

# Big Lakes County

## Land Use Bylaw

03-2017

Office Consolidation September 2023

Office Copy



This document represents a compilation of the Big Lakes County Land Use Bylaw  
03-2017 and successive amending bylaws up to and including  
September 13, 2023.



# Amendments to Land Use Bylaw No. 03-2017

BYLAW No.	3rd READING	LEGAL ADDRESS	APPLICANT	SUBJECT
11-2017	June 14, 2017	Plan 2439NY, Lot 1	Charles Couturier	Redistrict from Urban Reserve (UR) District to Hamlet Residential (HR) District
16-2017	October 25, 2017	Section 1.7 Definitions	Big Lakes County	Delete Dwelling, Recreation Home & Amend Recreational Vehicle
19-2017	October 25, 2017	Plan 782 1407, Block 3, Lots 24, 25 & 26	Big Lakes County	Redistrict from Hamlet Residential (HR) District to Parks & Institutional (PI) District
21-2017	November 29, 2017	Pt. E1/2 of NE 24-74-18-W5	Randy Backs	Redistrict from Agriculture (AG) District to Highway Commercial (HWC) District
23-2017	February 28, 2018	Section 6.1 Accessory Buildings	Big Lakes County	To establish regulations for seacan containers
01-2018	March 28, 2018	Section 7.3.2 and Storage Facility	Big Lakes County	Add Industrial Camp to AG District Add definition for Storage Facility & include as use in certain districts
04-2018	May 9, 2018	Plan 152 2571, Block 1, Lot 4	Aaron Herben	Redistrict from Agriculture (AG) District to Rural Industrial (RI) District
05-2018	May 23, 2018	Plan 782 2329, Lots 5 & 6	Robert & Janet Clark	Redistrict from Urban Reserve (UR) District to Hamlet Residential (HR) District
06-2018	July 25, 2018	N/A	Big Lakes County	To incorporate Airport Protection Overlay District into Land Use Bylaw
07-2018	June 13, 2018	N/A	Big Lakes County	To correct clerical, technical, grammatical or typographical errors.
11-2018	September 12, 2018	N/A	Big Lakes County	To incorporate Cannabis and Cannabis- related uses, development standards and regulations to the Land Use Bylaw.
17-2018	September 12, 2018	Section 7.12.2	Andre & Diane Therriault	To add cabin as a Discretionary Use under the Hamlet Mixed Use District

19-2018	October 10, 2018	Section 1.7 & Section 6.4.1(e)	Arlen & Diane Quartly	To amend the definition for Bed and Breakfast Operation & increase the number of registered guests allowed.
21-2018	November 14, 2018	Section 7.13.2	Big Lakes County	To add cabin as a Discretionary Use under the Hamlet Residential District
05-2019	April 24, 2019	SE 18-76-17-W5	Drouco Ltd.	Redistrict from Agriculture (AG) District to Rural Industrial (RI) District
11-2019	June 26, 2019	Section 6.1 Accessory Buildings	Big Lakes County	To allow accessory buildings on residential lots prior to the principal building or use.
12-2019	June 26, 2019	Plan 022 0734, Block 1, Lot 2	Travis Yardley	Redistrict from Agriculture (AG) District to Highway Commercial (HWC) District
13-2019	July 10, 2019	Plan 112 0432, Block 1, Lot 1	Kathleen April Isadore	Redistrict from Agriculture (AG) District to Commercial Recreation (CREC) District
19-2019	August 14, 2019	LSDs 5-8, 12-75-14-W5	Big Lakes County	Redistrict from Agriculture (AG) District to Commercial Recreation (CREC) District; Redistrict from Communal Recreation (CMR) District to Commercial Recreation (CREC) District; and Redistrict from Commercial Recreation (CREC) District to Communal Recreation (CMR) District
23-2019	January 8, 2020	Plan 972 3447, Block 1, Lot 1	Gemini Concrete Pumping Inc.	Redistrict from Rural Industrial (RI) District to the Country Residential (CR) District
25-2019	January 8, 2020	PI 122 0144, Blk B, L 1; PI 782 0824, Lot 29A; PI 782 1022, Lots 1,2,6,5; PI 832 0217, Lot 4B; PI 782 2329, Lots 2,3,8,9,10	Big Lakes County	Redistrict from Urban Reserve (UR) District to Hamlet Residential (HR) District
13-2020	August 12, 2020	Section 6.34	Big Lakes County	To increase the number of RVs allowed on lots greater than 2.5 acres in the Communal Recreation District
14-2020	July 8, 2020	Section 3.14.1(b), Section 3.5.1(b), Section 3.6.3(a), Section 4.3.4(a)ii	Big Lakes County	To amend notification requirements
15-2020	August 26, 2020	Section 6.19	Big Lakes County	To amend regulations for fences in Hamlet Residential Districts

17-2020	August 12, 2020	Lessers Lot 38, Lessers Lot 39, Lessers Lot 40	Big Lakes County	Redistrict from Urban Reserve (UR) District to Hamlet Residential (HR) District
18-2020	August 12, 2020	Plan 922 1401, Block 1, Lot 1	Roland Gauthier	Redistrict from Agriculture (AG) District to Country Residential (CR) District
20-2020	October 28, 2020	Section 6.34	Big Lakes County	To allow 2 RV's in Hamlet Residential, Hamlet Estate Residential & Hamlet Mixed Use Districts; Delete Section 6.34.6
21-2020	October 14, 2020	Plan 2439NY, Lot 3	Daniel Vandermuelen	Redistrict from Hamlet Industrial (HI) District & Urban Reserve (UR) District to Country Residential (CR) District
22-2020	October 14, 2020	Pt. SW 28-74-17-W5	Alwyn & Belinda Dippenaar	Redistrict from Country Residential (CR) District to Highway Commercial (HWC) District
25-2020	November 25, 2020	Plan 202 _____, Block 1, Lot 3	Burk & Cathleen Krohn	Redistrict from Agriculture District (AG) to Rural Industrial (RI) District
26-2020	November 25, 2020	Section 7.15.2	Big Lakes County	To add dwelling as a Discretionary Use under the Highway Commercial District
28-2020	December 9, 2020	Plan 687RS, Lot A	On It Projects Inc.	Redistrict from Agriculture (AG) District to Highway Commercial (HWC) District
02-2021	February 24, 2021	Section 6.22.4(f) Section 6.34.7	Big Lakes County	Delete reference to PTMAA in 6.22.4(f), update section reference to 6.34.6 & add "with an approved development permit".
12-2021	July 14, 2021	Pt. NW 9-75-18-W5	Anthony Matula	Redistrict from Agriculture (AG) District to Rural Industrial (RI) District
14-2021	December 8, 2021	Section 1.7 Section 7.9.2 Section 7.15.2	Big Lakes County	Add Dwelling-Live Work Unit to definitions and amend definition of Caretaker's Residence. Add Dwelling-Live Work Unit as discretionary use under Highway Commercial & Hamlet Commercial Districts. Add Caretaker/Security Residence as discretionary use under Highway Commercial District.
20-2021	November 10, 2021	SE 26-74-18-W5	Northern Road Builders	Redistrict from Agriculture (AG) District to Rural Industrial (RI) District
07-2022	April 13, 2022	CMR, HM, HR, HRE, UR	Big Lakes County	Amend side & rear yard setback distances for accessory buildings in CMR, HM, HR, HRE & UR Districts.



