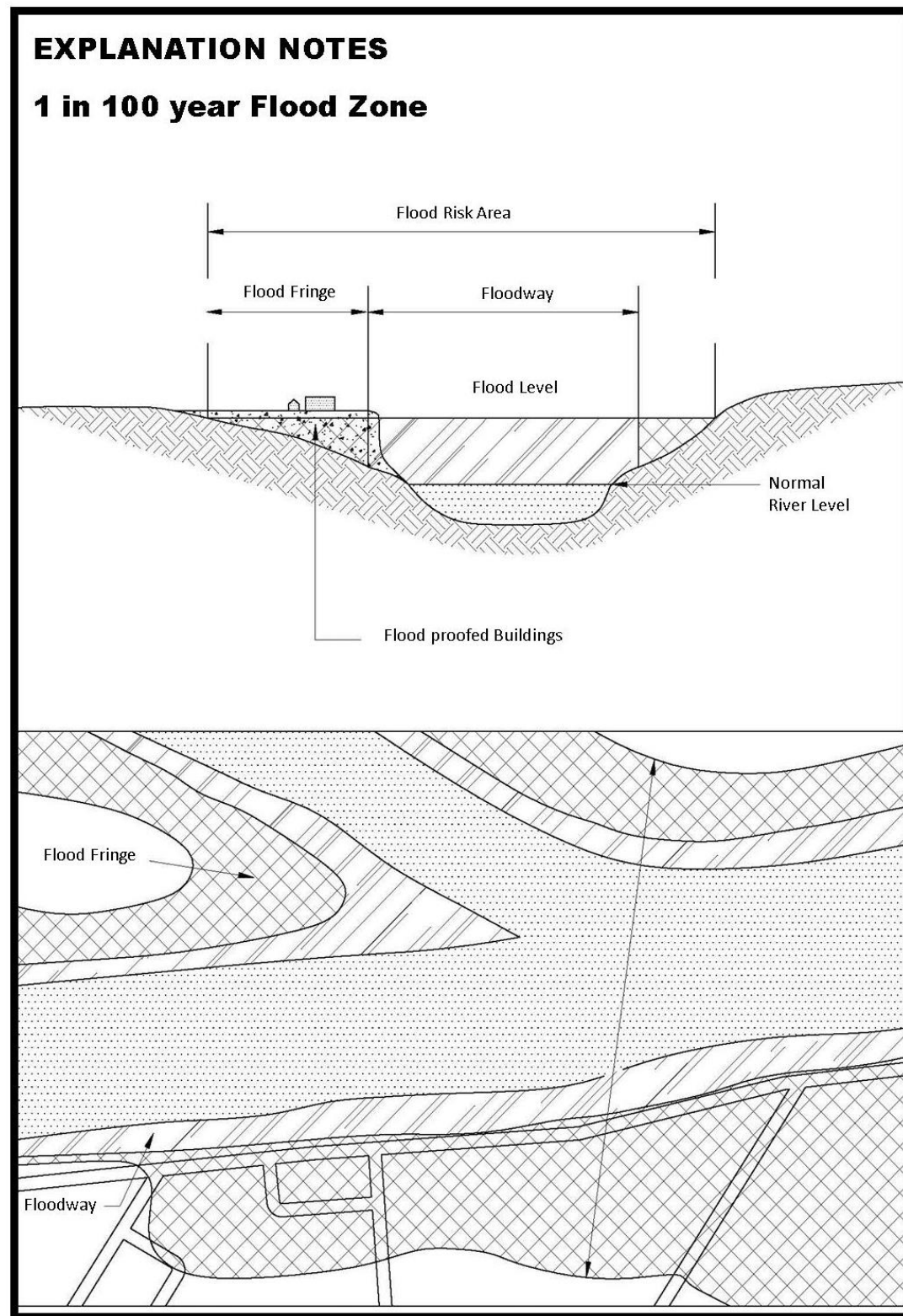


Figure 23: 1 in 100 Year Flood Zone

EXPLANATION NOTES

Signs

This graphic is not part of this bylaw but is provided to aid in its interpretation.

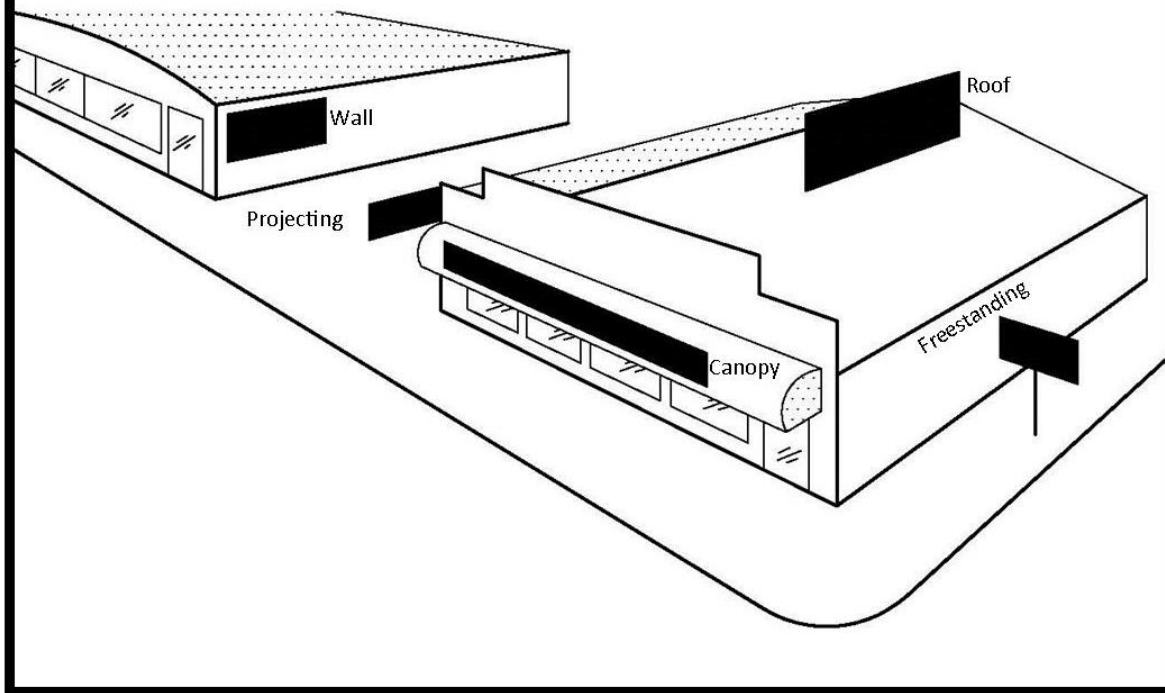


Figure 24: Signs



SECTION 9: SPECIAL LAND USE PROVISIONS



SECTION 9: SPECIAL LAND USE PROVISIONS

9.1 Gravel Pits

- (1) The following information shall be required by the Development Authority in support of a development permit application for a gravel pit:
 - (a) A legal description and map outlining the location and extent of the proposed gravel pit operation;
 - (b) A description and plan for the reclamation of the proposed site;
 - (c) An indication of the extent of excavation to take place at the proposed site;
 - (d) A map outlining the access and haul roads to be used in relation to the operation of the gravel pit;
 - (e) The location of power lines used to serve the gravel pit operation;
 - (f) A description of the gravel pit operation;
 - (g) A description of the existing site conditions; and
 - (h) A description of the proposed site's topography and drainage.
- (2) The following information may be required by the Development Authority in support of a development permit application for a gravel pit:
 - (a) If the proposed gravel pit operation is located in close proximity to a highway, secondary roadway, valley or dwelling, the Development Authority may require the gravel pit operation to be screened from view.