08-2022	April 27, 2022	LSD 15-02-78-16-W5	Woodcote Oil & Gas Inc.	Redistrict from Agriculture (AG) District to Rural Industrial (RI) District
10-2022	May 25, 2022	Section 7.4.2 Section 7.9.2 Section 7.15.2	Big Lakes County	Add Liquor Sales as a discretionary use under CREC, HC & HWC Districts
13-2022	August 10, 2022	Lessers Lot 34	BN Dulay Trux Ltd.	Redistrict from Urban Reserve (UR) District to Hamlet Industrial (HI) District
15-2022	September 14, 2022	Plan 1904V, Block X	Kyle Borman	Redistrict from Urban Reserve (UR) District to Hamlet Residential (HR) District
16-2022	September 14, 2022	SE 13-73-11-W5	Darrell Williams	Redistrict from Agriculture (AG) District to Commercial Recreation (CREC) District
17-2022	September 14, 2022	SW 13-73-11-W5	Darrell Williams	Redistrict from Agriculture (AG) District to Commercial Recreation (CREC) District
18-2022	September 14, 2022	Plan 6010AV, Block 1A	Big Lakes County	Redistrict from Urban Reserve (UR) District to Hamlet Residential (HR) District
19-2022	October 12, 2022	Section 7.3.2	Big Lakes County	Amend AG uses to allow one (1) cabin as a permitted use and all additional cabins as discretionary uses.
21-2022	October 26, 2022	Section 1.7, 6.16 & 7.3	Big Lakes County	Add definition & regulations for dwelling - multi-unit (colony)
23-2022	November 23, 2022	2-2-78-16-W5	Woodcote Oil & Gas Inc.	Redistrict from Agriculture (AG) District to Rural Industrial (RI) District
26-2022	December 14, 2022	Section 6.31	Big Lakes County	Delete Sec. 6.31.1 that makes the relocation of existing buildings discretionary in all Land Use Districts.
28-2022	January 11, 2023	Plan 212 1126, Block 1, Lot 1	Red Rock Industries GP Ltd.	Redistrict from Agriculture (AG) District to Rural Industrial (RI) District
01-2023	February 22, 2023	Section 1.7, 6.40, 7.3, 7.7, 7.10, 7.15 & 7.17	Big Lakes County	Add definition & regulations for Industrial Wellsite Trailer
05-2023	May 10, 2023	Plan 062 3891, Block 1, Lot 11	Tracey Cloutier	Redistrict from Urban Reserve (UR) District to Hamlet Residential (HR) District
14-2023	September 13, 2023	Section 7.6.2	Brian Hanna	Add Tourist Home as a discretionary use under the Country Residential (CR) District

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## **Part I: General**

### **1.1 Title**

This Bylaw may be referred to as “The Big Lakes County Land Use Bylaw.”

### **1.2 Scope**

No subdivision or development shall hereafter be carried out within the boundaries of the County except in conformity with the provisions of this Bylaw.

### **1.3 Purpose**

The purpose of this Bylaw is to, amongst other things:

- (a) divide the County into districts;
- (b) prescribe and regulate the use(s) for each district;
- (c) establish the Subdivision Authority;
- (d) establish the office of Development Officer;
- (e) establish a method of making decisions on applications for development permits and the issuance of development permits;
- (f) provide the manner in which notice of the issuance of a development permit is to be given;
- (g) establish a method for making decisions on applications for subdivision approval in accordance with the Municipal Government Act and its regulations;
- (h) implement the policies of the statutory plans of the County;
- (i) establish supplementary regulations governing certain specific land uses; and
- (j) establish the procedures for making amendments to this Bylaw.

### **1.4 Relationship to the Municipal Government Act**

This Big Lakes County Land Use Bylaw has been prepared and adopted in accordance with the provisions of the Act, its regulations, and amendments thereto.

### **1.5 Previous Municipal Bylaws**

No provisions of any other Bylaws with respect to districting, development control and land use classifications shall hereafter apply to any part of the County described in this Bylaw, subject to the transitional provisions of this Bylaw.



## 1.6 Interpretation:

- (a) Examples listed in a land use definition are not intended to be exclusive or restrictive.
- (b) Where a specific land use applied for does not adequately conform to the definitions of land uses outlined herein, OR generally conforms with two or more definitions, discretion shall be used by the development officer to identify which land use definition most appropriately reflects the character and purpose of the applied-for land use.
- (c) Where reference is made to other legislation or documents, it is intended to refer to the legislation or documents as amended from time to time.
- (d) The words “shall” and “must” indicate mandatory compliance, unless a variance has been granted pursuant to the Act.
- (e) Where a regulation or definition includes two or more conditions, provisions or events connected by the word “or”, the connected items may apply individually.
- (f) Where a regulation or definition includes two or more conditions, provisions or events connected by the word “and”, the connected items shall apply in combination.

## 1.7 Definitions

The following words, terms and phrases included in this Bylaw shall have the following meaning assigned to them:

**ABATTOIR:** the use of land or building in which animals are slaughtered and may include the packing, treating, storing and sale of the product.

**ACCESSORY BUILDING:** a building separate, incidental and subordinate to the principal use and is located on the same lot as the principal building. This may include, but is not limited to a shed, detached garage, storage building, deck, patio or other similar building.

**ACCESSORY USE:** a use or development normally incidental and subordinate to the principal use or building, and is located on the same parcel as the principal use or building.

**ACT:** the [Municipal Government Act](#).

**ADJACENT LAND:** (*see also “CONTIGUOUS”*) land that is contiguous to the parcel of land in question and includes:

- (a) land that would be contiguous if not for a utility right-of-way, reserve land, railway, highway, road, river or stream; and
- (b) any other land identified in the Land Use Bylaw as adjacent land for the purpose of notification.

**AGRICULTURAL SUPPORT SERVICES:** development providing non-industrial services directly related to the agricultural industry, and may include the retail, service and repair of farm implements and



machinery. Services supporting Cannabis production and distribution are not included in this use class. (Bylaw 11-2018)

**AGRICULTURE (EXTENSIVE):** the use of land or buildings for the raising or production of any cultivated crops, livestock or dairy products which utilizes relatively large areas of land where the use of buildings and confinement areas is auxiliary to the use of the land itself. Cannabis Production and Distribution Facility is not included in this use class. (Bylaw 11-2018)

**AGRICULTURE (INTENSIVE):** a commercial agricultural or horticultural operation other than a Confined Feeding Operation that, due to the nature of the operation, requires smaller tracts of land. Without restricting the generality of the foregoing, this may include nurseries, greenhouses, market gardens, tree farms, small scale animal husbandry, poultry and pork operations. This use does not include Apiaries, Aquaculture or Cannabis Production and Distribution Facility. (Bylaw 11-2018)

**AGRICULTURAL INDUSTRY:** an industrial use related to agriculture involving the production, initial processing or storage of farm products. Without restricting the generality of the foregoing, this may include a grain elevator, seed cleaning plant, pelletizing plant, bulk storage tank or area, livestock holding station, and other similar uses, but does not include an abattoir, auctioneering establishment, or Cannabis Production and Distribution Facility. (Bylaw 11-2018)

**AIRPORT:** any area of land to be used either in whole or in part for the arrival and departure or servicing of aircraft or helicopters; and includes any building, installation or equipment in connection therewith, operated by the Department of National Defense or for which an airport license has been issued by Transport Canada.

**AIRSTRIP:** an area of land designed to accommodate the arrival or departure of aircraft for which an airport license has not been issued by Transport Canada.

**AMENITY AREA:** space provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common, subject to the regulations of this Bylaw.

**AMUSEMENT, INDOOR:** a building or a group of buildings used for providing entertainment and amusement to patrons, usually for a fee or admission charge. Typical uses and facilities would include indoor go-cart track, bingo hall, table or electronic games establishment, amusement theme-park and theatre.

**AMUSEMENT, OUTDOOR:** a lot or non-enclosed building used for providing entertainment and amusement to patrons, usually for a fee or admission charge. Typical uses and facilities would include a go-cart track, miniature golf course, carnival, circus, amusement theme-park and drive-in motion picture theatre.

**ANIMAL HEALTH CARE SERVICES:** a development such as a hospital or shelter used for the temporary accommodation, care, treatment or impoundment of animals. This use class would include pet clinics, animal veterinary clinics and veterinary offices.

**APARTMENT BUILDING:** a residential building containing three or more dwelling units which share a common entrance, and are arranged in any horizontal or vertical configuration, and which does not conform to the definition of any other residential use.





**APIARY:** a development consisting of beehives in which bees are kept or raised for the production of honey.

**APPLICANT:** the registered owner of the land or his or her representative or agent certified as such.

**AQUACULTURE:** land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals.

**AREA STRUCTURE PLAN:** a statutory plan prepared pursuant to the *Act* that applies to a defined area of land that provides a framework for more detailed subdivision and development staging, land uses, densities and infrastructure matters which must be addressed. The Area Structure Plan is adopted by bylaw.

**ARTISAN SHOP:** Development used for the purpose of small scale, on-site production of goods and simple processes or hand manufacturing, primarily involving the use of hand tools. Typical uses include pottery, sculpture, artist and photography studios.

**AUCTIONEERING ESTABLISHMENT:** development intended for the auctioning of livestock, goods and equipment, including the temporary storage of such livestock, goods and equipment, but does not include garage sales, flea markets, or sale of items on an irregular basis.

**AUTO BODY AND PAINT SHOP:** an establishment for the repair and/or painting of motor vehicle bodies but does not include facilities for the sale of fuels, lubricants, or automotive accessories, or for mechanical or electrical repairs.

**AUTOMOBILE REPAIR SERVICES:** a development intended for servicing and mechanical repairs of motor vehicles, trucks and utility vehicles, motorcycles, snowmobiles, motor homes and similar vehicles; the sale, installation or servicing of related accessories and parts; and servicing and repair of small engines and equipment, but does not include body repairs and/or modifications.

**AUTOMOBILE SALES:** premises for the display and sale of motor vehicles excluding farm equipment, heavy equipment designed for specialized purposes, and purpose built recreational vehicles.

**BARELAND CONDOMINIUM:** a condominium development containing Bareland Condominium Units, created specifically through subdivision and registered as a condominium plan in accordance with the *Condominium Property Act*, RSA 2000, c. C-22.

**BARELAND CONDOMINIUM UNIT (UNIT):** a bare land unit as defined in the *Condominium Property Act*, RSA 2000, c. C-22; Within this Bylaw, a “unit” in the context of a bare land condominium shall have the identical meaning as a “lot”.

**BED AND BREAKFAST OPERATION:** a single detached dwelling occupied by the owner or operator that offers overnight lodging and breakfast, but no other meal, for a fee to no more than 8 (eight) registered guests at one time. This use shall be subordinate to the principal use of the dwelling. (Bylaw 19-2018)



**BOARDING OR LODGING HOUSE:** a use accessory to a single detached dwelling or modular home in which the owner lives and supplies sleeping unit accommodation, for remuneration, for not more than six (6) rooms. It may or may not include meal service;

**BOATHOUSE:** an accessory building designed and used primarily for the storage of boats and which is designed in such a way as to permit the direct removal of boats from the water to the structure.

**BUFFER:** a row of trees, shrubs, berming, or fencing to provide visual screening and separation between sites and incompatible land uses.

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

**BUILDING HEIGHT:** the vertical distance between final grade and the highest point of a finished building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building.

**BUILDING SEPARATION:** the minimum distance between two abutting buildings measured from the final finish of exterior walls.

**BULK AGRICULTURAL CHEMICAL DISTRIBUTION** means the land, building and structure for the bulk storage and distribution of fertilizer and other agricultural chemicals.