9.2 Area Aquifer

- (1) On an application for an amendment to the Land Use Bylaw or a development on land located within an aquifer, the following information may be required by the Development Authority:
 - (a) A professional engineering report and analysis on the impact of the development on the 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
 - (d) An indication of the suitability of the subject property for sewage disposal.



- (2) While considering an application for a development in proximity to an aquifer, the Development Authority:
 - (a) Will evaluate all subdivisions and development proposals in the aquifer against any potentially negative effects on the environment;
 - (b) May require environmental impact assessments to determine setbacks and any other negative environmental impacts on the aquifer; and/or
 - (c) May request additional information for all developments and subdivision proposals in the aquifer to assess the impacts on the groundwater characteristics.

9.3 Home Occupations

- (1) In hamlets, may be required to screen from view outside storage of materials, commodities, or finished products.
- (2) Shall not create a nuisance by way of dust, noise, smell, smoke or traffic generation.
- (3) Employ any more than three (3) persons in addition to the residents of the principal dwelling, unless approved at the discretion of the Development Authority.
- (4) Display in hamlets, more than one sign per dwelling, the size of which does not exceed 1.1 m² (12 ft²) in area.

9.4 Confined Feeding Operations

- (1) Some of the Clear Hills County lands are under Provincial and Federal jurisdiction.
- (2) All referrals for Confined Feeding Operations shall be reviewed and decided by the Development Authority on a site specific basis considering, but not limited to; site selection, waste disposal, proximity to existing residential uses, the distance from water features, and roads and highways.
- (3) Proposed CFO's are to conform to provisions within the Agricultural Operation Practices Act and Regulations, including the Agricultural Operation Practices Act (AOPA) R.S.A. 2000 C A-7, AOPA Board Administrative Procedures Regulation A.R. 268/2001 and (AOPA) Standards and Administration Regulation A.R. 267/2001, as amended from time to time.
- (4) Additional Provincial policies need to be adhered to including the release of substances – referenced within S. 108 (1) (Releases of Substances Generally) of the Environmental Protection and Enhancement Act R.S.A. 2000, c. E-12, drift disturbance – referenced in S. 3 Disturbance Standards within the Public Lands Act–Public Lands Administration Regulation A.R. 187/2011 and water protection – referenced in Table 5 – Guidelines for the Application of Municipal Wastewater Sludges to Agricultural Lands, Alberta



Environment March 2001 and S. 38 Issuance of Approvals, S. 42 Approval Amendments, S. 99 Terms of Order, S. 105 Emergency Measures, S. 142 Offences within the Water Act R.S.A. 2000, c. W-3.

(5) Maximum livestock numbers have been set through the AOPA regulations, based on significant potential nuisance and environmental impact(s) and/or significant investment in facility structure. The maximum numbers are intended to be used as a guide for development permit applications. The Development Authority may consider any number of livestock as confined. Applicants shall be required to submit a specific application designed for confined feeding operations.

(6) The impact of the CFO on infrastructure including power and the impact on roads from vehicles moving material and goods to and from the site.

(7) Community Engagement:

At the time of a formal CFO application, the applicant is required to demonstrate that they have formed a committee of primarily adjacent landowners who will be requested to provide feedback on the proposed CFO, identifying any issues and/or concerns.

(8) Setbacks:

(a) All setbacks apply to all of the lands within the County.

(b) Consideration may be given by the Development Authority for the reduction of setbacks if the operator can propose and demonstrate long term use of effective odour reducing technology best suited to the operation and site specific conditions, to ensure that the CFO and its associated activities do not interfere with existing and/or future land uses; amenities of adjacent and nearby neighbours; and the use, enjoyment, and value of adjacent and nearby properties.

(c) 100 m (328 ft) from parcel boundaries.

(d) Communities

(i) Min. 3.2 km (2 mi) from a Town or Hamlet. This setback would be measured from the CFO facility (includes both structures and farming operation area) to the boundaries of the Town or Hamlet, as described in the current Area Structure Plan (ASP).

(ii) For expansion of existing CFO's, the setback requirement from a Town or Hamlet may be waived. Prevailing winds are to be considered in siting CFO's, to minimize odours. All other requirements apply to the consideration of the CFO expansion.

(e) Rural Residential Use (non-urban)

3.2 km (2 mi) from a residence in a rural area to the CFO facility. A dwelling associated with the operation of a CFO may be considered by the Approval



Authority within a setback from the CFO.

- (f) Environmentally Significant Features
 - (i) 3.2 km (2 mi) from the identified “edge” of environmentally significant features with the exception of Grimshaw Gravels Aquifer area.
 - (ii) 3.2 km (2 mi) from the Grimshaw Gravels Aquifer area and any other identified aquifers within the County.
- (g) Intensive Recreation Areas
3.2 km (2 mi) from the identified perimeter of the intensive recreation area.
- (h) Road rights-of-way, including undeveloped road allowances:
152.4 m (500 ft)
- (i) Water bodies and water features
3.2 km (2 mi) from the top of bank for water bodies, streams, rivers, (and their tributaries) and from wetlands. The setback will be measured from the outer boundary of the wetland and in the case of a stream, the edge of the bank or water catchment area.

(9) Landscaping and Screening:

Buffering shall be provided between the CFO site and the road, as well as adjacent and nearby incompatible uses using existing trees, if possible, and other buffering plants, berms, or materials.

9.5 Oil/Gas Development Setbacks

- (1) All proposed oil/gas development shall require approval prior to construction either in the form of a development permit or letter of authorization with conditions pertaining to the specific development. These conditions may vary due to site-specific features such as zoning, geography, the location of water (surface or subsurface), other impacting features or as varied by the Development Authority.
- (2) The following are guidelines pertaining to oil/gas development:
 - (a) Sites are to comply with all regulations as required by Alberta Environment and Parks and/or Alberta Energy Regulator (A.E.R.);
 - (b) All sites shall conform to any standards as set by the County;
 - (c) All permanent structures including well heads shall be located a minimum of 40.8 m (134 ft) from the property line adjacent to all surveyed road allowances;
 - (d) All sump pits shall be located a minimum of 20 m (66 ft) from the property line adjacent to a surveyed road allowance;



- (e) All dirt/fill piles or temporary structures shall be placed to ensure visibility when accessing the road allowance and shall be safely situated on the site; and
- (f) Setbacks from sour gas facilities will be as directed by A.E.R. regulations.

9.6 Work Camps

- (1) All work camps shall be required to conform to standards as established by Alberta Health Services (Alberta Work Camps regulation under the Public Health Act).
- (2) All development permit applications for work camps shall be accompanied by a dimensioned site diagram indicating proposed building locations, and specify the provisions being made for water supply, sewage and garbage disposal.
- (3) Reclamation of work camp sites must be to a standard satisfactory to the County. The following standards shall apply to the reclamation of work camp sites:
 - (a) All garbage, building materials and equipment must be removed from the site;
 - (b) The site must be adequately levelled and re-contoured; and
 - (c) The developers of a work camp site will be responsible for control of prohibited noxious plants and noxious weeds on the site, for as long a period as any weed or noxious plant infestation, attributable to the operator remains.