**BULK FUEL DEPOT:** lands, buildings, and structures for the bulk storage and distribution of petroleum products. This does not include service stations and key lock retail sales.

**BYLAW:** this Land Use Bylaw.

**BYLAW ENFORCEMENT OFFICER:** an employee of Big Lakes County who has been appointed as a Bylaw Enforcement Officer. (Bylaw 03-2020)

**CABIN:** a self-contained dwelling or guest house used as a temporary residence that may or may not be placed on a foundation. A Cabin is not a single detached dwelling.

**CAMPGROUND:** an area which has been planned and improved for the seasonal short term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles, and is not used as accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds and related recreational activities such as trail riding, picnic grounds, boating facilities, and playgrounds. This may also include facilities for eating and assembly purposes as well as a camp store.

**CANNABIS:** cannabis plant, fresh cannabis, dried cannabis, cannabis oil, and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis. (Bylaw 11-2018)

**CANNABIS ACCESSORY:** cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time. (Bylaw 11-2018)



**CANNABIS LOUNGE:** a facility where non-medical Cannabis is sold to individuals who attend at the premises for the purpose of consumption within the premises that is authorized by provincial or federal legislation. This Use does not include Cannabis Production and Distribution Facility and Cannabis Retail Store. (Bylaw 11-2018)

**CANNABIS PRODUCTION AND DISTRIBUTION FACILITY:** a premises used for growing, producing, testing, destroying, storing, or the distribution of Cannabis authorized by a license issued by the federal Minister of Health. Distribution of Cannabis does not include a Cannabis Retail use. (Bylaw 11-2018)

**CANNABIS RETAIL STORE:** a retail store licensed by the Province of Alberta where non-medical Cannabis and Cannabis Accessories are sold to individuals who attend at the premises. (Bylaw 11-2018)

**CANOPY:** a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun.

**CARETAKER/SECURITY RESIDENCE:** an accessory development that provides accommodation for the sole purpose of security personnel and/or the accommodation for the owner, operator, or required on-site employees. (Bylaw 14-2021)

**CARPORT:** a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed.

**CEMETERY:** development of a parcel of land primarily as landscaped open space for the entombment of the deceased, and may include accessory developments such as crematories, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

**CHATTEL:** a moveable item of personal property.

**COMMUNICATION TOWER:** a structure intended for the transmission or reception of communications.

**COMMUNITY RECREATION SERVICES:** development for recreational, social or multi-purpose use primarily intended for local community purposes. Typical facilities would include community halls, pools, hockey rinks, gymnasiums and community centres operated by a local residents' organization.

**CONCRETE / ASPHALT PLANT:** the processing, manufacturing, recycling, and sales of concrete and asphalt and the accessory manufacture and sales of products made from concrete and asphalt.

**CONDOMINIUM BOARD:** the elected board of directors of an association of unit owners in a condominium building or development. This Board handles the maintenance and repair of common areas, disputes among unit owners, and enforcement of rules and regulations, and condominium fees.

**CONFINED FEEDING OPERATION:** as defined by the *Agricultural Operation Practices Act*, Section 1(b.6) means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing, and any other building or structure directly related to that purpose but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race track or exhibition grounds.



**CONTIGUOUS:** areas immediately adjacent to one another without intervening vacant land or undevelopable lands.

**CONVENIENCE RETAIL SERVICES:** development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from business premises that do not exceed 275.0 m<sup>2</sup> (2,960 ft<sup>2</sup>) in gross floor area. Typical uses include small food stores, drug stores and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter. Wholesale or retail liquor sales/distribution outlets or facilities or Cannabis Retail Store are not included in this use class. (Bylaw 11-2018)

**CONVENTION SERVICES:** development which provides permanent facilities for meetings, seminars, conventions, product and trade fairs and other exhibitions with or without eating and drinking facilities. This use class does not include Boarding or Lodging House.

**CORNER:** the intersection of any two property lines of a parcel.

**COUNTRY INN:** a single detached dwelling or modular home where temporary lodging or sleeping accommodation with more than three (3) and less than ten (10) guest rooms is provided with a breakfast meal to the travelling public. This use shall be subordinate to the principal use of the dwelling and does not include a boarding or lodging house, hotel, motel, or guest house.

**COUNTY:** Means Big Lakes County

**COUNTY ROADS:** all roads within the County's municipal boundaries, that do not fall within a Hamlet, for which it has direction, control and management. This also includes all roads and road diversions surveyed for the purpose of opening a road allowance as a diversion from the road allowance on the south or west boundary of the district although the roads or road diversions are outside the boundaries of the County.

**CULTURAL FACILITIES:** development for the collection of literary, artistic, musical and similar reference materials, or, a building intended for live theatrical, musical, or dance performances. Typical facilities would include libraries, museums, art galleries, auditoriums, theatres and concert halls.

**CURB CUT:** the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel, and pedestrian and non-vehicular accessibility at intersections.

**DAY CARE SERVICES:** development licensed by the Province to provide daytime personal care, education or supervision to seven (7) or more children at one time for more than three (3) but less than twenty-four (24) consecutive hours in a day, and does not include overnight accommodation. Typical facilities would include daycare centres, day nurseries, drop-in centres, playschools and out of school care, but does not include home day care.

**DECK:** a hard surfaced (usually wooden) area usually adjoining a dwelling unit; more than 0.6 m (1.97 ft.) high above grade.

**DEMOLITION:** any act or process which destroys in part or whole any building or structure.



**DESIGNATED OFFICER:** Development Officer, Bylaw Enforcement Officer or any other official appointed by the Council or the Chief Administrative Officer to enforce the provisions of this Bylaw, pursuant to the provisions of the *Act*.

**DEVELOPABLE LAND:** the area of land that is the subject of a proposed subdivision less the total area of land required to be provided for roads and public utilities and land required to be provided as reserve land, pursuant to the provisions of the *Act*.

**DEVELOPER:** an owner, agent or any person, firm or company required to obtain or having obtained a development permit.

**DEVELOPMENT:** as defined by the *Act* means:

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

**DEVELOPMENT AGREEMENT:** a contract entered into between a municipality and a developer, the principal purpose of which is to negotiate and to establish the development regulations that will apply to the subject property during the term of the agreement and to establish the conditions to which the development will be subject including, without limitation, a schedule of fees.

**DEVELOPMENT AUTHORITY:** the Municipal Planning Commission or Development Officer of Big Lakes County, as per delegated authority based on the *Act*.

**DEVELOPMENT OFFICER:** the person(s) appointed as Development Officer in accordance with the Development Authority Bylaw.

**DEVELOPMENT PERMIT:** a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit.

**DISCONTINUED:** the time at which, in the opinion of the Development Officer, substantial construction activity or nonconforming use, or conforming use has ceased.

**DISCRETIONARY USE:** a use of land or buildings provided for in the District Regulations of the Bylaw, for which a development permit may or may not be issued with or without conditions.

**DRIVE-THROUGH BUSINESS:** an establishment that services customers travelling in motor vehicles driven onto the parcel where such business is carried out, where normally the customer either remains



in the vehicle for service or parks his vehicle for a short period for the purpose of doing business at the premises.

**DUGOUT:** the excavation of land which results in manmade features that entrap water and includes excavation for a water supply and borrow pits. At its deepest point, a dugout shall have a depth of no less than one (1) metre. Anything designed for a depth shallower than one metre may be considered an ornamental pond for landscaping purposes, excluding storm water management facilities or other features as required by the Subdivision Authority or Development Authority such as, but may not be limited to ponds for water supply or fire protection.

**DRY-WASTE LANDFILL:** any landfill development wherein only solid, inert waste/garbage is placed, and which is not reasonably expected to undergo physical, chemical and/or biological changes to such an extent as to originate substances which may have a negative environmental impact. Clay, sand, silt, gravel and other naturally occurring, uncontaminated aggregate fill materials are not considered dry-waste landfill for the purposes of this Bylaw.

**DWELLING OR DWELLING UNIT:** A building or portion of a building consisting of one (1) or more rooms operated or intended to be operated as a permanent residence for a household, containing cooking, sleeping and sanitary facilities only for that unit. Includes all buildings built in accordance with the provincial and municipal building code and meant for permanent residence.

**DWELLING, DUPLEX:** means a structure comprised of two attached dwelling units, either side by side or one above the other, with each unit having a separate entrance. A single-detached dwelling with a Secondary Suite is not a semi-detached dwelling.

**DWELLING, LIVE WORK UNIT:** means a building that contains a dwelling unit that is secondary to a floor space dedicated for the purpose of conducting work or providing a service with an internal connection between the two uses. For example, a dwelling unit is located above a convenience store; the convenience store is the primary land use and the owner of the convenience store lives in the attached dwelling unit. This is different than home occupations, where the dwelling unit is the primary use, and the occupation is the secondary use. (Bylaw 14-2021)

**DWELLING, MANUFACTURED HOME:** a dwelling unit built in accordance to the CSA Z240 MH Standard, (minimum mandatory from 1976 forward), intended for occupancy, a single-storey dwelling, designed in one or more modules, constructed at an off-site factory. The dwelling is transported to the site intended for occupancy where it is set up on a conventional, permanent concrete foundation, (a basement foundation, slab-on-grade, or crawl space) or other approved foundation (new CSA Z240 MH homes have not been allowed to be sited in Alberta since 1992), does not include Off-Site Residential Housing (Modular Homes or Ready-to-Move (RTM)).

**DWELLING, MOBILE HOME:** a dwelling which is prefabricated or factory built pre CSA Construction, optional to build homes to CSA Construction Standards from 1972 – 1976. A mobile home would include affixed running gear (axles).

**DWELLING, MULTI-UNIT (COLONY):** a multi-unit dwelling(s) and associated facilities which may be contained within one building or within multiple buildings and are directly associated with a colony. Multi-unit dwellings (colony) are designed to provide living accommodations to colony members and their families who are directly involved in the day-to-day function of the agricultural operation owned



and operated by the colony. Associated facilities may include a communal kitchen, dining room, school, or church. (Bylaw 21-2022)

**DWELLING, ROW HOUSE:** a building designed and built to contain three or more dwelling units with a separate exterior entrance at grade that shares no more than two party walls with adjacent dwelling units and intended as a permanent residence. No part of a dwelling unit is placed over another in part or in whole and every dwelling unit shall have separate, individual direct access to grade. For the purposes of this Bylaw row and townhouse units are considered to be row house dwellings. Row house units have the following features:

- (a) they are adjoined by a vertical party wall that is insulated against sound transmission; and
- (b) each dwelling unit has a minimum floor area of 80.0 m<sup>2</sup> (861.1 ft<sup>2</sup>).

**DWELLING, SINGLE DETACHED:** A building containing one (1) dwelling built in accordance with the Provincial Building Code, intended for occupancy, and built on a permanent foundation as defined in National Building Code.

**EASEMENT:** a right to use land, generally for access to other property or as a right-of-way for a public utility.

**EATING AND DRINKING ESTABLISHMENT:** development where prepared food and beverages are offered for sale to the public, for consumption within the premises or off site, but does not include adult entertainment or Cannabis Lounge. (Bylaw 11-2018)

**EAVES:** the projecting overhang at the lower edge of a roof.

**EDUCATIONAL SERVICES:** development for instruction and education purposes, involving assembly for educational, training or instruction purposes and includes administration offices, dormitory and accessory buildings. Typical facilities would include public and separate schools, private schools or seminaries, community colleges, universities, aboriginal schools, technical and vocational facilities.

**ENVIRONMENTALLY SENSITIVE LANDS:** means:

- (a) hazardous lands and areas that are unsuitable for development in their natural state (i.e. floodplains, steep and unstable slopes);
- (b) areas that perform a vital environmental, ecological or hydrological function (i.e. aquifer or recharge groundwater storage areas);
- (c) areas that contain unique geological or physiological features;
- (d) areas, buildings or features that are important for cultural, historical, prehistoric or archeological reasons;
- (e) areas that contain significant rare or endangered animal or plant species;





- (f) areas containing unique habitats with limited representation in the region or small remnants of previously abundant habitats which have virtually disappeared;
- (g) areas that contain large, relatively undisturbed habitats and provide shelter for species that are intolerant of human disturbance; and
- (h) areas that provide an important link for the natural migration of wildlife.

**EXCAVATION:** any breaking of ground, except common household gardening and ground care.

**FARM BUILDING:** the improvements used in connection with the raising or production of crops, livestock or poultry and situated on land used in connection with such farming operations but does not include a dwelling or Cannabis Production and Distribution Facility. (Bylaw 11-2018)

**FARMSTEAD:** the habitable residence and other improvements used in connection with the raising or production of crops, livestock or poultry, and situated on the same land used in connection with the above farming operations.