9.7 Recreational Vehicle Parks

- (1) The construction and maintenance of all internal roads are to be the responsibility of the landowner/developer. Internal roads shall have a minimum of a 6 m (20 ft) usable top, except for one-way roads, which shall have a minimum of 3.7 m (12 ft) usable top.
- (2) Recreational vehicle or camping spaces shall have a minimum 13.7 m (45 ft) width and a minimum 1500 ft² (139.4 m²) area. All such spaces shall be set back a minimum of 30.5 m (100 ft) from the top of the bank of a water feature.
- (3) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction over this type of development.
- (4) The Developer's Agreement or Notice of Decision may require the developer to construct, upgrade, or pay to construct or upgrade the necessary County roads to access the development.
- (5) The developer may designate an area equivalent to ten percent (10%) of the total recreational vehicle park area as a playground. This area is to be clearly marked and free from all traffic hazards.



9.8 Multi-Parcel Country Residential Subdivision

- (1) The County may require the developer to provide an Area Structure Plan (ASP) or Outline Plan, prior to submitting an application for a multi-parcel country residential subdivision to the Development Authority.
- (2) Multi-parcel country residential subdivisions shall not be permitted within:
 - (a) 1:100 year floodplain;
 - (b) Within 0.8 km (0.5 mi) from the boundary of a parcel of land containing a CFO; and
 - (c) Within 0.8 km (0.5 mi) from the boundary of a parcel of land containing a gravel extraction operation.
- (3) Development of areas considered environmentally sensitive by the County or Alberta Environment and Parks must minimize habitat destruction and include mitigation measures to preserve topographical features such as riparian zones through innovative subdivision site design.

9.9 Dwelling, Manufactured Home

- (1) All dwelling, manufactured homes shall conform to the Alberta Building Code and the provisions of this Bylaw.
- (2) The under-covering of a dwelling, manufactured home shall be completely screened from view by the foundation or by skirting, and shall be compatible in condition and aesthetic appearance with the dwelling, manufactured home to the satisfaction of the Development Authority.
- (3) The axles, wheels, running gear and towing tongue shall be removed prior to the final installation of the dwelling, manufactured home. The home shall be secured on piers, blocking or a foundation to the satisfaction of the Development Authority.
- (4) All accessory structures, additions, porches and skirting shall be of a condition and aesthetic appearance equivalent to or better than the dwelling, manufactured home.
- (5) Dwelling, manufactured homes shall be not less than 3.05 m (10 ft) apart.



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- (6) Dwelling, manufactured homes may be permitted for temporary periods not exceeding a six (6) month period, for use during the construction of a principal dwelling on the property.
 - (7) An application is required to the Development Authority, including reasons for a requested time extension, not later than sixty (60) days prior to the expiry date of the temporary permit.

9.10 Waste Transfer Station

- (1) Waste transfer stations are owned by the County and operated by the North Peace Regional Landfill Commission.
- (2) The Developer Officer may require waste transfer stations to be properly fenced, screened or buffered from adjacent land uses.
- (3) A waste transfer station shall be setback 91.4 m (300 ft) from the rights-of-way of all roads, including highways.
- (4) The Development Officer shall take into consideration how a waste transfer station conforms to the County's overall plan for solid waste disposal for the municipality.

9.11 Communication Towers and Communication Structures

- (1) Nothing in this Bylaw will affect the ability of the Development Authority to permit communication towers and communication structures to be constructed in any district and prescribe height requirements, setbacks and minimum separation distances on a case by case basis.
- (2) Construction of communication towers and communication structures will require an application for a development permit.
- (3) If an application for a communication towers and/or a communication structure is above 24.4 m (80 ft) in height, the Development Authority may impose conditions related to such safety matters such as the installation of warning lights on top of the tower or structure.



SECTION 10: LAND USE DISTRICTS



SECTION 10: LAND USE DISTRICTS

10.1 District Classifications

District symbols - throughout this Bylaw, and any amendments thereto, a district may be referred to either by its full name, or by its symbol.

District maps - Zoning district detail maps 1-13 (Schedule E) and Schedules A-D, as amended from time to time, are considered part of this Bylaw. When there is a dispute over the precise location of a boundary in any district as shown on the district maps, the Council decision of a boundary location will be binding.

For discretionary uses, other similar uses may be considered, as deemed appropriate by the Development Authority.



Figure 25: Land Use Matrix

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Table E: District Classifications

TABLE E			
	District	Symbol	Purpose
10.2	Crown Land Management District	CLM	To regulate land use on Crown Land within Clear Hills County.
10.3	Confined Feeding Operations District	CFO	To regulate the development of provincially approved CFO's within the County.
10.4	Agricultural District – 1	AG-1	To regulate a wide range of agricultural land uses and discourage land uses conflicting with the intent of conserving extensive areas of prime agricultural land, thus maintaining the agricultural integrity and the rural character of the County.
10.5	Agricultural District – 2	AG-2	To regulate development around urban centres.
10.6	Country Residential District - 1	CR-1	To regulate the development of single and multi-parcel country residential developments and associated uses in areas with low agricultural productivity, as well as fragmented lands less than or equal to 13 ha (32 ac). Minor agricultural pursuits may be permitted in this district.
10.7	Country Residential District - 2	CR-2	To regulate the development of multi-residential dwellings in NE 24 86 6 W6M.
10.8	Highway Development District	HD	To regulate development adjacent to Provincial highways.
10.9	Rural Industrial District	RM	To regulate industrial uses in a rural area.
10.10	Rural Recreational District	RREC	To regulate development of intensive and extensive recreational facilities and uses.
10.11	Hamlet General District	HG	To regulate a variety of uses in hamlets where land use patterns are not readily discernible.
10.12	Hamlet Estate Residential District	HTR	To regulate estate residential development within established hamlets.
10.13	Hamlet Residential District – 1	HR-1	To regulate residential uses in established hamlets with the intention of restricting development to dwellings, single-detached; and associated uses.



TABLE E			
	District	Symbol	Purpose
10.14	Hamlet Residential District – 2	HR-2	To regulate residential uses in established hamlets.
10.15	Hamlet Residential District - 3	HR-3	To regulate multi-family residential uses in established hamlets.
10.16	Hamlet Manufactured Home Park District	HMHP	To regulate the development of manufactured home parks in hamlets and the rural areas of the County.
10.17	Hamlet Commercial District	HC	To regulate commercial development in hamlets.
10.18	Hamlet Industrial District	HM	To regulate industrial development in established hamlets.
10.19	Hamlet Public/Institutional District	HP	To regulate the development of land for uses of either a public or private nature providing services to the community.
10.20	Hamlet Recreational District	HREC	To regulate recreational uses, which do not require a building for the principal use within a hamlet setting.



10.2 Crown Land Management District (CLM)

(1) GENERAL PURPOSE:

The general purpose of this district is to regulate land use on Crown Land within Clear Hills County.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- communication tower with building	- accessory building or structure
	- campground
- public use	- dugout or water reservoir
- public utility	- dwelling, caretaker's
- sign	- fire hall
- work camp	- home occupation
	- market garden
	- natural resource extraction or processing industry
	- park or playground
	- recreational use, extensive
	- recreational use, intensive
	- store
	- water treatment facility

(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

Minimum Lot Areas:

As Required by the Development Authority based on the nature of the proposed use, servicing requirements, and impacts on surrounding land uses and the environment.

(4) ADDITIONAL REQUIREMENTS:

- (a) A Development Permit may be issued for development on Crown Land subject to a disposition being obtained from Alberta Environment and Parks.



-
- (b) The Site Provisions and General Requirements that apply to a development in any other district may be referred to in evaluating a development in the Crown Land Management District (CLM).
 - (c) Any Crown Land sold or otherwise converted to private ownership shall, immediately upon transfer from the Crown, be designated as a land use district that, in the opinion of the Development Authority, is compatible with surrounding land uses.



10.3 Confined Feeding Operations District (CFO)

(1) PURPOSE:

The purpose of this district is to regulate the development of provincially approved CFO's within the County.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- sign	- accessory building or structure
	- agricultural industry
	- confined feeding operation (CFO)
	- dwelling, caretaker's
	- dwelling, manufactured home
	- dwelling, modular home
	- dwelling, single-detached
	- highway maintenance yard
	- public use
	- trucking operation
	- trucking or freight terminal

(3) SITE PROVISIONS:

- (a) As per Alberta Agriculture and Forestry Approvals; and
- (b) Applications submitted for Confined Feeding Operations must satisfy all of the requirements listed under Special Land Use Provisions, Section 9.4 for Confined Feeding Operations of this Bylaw.



10.4 Agricultural District – 1 (AG-1)

(1) PURPOSE:

The purpose of this agricultural district is to regulate a wide range of agricultural land uses and discourage all land uses conflicting with the intent of conserving extensive areas of prime agricultural land, thus maintaining the agricultural integrity and the rural character of the County.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- accessory building or structure	- abattoir
- dugout or water reservoir	- agricultural industry
- dwelling, manufactured home	- agricultural use, intensive
- dwelling, modular home	- airport
- dwelling, single-detached	- building or site storage facility
- farm building	- business, contractor's
- farmstead	- business, handicraft
- game farm	- business, tradesman's
- public use	- cemetery
- public utility	- communication tower with building
- sign	- community hall or clubhouse
	- dwelling, caretaker's
	- dwelling, secondary suite
	- equipment rental shop
	- farming operation
	- golf course
	- heliport
	- highway maintenance yard
	- home occupation
	- institutional building or use
	- kennel
	- manse
	- natural resource extraction or processing industry
	- place of worship
	- public building



(a) Permitted Uses:	(b) Discretionary Uses:
	- recreational facility and use, indoor
	- recreational use, extensive
	- recreational use, intensive
	- sawmill or planing mill
	- sea can
	- sewage treatment facility
	- store
	- vehicle weigh scale
	- veterinary clinic
	- waste transfer station
	- water treatment facility
	- welding shop
	- work camp

(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

(a) Parcel Size:

(i) Residential uses:

1. Farmstead Separation: 1.2 ha (3 ac) minimum, 4 ha (10 ac) maximum.
2. Country Residential: 4.05 ha (10 ac) maximum.
3. In the case of parcels larger than the permitted parcel size, the approval is at the discretion of the Development Authority, based on the need to accommodate related farm buildings, improvements, existing and proposed services and site characteristics.

(ii) All other uses:

To be determined by the Development Authority, based on the use.

(b) Parcel Density Per Quarter Section (maximum):

- (i) One (1) parcel, being the quarter section.
- (ii) In the case of a farmstead or a country residential use, the maximum parcel density per quarter section shall be increased to two (2) parcels with the balance of the quarter being one of the parcels.
- (iii) For uses other than residential: Maximum parcel density at the discretion of the Development Authority.
- (iv) Notwithstanding the above, the parcel density may be increased to

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accommodate a fragmented parcel and/or a public utility lot.

- (c) Dwelling Density Per Parcel (maximum):
 - (i) On a parcel of less than 32.4 ha (80 ac), a maximum of one (1) dwelling unit shall be permitted.
 - (ii) On a parcel of 32.4 ha (80 ac) or more, a maximum of two (2) dwelling units shall be permitted.
 - (iii) Additional residential development in this land use district is subject to Section 8.7, Dwelling Units Per Parcel.

- (d) Setback Requirements (minimum):
 - (i) Front Yard: 40.8 m (134 ft) from road right-of-way.
 - (ii) Interior Side Yard: 15.2 m (50 ft) or as required by the Development Authority.
 - (iii) Rear Yard: 15.2 m (50 ft) or as required by the Development Authority.



10.5 Agricultural District – 2 (AG-2)

(1) PURPOSE:

The purpose of this agricultural district is to regulate development around urban centres.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- accessory building or structure	- agricultural industry
- dugout or water reservoir	- airport
- dwelling, manufactured home	- cemetery
- dwelling, modular home	- communication tower with building
- dwelling, single-detached	
- farm building	- community hall or clubhouse
- farmstead	- dwelling, caretaker's
- sign	- dwelling, secondary suite
	- equipment rental shop
	- farming operation
	- heliport
	- highway maintenance yard
	- home occupation
	- institutional building or use
	- kennel
	- manse
	- place of worship
	- public building
	- public use
	- recreational use, extensive
	- recreational use, intensive
	- sawmill or planing mill
	- sea can
	- sewage treatment facility
	- store
	- veterinary clinic
	- waste transfer station
	- water treatment facility
	- welding shop



(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

- (a) Parcel Size:
 - (i) All uses:
To be determined by the Development Authority.
- (b) Parcel Density Per Quarter Section (maximum):
 - (i) One (1) parcel, being the quarter section.
 - (ii) In the case of a farmstead or a cut-off parcel, the maximum parcel density per quarter section shall be increased to two (2) parcels with the balance of the quarter being one of the parcels.
 - (iii) For uses other than residential: Maximum parcel density as required by the Development Authority.
 - (iv) Parcels created for public use shall not be included in density calculations.
- (c) Dwelling Density Per Parcel (maximum):
 - (i) On a parcel of less than 32.4 ha (80 ac), a maximum of one (1) dwelling shall be permitted.
 - (ii) On a parcel of 32.4 ha (80 ac) or more, a maximum of two (2) dwellings shall be permitted.
 - (iii) Additional residential development in this land use district is subject to Section 8.7, Dwelling Units Per Parcel.
- (d) Setback Requirements (minimum):
 - (i) Front Yard: 40.8 m (134 ft) from road right-of-way.
 - (ii) Interior Side Yard: 15.2 m (50 ft) or as required by the Development Authority.
 - (iii) Rear Yard: 15.2 m (50 ft) or as required by the Development Authority.



10.6 Country Residential District - 1 (CR-1)

(1) PURPOSE:

The purpose of this district is to regulate the development of single and multi-parcel country residential developments and associated uses in areas with low agricultural productivity, as well as fragmented parcels less than or equal to 13 ha (32 ac). Minor agricultural pursuits may be permitted in this district.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- accessory building or structure	- agricultural use, minor
- dwelling, manufactured home	- dugout or water reservoir
- dwelling, modular home	- dwelling, secondary suite
- dwelling, single-detached	- home occupation
- park or playground	- institutional building or use
- sign	- market garden
	- public use
	- recreational use, extensive
	- senior's housing

(3) SITE PROVISIONS:

(a) Parcel Size:

(i) Country Residential with on-site servicing:

1. Minimum: 1.2 ha (3 ac)
2. Maximum: 2 ha (5 ac)

(ii) Country Residential with County servicing

1. Minimum: 0.4 ha (1 ac)
2. Maximum: 2 ha (5 ac)

(iii) For parcels larger than the permitted size, approvals are at the discretion of the Development Authority.