**FARMSTEAD SEPARATION:** the first parcel out of an unsubdivided quarter section containing an existing, habitable dwelling and associated buildings and related improvements.

**FENCE:** a vertical physical barrier constructed to prevent visual intrusion or unauthorized access or sound abatement.

**FILLING:** the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying drainage grades or building up a site for a proposed building or development, but does not include the import and placement of dry-waste or land fill waste materials.

**FLEA MARKET:** development used for the sale of new or used goods by multiple vendors renting tables or space in an enclosed building. Vendors may vary from day to day, although the general layout of space to be rented remains the same. The goods sold are generally household items, tools, electronic equipment, food products or concessions, plants, clothing and furniture.

**FLOODPLAIN:** the area of land along a river, stream or creek that is potentially at risk of flooding from time to time, based on a 1:100- year event as established by the County and/or the Province of Alberta. A floodplain consists of the low-lying land next to a watercourse that is subject to periodic inundation.

**FOUNDATION:** the lower portion of a building, usually concrete or masonry, and includes the footings and pilings which transfer the weight of and loads on a building to the ground

**FRAGMENTED PARCEL:** a parcel that is separated from the balance of a quarter section by a natural barrier such as a permanent watercourse or water body or by a physical barrier such as a roadway, highway or railway.

**FRONTAGE:** the length of a street boundary measured along the front lot line. On corner or double fronting lots all sides of a parcel adjacent to streets shall be considered frontage





**FRONT YARD** see YARD, FRONT.

**FUEL AND CHEMICAL SALES/STORAGE:** a development where refined or crude oil or liquid or solid chemicals are for sale and storage, including the sale of lubricants and other automotive fluids or motor vehicle accessories and the sales and storage of chemicals.

**FUNERAL SERVICE:** a facility designed for the purpose of furnishing funeral supplies and associated services to the public and includes facilities intended for the preparation of the dead human body for internment, the keeping of bodies other than in a cemetery, and the reduction of the human body through cremation. Typical uses include funeral homes and crematoriums.

**GARAGE:** an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles.

**GARAGE SUITE:** a secondary level to a garage that has a maximum height of the garage being 1 ½ stories (22ft.) which is fully self-contained and designed for living accommodations.

**GARDEN SUITE:** a dwelling with or without permanent cooking facilities, separate from the principal dwelling and intended as temporary accommodation for specified persons associated with the residents of the principal dwelling as farm help or in a care-giving or domestic capacity.

**GENERAL CONTRACTOR SERVICES:** development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site indoor and/or outdoor storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal General Contractor Services Use only. This use class does not include professional, financial and office support services.

**GENERAL INDUSTRIAL:** means the following activities:

- (a) the processing of raw or finished materials and includes food processing;
- (b) the manufacturing or assembly of goods, products or equipment;
- (c) development used for industrial service support and construction;
- (d) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;
- (e) the storage or warehousing of materials, goods and equipment, including petrochemical products and supplies;
- (f) the training of personnel in general industrial operations; and



(g) it may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial uses. A general industrial development shall not adversely affect surrounding non-industrial uses through the generation of emissions, noise, odours, vibrations, heat, bright light or dust.

(h) Cannabis Production and Distribution Facility is not included in this use class. (Bylaw 11-2018)

**GEOTECHNICAL REPORT:** a document signed and stamped by a professional engineer certified in the Province of Alberta that characterizes site soil and groundwater conditions and slope stability through field investigation and laboratory testing, and provides design and construction recommendations for proposed development.

**GRADE, BUILDING:** the ground elevation established for the purpose of regulating the number of stories and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**GRADE, DRAINAGE:** the ground elevation established in a lot drainage plan attached to an approved development permit for the purpose of controlling the flow of surface water on the parcel.

**GREENHOUSE:** commercial development for the growing, acclimating, propagating, harvesting, displaying and selling of fruits, vegetables, bedding, household, and ornamental plants and may include accessory uses related to the storing, displaying, and selling of gardening, nursery and related products. Cannabis Production and Distribution Facility is not included in this use class. (Bylaw 11-2018)

**GROSS FLOOR AREA:** the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centreline of fire walls but not including the floor areas of basements, attached garages, sheds, open porches or breezeways.

**GROUP HOME:** a dwelling which is recognized, authorized, licensed or certified by a public authority as a social care facility intended to provide room and board for foster children or disabled persons, or for persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision.

**GUEST HOUSE:** See "GARDEN SUITE."

**GUEST RANCH:** the accessory use of an owner-occupied ranch house that includes sleeping facilities which are rented on a daily basis to registered guests and meals are prepared in a residential kitchen.

**HAMLET:** an unincorporated community designated as a hamlet by Council pursuant to the *Act* as amended from time to time.

**HAZARD LANDS:** lands that may pose a hazard to human settlement or bio-diversity through man-made activities such as storage or hazardous materials (explosives, chemicals, gases, etc.).

**HEALTH SERVICE:** a building or structure where a professional health practitioner(s), including but not limited to doctors, dentists, optometrists, acupuncturists, naturopaths, chiropractors, physiotherapists and counsellors, excluding veterinarians, provide diagnosis and treatment to the general public without



overnight accommodations. Medical and Health Offices include such uses as x-ray and other diagnostic services as well as minor operating rooms and uses accessory to the provision of Medical and Health Services.

**HEAVY INDUSTRIAL:** an industrial use that due to its appearance, noise, odour, risk of toxic emissions, or fire and explosion hazards are incompatible with residential, commercial, and other land uses. Heavy industrial includes land treatment and general industrial uses that create nuisances that extend beyond the boundaries of the site but does not include agriculture or Cannabis Production and Distribution Facility. (Bylaw 11-2018) This use should normally be located on the interior of industrial or agricultural areas, such that it does not interfere with the safety, use, amenity or enjoyment of any surrounding districts.

**HIGH GROUNDWATER TABLE:** a water table level measuring less than 2.0 m (6.6 ft.) from the ground surface, or as otherwise determined by a geotechnical professional.

**HIGHWAY:** 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, subject to the direction, control and management of Alberta Transportation.

**HIGHWAY COMMERCIAL BUILDING:** a commercial building intended primarily for the use of the travelling public and which is located on a parcel adjacent to a major route designated as a public highway pursuant to the *Public Highway Development Act*;

**HOME DAY CARE:** when a dwelling unit is used to provide a facility and/or program for the care, maintenance and supervision, without overnight accommodation, of six (6) or fewer children under the age of fifteen (15) years, for periods of more than three (3) but less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare.

**HOME OCCUPATION (MINOR):** the use of a residential building to conduct a business or commercial enterprise. The business portion shall be incidental or subordinate to the primary residential function and shall be limited to the confines of the residence. For the purposes of clarification this includes hairdressers, accountants, cosmetic sales, seamstresses, and other similar uses. Cannabis Production and Distribution Facility and Cannabis Retail Store, and Cannabis Lounge are not included in this use class. (Bylaw 11-2018)

**HOME OCCUPATION (MAJOR):** the use of a building and/or site which is incidental to the principal residential use of the building and/or site and shall not be limited to the confines of the primary use dwelling. Accessory buildings may be utilized. Cannabis Production and Distribution Facility and Cannabis Retail Store, and Cannabis Lounge are not included in this use class. (Bylaw 11-2018)

**HOTEL:** the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities. Hotels may include accessory eating and drinking establishments, meeting rooms, and personal service shops.

**INDUSTRIAL CAMPS:** a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time.



**INDUSTRIAL WELLSITE TRAILER:** a factory-constructed relocatable industrial dwelling unit designed to be used as temporary living quarters containing sleeping, cooking, living and sanitary facilities. Included in this definition are industrial wellsite office units. (Bylaw 01-2023)

**INFILL DEVELOPMENT:** the process of developing vacant or under-used parcels within existing urban areas that are already largely developed.

**INSTITUTIONAL USE:** uses for the purpose of assembly, education, health care, public administration, or public service, and shall also include uses related to culture or other community, area, or regional activities as determined by the Development Authority.

**INTERNAL ROAD:** A public roadway that provides access to lots within a multi-parcel subdivision.

**KENNEL:** development used for the breeding, boarding, caring or training of dogs. Typical facilities include dog boarding and dog training establishments, and animal rescue homes.

**LAND FARM:** A site used for the rehabilitation of soils contaminated by hydrocarbons and other petroleum refinery wastes. Soils within a Land Farm are treated through aeration or cultivation practices.

**LANDSCAPING:** to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, or other structures and materials as used in modern landscape architecture but does not include changes in grade, stockpiling and excavation

**LANE:** a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (33.0 ft.) and is not less than 6.0 m (20.0 ft.) wide, and which provides a secondary means of access to a parcel or parcels

**LIQUOR MANUFACTURING:** an establishment where beer, wine or alcoholic spirits are produced on site and are for retail sale; however, are not to be consumed on site. This facility must be appropriately licensed by the Alberta Gaming, Liquor and Cannabis Commission. Cannabis Production and Distribution Facility and Cannabis Retail Store are not included in this use class. (Bylaw 11-2018)

**LIQUOR SALES:** the wholesale or retail sale or distribution to the public of any and all types of alcoholic spirits or beverages as defined by the Alberta Gaming, Liquor and Cannabis Commission. Cannabis Retail Store is not included in this use class. (Bylaw 11-2018)

**LOT:**

- (a) a quarter section;
- (b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
- (c) a settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;



- (d) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
- (e) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision, as defined in the Act.

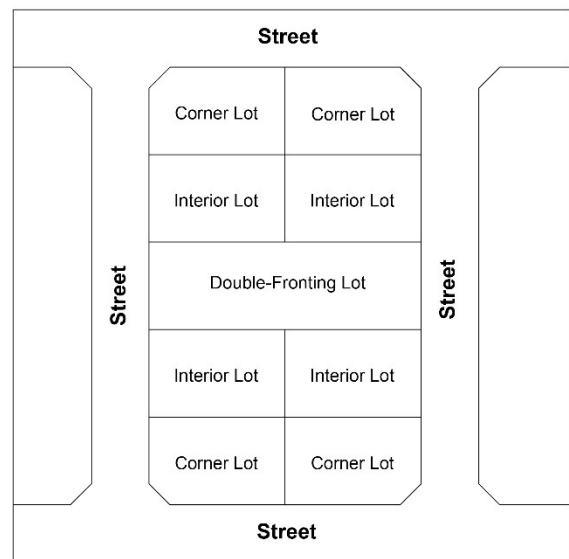
**LOT COVERAGE:** in the case of a residential building or structure, the combined area of all buildings on the parcel, measured at the level of the lowest storey above grade, and in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including in both cases, square footage of all porches and verandas, open or covered but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within a building except inner and outer courts.

**LOT DEPTH:** the average horizontal distance between the front and rear lot boundaries.

**LOT, DOUBLE-FRONTING:** a site which abuts two public roadways, excluding lanes, which are parallel or nearly parallel where abutting the site. In the case of a double-fronting lot, either street line may be considered the front line, but the other street line shall be the rear lot line.

**LOT, INTERIOR:** a site which abuts another property line on either side of its side property line.

**LOT WIDTH:** the distance between the side property lines of a parcel at the minimum permissible front yard, measured parallel to the road or to the tangent on a curved road.



**MAINTENANCE YARD:** premises for the storage, manufacture, maintenance or repair of buildings, infrastructure, materials or equipment. A maintenance works yard may include uses such as a machine shop, paint shop, sign shop, woodworking shop, repair garage or storage facility.

**MANUFACTURED HOME COURT:** Any parcel where three (3) or more pads for Manufactured Homes are located, regardless of tenure type. This does not include industrial camps.

**MARINA:** a development which provides a sheltered area where boats are kept in the water and services for the needs of recreational boating purposes are found. This may include re-fueling, washing and repair stations.

**MAY:** is an operative word used to indicate that a choice is available, with no particular direction or guidance intended.



**MINOR:** where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the discretion of the Development Officer, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area.

**MOTEL:** the provision of rooms or suites for temporary sleeping accommodation, where each room or suite has its own exterior access and may be equipped with individual kitchen facilities. Motels may include accessory eating and drinking facilities and an office for motel administration. (Bylaw 07-2018)

**MULTI-LOT RESIDENTIAL SUBDIVISION:** a subdivision of a parcel that requires the construction of internal roadways.

**MUNICIPAL DEVELOPMENT PLAN:** The Big Lakes County Municipal Development Plan.

**MUNICIPAL TAG:** a notice issued by the Municipality pursuant to the Municipal Government Act for the purpose of providing a person with an opportunity to acknowledge a contravention of this Bylaw and to pay a penalty directly to the Municipality, in order to avoid prosecution for the contravention. (Bylaw 03-2020)

**MUNICIPAL WASTE WATER LAGOON:** a pond used to purify sewage by allowing sunlight, oxygen and bacteria to act on the mixture of sewage and water.