(iv) All other uses:

Are to be determined by the Development Authority.

(b) Parcel Density Per Quarter Section (maximum):

(i) Residential Use:

One Country residential parcel per quarter section or lot.



- (ii) Parcel density for multi-parcel country residential proposals shall be at the discretion of the Development Authority.
 - (iii) All other uses: As required by the Development Authority.
- (c) Access to individual lots in all cases shall be from an internal collector service road(s) constructed for the subdivision, unless there are three or fewer parcels on any particular roadway.
- (d) Setback Requirements from an internal subdivision road (minimum):
 - (i) Front Yard: 15.2 m (50 ft) or as required by the Development Authority.
 - (ii) Interior Side Yard: 7.6 m (25 ft) or as required by the Development Authority.
 - (iii) Rear Yard: 7.6 m (25 ft) or as required by the Development Authority.

Notwithstanding the above, all parcels bordering a primary, secondary or rural road shall have a minimum setback of 40.8 m (134 ft).

- (e) Developments within the Country Residential (CR) District shall comply with the provisions for multi-parcel country residential Subdivisions in Section 9.8 under the Special Land Use Provisions of this Bylaw.
- (4) ADDITIONAL REQUIREMENTS:
- (a) When reviewing an application for subdivision or a Development Permit, the development authority may consider the following;
 - (i) The provision of an internal subdivision road;
 - (ii) Development of parks and recreation area;
 - (iii) Site drainage;
 - (iv) Water supply and other services; and/or
 - (v) Water supply for firefighting purposes.
 - (b) In the case of multi-parcel country residential proposals, the Development Authority may also require an approved Area Structure Plan or an Outline Plan.



10.7 Country Residential District - 2 (CR-2)

(1) PURPOSE:

The purpose of this district is to regulate the development of multi-residential dwellings in NE 24-86-06-W6M.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- accessory building or structure	- agricultural use (restricted), minor
- dwelling, manufactured home	- dwelling, secondary suite
- dwelling, modular home	- home occupation
- dwelling, single-detached	- institutional building or use
- park or playground	- public building
- sign	- public use
	- recreational use, extensive

(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

- (a) Parcel Area (minimum): 3.6 ha (9 ac)
Parcel width (minimum): 100 m (328 ft)

- (b) Setback requirements from an internal subdivision road (minimum):
- (i) Front yard: 15.2 m (50 ft) or as required by the Development Authority.
 - (ii) Interior Side Yard: 7.6 m (25 ft) or as required by the Development Authority.
 - (iii) Rear Yard: 7.6 m (25 ft) or as required by the Development Authority.

(4) ADDITIONAL REQUIREMENTS:

- (a) A maximum of two large farm animals (i.e. Sheep, horses, cows, pigs) per lot may be allowed to be kept in the Country Residential (CR-2) District. Such animals must be kept on a non-commercial basis and must be maintained in a manner that will not cause a nuisance or detract from the appearance of the Country Residential (CR-2) District.



-
- (b) Any barns or structures to accommodate animals, or any other form of accessory building or structure shall have a minimum setback of 30.5 m (100 ft) from the lot line with any adjacent property, unless otherwise agreed to by the Development Authority.
 - (c) No future dugout or water reservoir shall be permitted within the Country Residential (CR-2) District.
 - (d) A water feature buffer protection area is established in the south eastern corner of the quarter section to ensure that no future development is permitted within 100 m (328 ft) of the Eureka River.



10.8 Highway Development District (HD)

(1) PURPOSE:

The purpose of this district is to regulate development adjacent to Provincial highways.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- auto body & service station	- accessory building or structure
- car or truck wash	- automobile sales
- farm building	- business, contractor's
- hotel	- cardlock facility
- light industrial manufacturing	- cold storage facility
- motel	- dwelling, caretaker's
- restaurant	- equipment rental shop
- sign	- heavy industrial manufacturing
- store	- highway maintenance yard
- truck stop	- institutional building or use
- vehicle weigh scale	- laundry facility
	- public use
	- recreational facility and use, indoor
	- sea can
	- welding shop

(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

(a) Parcel Size:

- (i) As required by the Development Authority.

(b) Setback Requirements:

- (i) Front Yard: As specified by Alberta Transportation but in no case less than 40.8 m (134 ft) from road right-of-way.
- (ii) Notwithstanding the above, on internal or service roads, the minimum shall be 7.6 m (25 ft) or greater as required by the Development Authority.



-
- (iii) Interior Side Yard: 6.1 m (20 ft) or as required by the Development Authority.
 - (iv) Rear Yard: 6.1 m (20 ft) or as required by the Development Authority.

(4) ADDITIONAL REQUIREMENTS:

Access and egress shall normally be provided by way of the service road, or to the satisfaction of Alberta Transportation.



10.9 Rural Industrial District (RM)

(1) PURPOSE:

The purpose of this district is to regulate industrial uses in a rural area.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- accessory building or structure	- abattoir
- agricultural industry	- car or truck wash
- building or site storage facility	- cardlock facility
- bulk fuel sales or storage	- communication tower with building
- business, contractor's	
- cold storage facility	- crude oil transloading facility
- dwelling, caretaker's	- electrical power facility
- equipment rental shop	- heavy industrial manufacturing
- light industrial manufacturing	- natural resource extraction or processing industry
- lumber yard	
- machine shop	- public use
- office	- public utility
- sign	- salvage and/or auto wrecking yard
- trucking or freight terminal	- sawmill or planing mill
- warehouse	- sea can
- welding shop	- sewage treatment facility
	- trucking operation
	- work camp

(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

(a) Parcel Size:

Maximum parcel size: As per the discretion of the Development Authority.

(b) Setback Requirements (minimum):

- (i) Front Yard: 7.6 m (25 ft) or as required by the Development Authority.
- (ii) Interior Side Yard: 10% of site width, or 6.1 m (20 ft) whichever is lesser.



- (iii) Exterior Side Yard: As required by the Development Authority.
- (iv) Rear Yard: 7.6 m (25 ft) or as required by the Development Authority.

(4) ADDITIONAL REQUIREMENTS:

- (a) When issuing a development permit for proposed rural industrial uses, the following factors shall be taken into consideration:
 - (i) There is adequate legal and physical access to appropriate transportation facilities.
 - (ii) There will be no significant negative impacts on the road system and traffic generation.
 - (iii) The site is suitable for on-site sewage disposal and water supply.
 - (iv) Development may not be permitted on better agricultural lands.
 - (v) Avoidance of on-site hazards and other environmental issues.
- (b) In case of multi-parcel industrial proposals, the Development Authority may require an approved Area Structure Plan or an Outline Plan.



10.10 Rural Recreational District (RREC)

(1) PURPOSE:

The purpose of this district is to regulate development of intensive and extensive recreational facilities and uses.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- sign	- accessory building or structure
	- arena
	- baseball diamond
	- cabin
	- campground
	- community hall or clubhouse
	- curling rink
	- exhibition and/or rodeo grounds
	- flying club/aerodrome
	- golf course
	- marina and/or boat rental facility
	- park or playground
	- picnic ground
	- public building
	- public use
	- public utility
	- recreational use, extensive
	- recreational use, intensive
	- recreational vehicle park
	- shooting range
	- skateboard park
	- ski resort
	- swimming pool
	- tennis court



(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

- (a) Parcel Size (minimum): As required by the Development Authority.
- (b) Setback Requirements (minimum):
 - (i) Front Yard: 40.8 m (134 ft) from road right-of-way.
 - (ii) Interior Side Yard: 10% of the width of site or 1.5 m (5 ft).
 - (iii) Exterior Side Yard: 3.0 m (10 ft) or as required by the Development Authority.
 - (iv) Rear Yard: 7.6 m (25 ft) or as required by the Development Authority.
- (c) Building Height (maximum): Two storeys, or 9.1 m (30 ft) or as required by the Development Authority.

(4) REMOVAL OF VEGETATION:

The removal of extensive areas of trees and shrubs without a Development Permit is strictly prohibited.

(5) ADDITIONAL REQUIREMENTS:

The location of all points of access and egress are to be to the satisfaction of the Development Authority.



10.11 Hamlet General District (HG)

(1) PURPOSE:

The purpose of this district is to regulate a variety of uses in hamlets where land use patterns are not readily discernible.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- sign	- accessory building or structure
	- auto body & service station
	- automobile sales
	- building or site storage facility
	- bulk fuel sales or storage
	- bus depot
	- business, contractor's
	- business, handicraft
	- business, tradesman's
	- cold storage facility
	- community hall or clubhouse
	- curling rink
	- dwelling, caretaker's
	- grain elevator
	- hair salon or spa
	- hotel
	- institutional building or use
	- laundry facility
	- light industrial manufacturing
	- manse
	- motel
	- office
	- park or playground
	- place of worship
	- public use
	- public utility
	- railway station
	- repair shop
	- restaurant
	- store



(a) Permitted Uses:	(b) Discretionary Uses:
	- warehouse

(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

- (a) Parcel Size (minimum): As required by the Development Authority.
- (b) Setback Requirements (minimum):
 - (i) Front Yard: As required by the Development Authority.
 - (ii) Side Yard: As required by the Development Authority.
 - (iii) Rear Yard: As required by the Development Authority.
- (c) Total Floor Area: As required by the Development Authority.



10.12 Hamlet Estate Residential District (HTR)

(1) PURPOSE:

The purpose of this district is to regulate estate residential uses in established hamlets with the intention of restricting development to dwellings, single-detached; and associated uses on large lots.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- accessory building or structure	- dwelling, secondary suite
- dwelling, manufactured home	- home occupation
- dwelling, modular home	- manse
- dwelling, single-detached	- place of worship
- park or playground	- public use
- sign	

(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9, the following regulations shall apply to every development in this district.

- (a) Parcel Size (minimum): 1,600m² (17,222.8 ft²)
0.16 ha (0.4 ac)
- (b) Lot Width (minimum):
- (i) On a cul-de-sac 15 m (49.2 ft)
 - (ii) On a curved road 20 m (65.6 ft)
see Figure 9 (Lot Width on curved Lot Frontage) for the explanation note
 - (iii) On a straight road 40 m (131.2 ft)
- (c) Lot Depth (minimum):
- (i) On a cul-de-sac 31.3 m (102.7 ft)
 - (ii) On a curved road 31.3 m (102.7 ft)
 - (iii) On a straight road 40 m (131.2 ft)
- (d) Building Height (maximum): 10.5 m (34.4 ft)



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- (e) Setback Requirements (minimum):
 - (i) Front Yard: 9.14 m (30 ft)
 - (ii) Interior Side Yard: 10% of the width of site but no less than 4.57 m (15 ft).
 - (iii) Exterior Side Yard: (For corner lots) 7.62 m (25 ft) or as required by the Development Authority.
 - (iv) Rear Yard: 7.62 m (25 ft) or as required by the Development Authority.
 - (4) DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS:
 - (a) Buildings may be either of new construction or relocated.
 - (b) Where a dwelling, manufactured home is placed on a basement, solid footings and a concrete or wood block foundation, wall or skirting shall be to the satisfaction of the Development Authority.
 - (c) The Development Authority may require proposed new dwellings to locate a front attached garage adjacent to the garage on the adjoining property, which is not to project farther than the front façade of the house.
 - (5) ADDITIONAL REQUIREMENTS:
 - (a) No accessory buildings including detached garages shall be permitted to be situated within the required front yard setback for the principal building of the appropriate district.
 - (b) The total site coverage on a parcel, including accessory buildings shall not exceed 45% of the total site area.



10.13 Hamlet Residential District – 1 (HR-1)

(1) PURPOSE:

The purpose of this district is to regulate residential uses in established hamlets with the intention of restricting development to dwellings, single-detached; and associated uses.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- dwelling, modular home	- accessory building or structure
- dwelling, single-detached	- dwelling, secondary suite
- park or playground	- home occupation
- sign	- manse
	- place of worship
	- public use
	- senior's housing

(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

(a) Parcel Size (minimum): As required by the Development Authority.

(b) Setback Requirements (minimum):

- (i) Front Yard: 7.6 m (25 ft)
- (ii) Interior Side Yard: 10% of the width of site but no less than 1.5 m (5 ft).
- (iii) Exterior Side Yard: (For corner lots) 3.0 m (10 ft) or as required by the Development Authority.
- (iv) Rear Yard: 7.6 m (25 ft) or as required by the Development Authority.

(4) DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS:

(a) Buildings may be either of new construction or relocated.

(b) Where a dwelling, manufactured home is placed on a basement, solid footings and a concrete or wood block foundation, wall or skirting shall be to the satisfaction of the Development Authority.



-
- (c) The Development Authority may require proposed new dwellings to locate a front attached garage adjacent to the garage on the adjoining property, which is not to project farther than the front façade of the house.
 - (5) ADDITIONAL REQUIREMENTS:
 - (a) No accessory buildings including detached garages shall be permitted to be situated within the required front yard setback for the principal building of the appropriate district.
 - (b) The total site coverage on a parcel, including accessory buildings shall not exceed 45% of the total site area.



10.14 Hamlet Residential District – 2 (HR-2)

(1) PURPOSE:

The purpose of this district is to regulate residential uses in established hamlets.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- accessory building or structure	- dwelling, apartment
- dwelling, manufactured home	- dwelling, row house
- dwelling, modular home	- dwelling, secondary suite
- dwelling, semi-detached	- dwelling, tri-plex
- dwelling, single-detached	- home child care or home child care facility
- park or playground	- home occupation
- sign	- institutional building or use
	- manse
	- place of worship
	- public building
	- public use
	- recreational use, extensive
	- senior's housing

(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

(a) Parcel Size (minimum):

(i) Permitted Uses:

1. Un-serviced lot:
1,858 m² (20,000 ft²)
Minimum width of 30.5 m (100 ft)
2. Fully Serviced Lot:
465 m² (5,000 ft²)
Minimum width of 15.2 m (50 ft)

(ii) Discretionary Uses:

As required by the Development Authority.



Note: Development on existing substandard lots may be considered by the Development Authority.

- (b) Setback Requirements (minimum):
 - (i) Front Yard: 7.6 m (25 ft)
 - (ii) Interior Side Yard: 10% of the width of site, but no less than 1.5 m (5 ft).
 - (iii) Exterior Side Yard: (For corner lots) 3.0 m (10 ft) or as required by the Development Authority.
 - (iv) Rear Yard: 2.4 m (8 ft) or as required by the Development Authority.

(4) DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS:

- (a) Buildings may be either of new construction or relocated.
- (b) Where a dwelling, manufactured home is placed on a basement, solid footings and a concrete or wood block foundation, wall or skirting shall be to the satisfaction of the Development Authority.

(5) ADDITIONAL REQUIREMENTS:

- (a) The total site coverage on a parcel, including accessory buildings shall not exceed 45% of the total site area.



10.15 Hamlet Residential District - 3 (HR-3)

(1) PURPOSE:

The purpose of this district is to regulate multi-family residential uses in established hamlets.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- sign	- accessory building or structure
	- dwelling, apartment
	- dwelling, duplex
	- dwelling, row house
	- dwelling, secondary suite
	- dwelling, semi-detached
	- dwelling, tri-plex
	- institutional building or use
	- manse
	- park or playground
	- place of worship
	- public building
	- public use
	- senior's housing



(3) SITE PROVISIONS:

No person shall use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system, except in accordance with the following provisions:

(a) Dwelling Lot Sizes (minimum):

	Area of Site (min)	Lot Width (min.)	Lot Depth (min.)
dwelling, apartment:	929 m ² (10,000 ft ²)		
dwelling, duplex:	613.1 m ² (6,600 ft ²)	18.2 m (60 ft)	33.5 m (110 ft)
dwelling, row house (min. 3 units):	Site min. area 587.9 m ² (6,328 ft ²) Interior unit min. 123.4 m ² (1,328 ft ²) Exterior unit min. 232 m ² (2,500 ft ²)	Interior unit min. 5.2 m (17 ft) Exterior unit min. 9.8 m (32 ft)	23.8 m (78 ft)
dwelling, semi-detached:	378.1 m ² (4,070 ft ²)	11.2 m (37 ft)	33.5 m (110 ft)
dwelling, tri-plex:	743.2 m ² (8,000 ft ²)	24.4 m (80 ft)	33.5 m (110 ft)
Other Uses:	At the discretion of the Development Authority.		

(b) Front Yard Depth (minimum): 7.6 m (25 ft)

(c) Rear Yard Depth (minimum): 7.6 m (25 ft)

(d) Side Yard Width (minimum):

- (i) dwelling, apartment; dwelling, row house: 4.5 m (15 ft)
- (ii) dwelling, duplex; dwelling, semi-detached; dwelling, tri-plex:
 - interior side yard: 1.5 m (5 ft)
 - exterior side yard: 4.5 m (15 ft)
- (iii) In a laneless subdivision at least one yard shall be a minimum of 3 m (10 ft).

(e) Coverage of site (maximum): 45 percent



- (f) Building Height (maximum):
 - (i) 2 storey or 9.1 m (30 ft) for dwelling, row house; dwelling, duplex and dwelling, semi-detached.
 - (ii) 3 storey or 10.7 m (35 ft) for dwelling, tri-plex.
- (g) Density (maximum): 89 units per net ha (36 units per net ac)
- (h) Accessory Buildings and Uses:
 - (i) No accessory building or structure shall be located in any yard other than an interior side yard or rear yard;
 - (ii) No accessory building or structure shall be located closer than 1 m (3 ft) from any side lot line or rear lot line except in a laneless subdivision whereby no rear yard setback is required; and
 - (iii) In the case of a garage, where direct access from the vehicle entrance of a garage to a street or lane exists, then a 4.8 m (16 ft) setback from this entrance and the side street or lane shall be required.
- (4) ADDITIONAL REQUIREMENTS:
 - (a) The distance between two dwelling, row house units facing each other shall be a minimum of 27.4 m (90 ft).
 - (b) The distance between two dwelling, row house units backing onto each other shall be a minimum of 33.5 m (110 ft).
 - (c) A minimum of 10 percent of a lot containing a dwelling, apartment; or dwelling, row house is to be devoted to landscaped open space. A maximum of 50 percent of this landscaped open space may include recreational and playground equipment.
 - (d) Notwithstanding the above regulations, any multi-family projects shall satisfy the Development Officer as to:
 - (i) Provision for garbage storage, with appropriate access;
 - (ii) Access for fire engines;
 - (iii) Adequate lighting between buildings;
 - (iv) Privacy for dwelling units in and adjacent to development;
 - (v) Orientation of buildings and general appearance of project;
 - (vi) Safe pedestrian access to and from the public sidewalk fronting the building; and
 - (vii) Adequate lighting of parking areas.



10.16 Hamlet Manufactured Home Park District (HMHP)

(1) PURPOSE:

The purpose of this district is to regulate the development of Manufactured Home Parks in hamlets and the County.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- accessory building or use	- dwelling, modular home
- building or site storage facility	- home occupation
- community hall or clubhouse	- public building
- dwelling, manufactured home	- senior's housing
- laundry facility	- store
- manufactured home park	
- manufactured home park office	
- park or playground	
- public use	
- public utility	
- sign	

(3) MANUFACTURED HOME PARK PROVISIONS:

(a) Parcel Density (max): 20 dwelling, manufactured home units per ha (8 units/ac).

(b) Manufactured Home Park Size (minimum): 2 ha (5 ac)

(4) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

(a) Site Coverage (maximum):

The dwelling, manufactured home and accessory buildings shall not cover more than 35% of a dwelling, manufactured home lot.



(b) Dwelling, Manufactured Home Lot Size (minimum):

	Area	Width	Depth
dwelling, single wide manufactured homes	464.5 m ² (5,000 ft ²)	13.7 m (45 ft)	36.5 m (120 ft)
dwelling, double wide manufactured homes	511 m ² (5,500 ft ²)	15.2 m (50 ft)	36.5 m (120 ft)

(c) Setback Requirements (minimum):

- (i) Front Yard: 3.7 m (12 ft) from internal roadway or parking area.
- (ii) Side Yard: 1.5 m (5 ft)
- (iii) Rear Yard: 1.5 m (5 ft)

(d) Spacing:

- (i) A minimum of 4.6 m (15 ft) shall separate adjacent dwelling, manufactured homes.
- (ii) Any addition or attachment shall be regarded as part of the dwelling, manufactured home for purposes of spacing.
- (iii) Any dwelling, manufactured home facing the street must maintain a minimum front yard of 7.6 m (25 ft).

(5) STORAGE:

- (a) Communal or individual storage areas for vehicles, recreation vehicles, watercraft and other items that cannot be stored on a dwelling, manufactured home lot shall be provided at a size of at least 23.2 m² (250 ft²) of storage area per dwelling, manufactured home lot.
- (b) The Development Authority may require that a storage area be enclosed or screened by trees, landscape features or fences or a combination thereof, to the satisfaction of the Development Authority.
- (c) Not more than one recreation vehicle or trailer may be parked on a dwelling, manufactured home lot.

(6) OFF-STREET PARKING:

- (a) At least two parking stalls shall be provided for each dwelling, manufactured home lot.
- (b) In addition, one stall for every five dwelling, manufactured home lots shall be provided in the manufactured home park, as common parking for guests.



(c) Each parking stall shall be a minimum of 3 m (10 ft) in width and 6.1 m (20 ft) in depth.

(7) OPEN SPACE:

A minimum of 10% of the gross park area shall be set aside for common open space recreation area. No portion of any dwelling, manufactured home lot shall be included in this open space area. Walkways shall be provided within the manufactured home park and shall be a minimum width of 0.9 m (3 ft).

(8) BUFFER STRIP:

A minimum buffer strip of 6.1 m (20 ft) shall be required to separate the boundary of any park lot from adjacent land uses outside the manufactured home park boundary.

(9) UTILITIES

All utility lines shall be placed underground or as stipulated in a development agreement.



10.17 Hamlet Commercial District (HC)

(1) PURPOSE:

The purpose of this district is to regulate commercial development in hamlets.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- sign	- accessory building or structure
	- auto body & service station
	- automobile sales
	- bulk fuel sales or storage
	- bus depot
	- business, handicraft
	- business, tradesman's
	- car or truck wash
	- cold storage facility
	- community hall or clubhouse
	- dwelling, caretaker's
	- equipment rental shop
	- greenhouse
	- hair salon or spa
	- hotel
	- institutional building or use
	- kennel
	- laundry facility
	- market garden
	- motel
	- office
	- park or playground
	- public building
	- public use
	- public utility
	- restaurant
	- sea can
	- store
	- veterinary clinic



(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

- (a) Parcel Size (minimum): As required by the Development Authority.
- (b) Setback Requirements (minimum):
 - (i) Front Yard: 7.6 m (25 ft) or as required by the Development Authority.
 - (ii) Side Yard:
 - 1. Interior side yard: 1.5 m (5 ft). None required if fire wall provided
 - 2. Exterior side yard: (For corner lots) 3 m (10 ft)
 - 3. Side adjacent to residential site: 3 m (10 ft)
 - (iii) Rear yard: 3.0 m (10 ft) or as required by the Development Authority.
 - (iv) Adjacent properties: None required where a fire wall is provided, but when a side yard is provided, it shall be a minimum of 1.5 m (5 ft).
 - (v) Site adjacent to highway: As required by the Development Authority and Alberta Transportation.



10.18 Hamlet Industrial District (HM)

(1) PURPOSE:

The purpose of this district is to regulate industrial development in established hamlets.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- sign	- accessory building or structure
	- agricultural industry
	- auto body & service station
	- building or site storage facility
	- bulk fuel sales or storage
	- bus depot
	- business, contractor's
	- business, handicraft
	- business, tradesman's
	- car or truck wash
	- cardlock facility
	- cold storage facility
	- communication tower with building
	- crude oil transloading facility
	- electrical power facility
	- equipment rental shop
	- heavy industrial manufacturing
	- institutional building or use
	- laundry facility
	- light industrial manufacturing
	- lumber yard
	- machine shop
	- public use
	- public utility
	- railway station
	- repair shop
	- salvage and/or auto wrecking yard
	- sawmill or planing mill
	- sea can
	- truck parking lot



(a) Permitted Uses:	(b) Discretionary Uses:
	- trucking operation
	- trucking or freight terminal
	- warehouse
	- welding shop

(3) SITE PROVISIONS:

In addition to General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

- (a) Parcel Size (minimum): As required by the Development Authority.
- (b) Setback Requirements (minimum):
 - (i) Front Yard: 9.1 m (30 ft) or as required by the Development Authority.
 - (ii) Side Yard: 9.1 m (30 ft) or, as required by the Development Authority.
 - (iii) Rear Yard: As required by the Development Authority.
- (c) Total Floor Area: As required by the Development Authority.



10.19 Hamlet Public/Institutional District (HP)

(1) PURPOSE:

The purpose of this district is to regulate the development of land for uses of either a public or private nature providing services to the community.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- sign	- accessory building or structure
	- business, handicraft
	- cemetery
	- communication tower with building
	- community hall or clubhouse
	- dwelling, teacherage
	- institutional building or use
	- manse
	- park or playground
	- picnic ground
	- place of worship
	- public building
	- public use
	- public utility
	- recreational facility and use, indoor
	- sign, historic landmark
	- skateboard park
	- swimming pool
	- tennis court
	- veterinary clinic
	- walking trail



(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

- (a) Parcel Size (minimum): As required by the Development Authority.
- (b) Setback Requirements (minimum):
 - (i) Front Yard: 7.6 m (25 ft) or as required by the Development Authority.
 - (ii) Side Yard: 10% of the width of site or as required by the Development Authority.
 - (iii) Rear Yard: 7.6 m (25 ft) or as required by the Development Authority.
- (c) Total Floor Area: As required by the Development Authority.



10.20 Hamlet Recreational District (HREC)

(1) PURPOSE:

The purpose of this district is to regulate recreational uses, which do not require a building for the principal use, within a hamlet setting.

(2) USES:

No person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following:

In alphabetical order:

(a) Permitted Uses:	(b) Discretionary Uses:
- sign	- accessory building or structure
	- arena
	- baseball diamond
	- community hall or clubhouse
	- curling rink
	- park or playground
	- picnic ground
	- public use
	- recreational facility and use, indoor
	- recreational use, intensive
	- sign, historic landmark
	- skateboard park
	- swimming pool
	- tennis court
	- walking trail



(3) SITE PROVISIONS:

In addition to the General Land Use Provisions and Special Land Use Provisions contained in Sections 8 and 9; the following regulations shall apply to every development in this district.

- (a) Parcel Size (minimum): As required by the Development Authority.
- (b) Setback Requirements (minimum):
 - (i) Front Yard: 40.8 m (134 ft) from road right-of-way or as approved by the Development Authority.
 - (ii) Interior Side Yard: As approved by the Development Authority.
 - (iii) Exterior Side Yard: As required by the Development Authority.
 - (iv) Rear Yard: As required by the Development Authority.
- (c) Accessory Building Height (maximum): As required by the Development Authority.



Schedules

Schedule A: Land Use Bylaw Districts – South Part of Clear Hills County

Schedule B: Hamlet of Cleardale

Schedule C: Hamlet of Worsley

Schedule D: Municipal Historic Resource (All Saints Anglican Church)

Schedule E: Zoning District Detail Maps

Schedule F: Land Use Bylaw Amendments



Schedule A: Land Use Bylaw Districts – South part of Clear Hills County



Schedule A



Schedule B: Hamlet of Cleardale



Schedule B



Schedule C: Hamlet of Worsley



Schedule C



Schedule D: Municipal Historic Resource (All Saints Anglican Church)



Schedule D



Schedule E: Zoning District Detail Maps



Schedule F: Land Use Bylaw Amendments

DATE	BYLAW NUMBER	PURPOSE
September 27, 2016	213-16	Rezone portion of Plan 112 3866 from Hamlet Residential District – 1 (HR-1) to Hamlet Public/Institutional District (HP)
April 11, 2017	215-17	Revise provisions related to the maximum size of Country Residential Lot permitted in Agricultural District – 1 (AG-1)



Appendices

Appendix A: Sample Forms and Notices

Appendix B: Bylaw No. 15 – Establishment of a Subdivision Appeal Board and a Development Appeal Board

Appendix C: Bylaw No. 66-03 – Establishment of Municipal Planning Commission



Appendix A: Sample Forms and Notices

- Form A: Application for Development Permit
- Form B: Development Permit Notice of Decision
- Form C: Amended Development Permit Notice of Decision
- Form D: Compliance Certificate Application
- Form E: Application for Development Appeal
- Form F: Notice of Development Appeal Board Hearing
- Form G: Notice of Development Appeal Board Decision
- Form H: Application for Amendment to the Land Use Bylaw
- Form I: Stop Order
- Form J: Application for Sign Placement on Private Land
- Form K: Application for Sign Placement for Municipal Right-of-Way or Municipal Reserve Land
- Form L: Application for Sign Placement for a Recreational & Community Facility and/or a Historic Landmark



Appendix B: Bylaw No. 15 – Establishment of a Subdivision Appeal Board and a Development Appeal Board



Appendix C: Bylaw No. 66-03 – Establishment of Municipal Planning Commission