**NATURAL RESOURCE PROCESSING:** the processing of natural resources, including, but not limited to, minerals, sand, gravel, coal, peat, limestone, gypsum, wood, granite and salt. Gravel, processing may include crushing, washing and the preparation of asphalt.

**NON-CONFORMING BUILDING:** a building 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, 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:** a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective; and, 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 this Bylaw.

**OCCUPANCY:** the use or intended use of a building or part thereof for the shelter or support of persons or property.

**OFF-SITE RESIDENTIAL HOUSING (MODULAR HOMES and READY-TO-MOVE (RTM)):** a dwelling built in accordance with the Provincial Building Code (as certified by the CSA A277 quality control standard), intended for occupancy designed in one or more modules constructed at an off-site factory, construction site, plant site, or building yard. The dwelling is transported to the site intended for occupancy where it is set up on a permanent foundation as defined in the National Building Code but does not include a Manufactured Home.

**OFFICE:** a facility providing for the administration of business or government, or the provision of professional services. (Bylaw 07-2018)



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

**OILFIELD SERVICES:** a development used to provide services for field operations in the exploration and ground extraction of fossil fuels.

**OWNER:**

- (a) in matters of unpatented land, the Crown;
- (b) in matters of other land, the person who is registered under the *Land Titles Act* as amended from time to time as the owner of the fee simple estate in the lands; and
- (c) in respect of any property other than land, the person in lawful possession of it.

**PARCEL:** the aggregate of the one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

**PARK:** an area of land that is used for recreation purposes and may include such facilities as playground equipment, pedestrian and bicycle paths, landscaped areas, picnic areas and associated public washrooms.

**PARKING FACILITY:** the area on-site set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic/landscaping islands where they are part of the parking facility.

**PARKING STALL:** a hard-surfaced space set aside for the parking of one vehicle.

**PEACE OFFICER:** any sworn member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act, SA 2016, P-35 and any amendments thereto and employed by contract to the County. (Bylaw 03-2020)

**PERMITTED USE:** the use of land or building provided for in the District Regulations of this Bylaw for which a development permit shall be issued with or without conditions upon application having been made which conforms to the Land Use Bylaw.

**PERSONAL SERVICE ESTABLISHMENT:** a development used for the provision of personal services to an individual which are related to cleaning and repair of personal effects or of the care and appearance of the body. Typical uses include, but are not limited to the following: hairdressers, shoe repair, dress makers, laundry cleaning and jewelers. This does not include uses which are determined by the Development Officer to be strictly for adult entertainment purposes.

**PLACE OF WORSHIP:** a building for public religious worship.

**PRESSURE VESSEL STORAGE:** A closed container designed to store gases or liquids at a pressure different the ambient pressure.



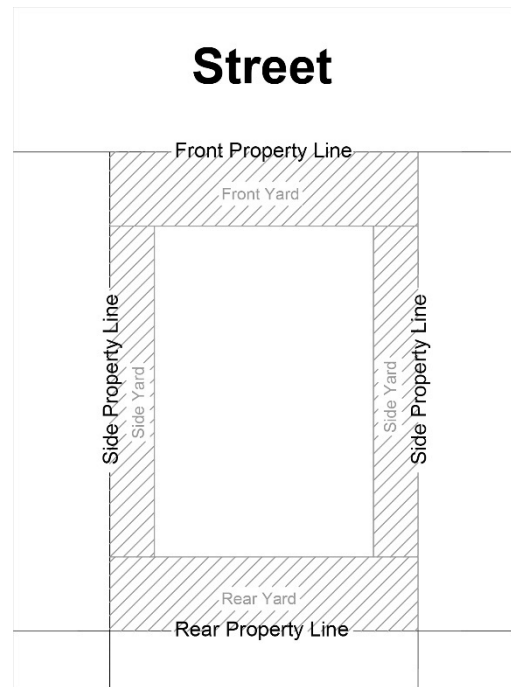


**PRINCIPAL BUILDING OR USE:** the primary building or use for which the site is ordinarily used. Garages, lofts, boathouses and similar building or uses on lots which have a developed and usable residence shall not be regarded as a primary building or use in residential land use districts. There can only be one principal building or use on a single lot.

**PROPERTY LINE, FRONT:** the property line adjacent to the public roadway other than a lane, and, in the case of more than one property line adjacent to the public roadway, the front property line shall be the shorter of the two. In the case that both lot lines are the same length, the front lot line shall be designated at the discretion of the development authority. In the case of a double-fronting lot, either street line may be considered the front line, but the other street line shall be the rear lot line. Where lots abut Lesser Slave Lake, the front property line shall be the boundary adjacent to the Lake.

**PROPERTY LINE, REAR:** the boundary line of a lot lying opposite to the front line of the lot and/or farthest away from a highway or road.

**PROPERTY LINE, SIDE:** the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side property line.



**PUBLIC ROAD:** the right-of-way for a highway, street or lane that is registered at the Land Titles Office and is used or intended to be used to accommodate vehicular traffic, and includes a bridge forming part of a public roadway or any structure incidental to a public roadway as defined in the Act.

**PUBLIC WORKS BUILDING:** any building, structure, facility, yard or complex used by the County to facilitate the performance of, or storage with respect to, the maintenance and care of public infrastructure.

**RECREATION – EXTENSIVE:** means uses which are located in areas to take advantage of natural physical features and to provide for non-facility oriented recreational activities such as hunting, trail riding, snowmobiling, hiking, cross-country skiing, rustic camping and similar uses in rural areas;

**RECREATION – INTENSIVE:** high density recreational activities such as picnic grounds, fishing lodges, beach areas, private marinas, riding stables, sports fields, curling rinks, arenas, cabins, skating rinks, swimming pools, bowling alleys and golf courses, but does not include campgrounds.

**RECREATIONAL VEHICLE:** a portable structure intended as temporary accommodation for travel, vacation, or recreational use. Such structures may include but not be limited to a motor home, fold-down camping trailer, truck camper, holiday trailer, fifth wheel travel trailer, and park model trailer. (Bylaw 16-2017) Conventional or converted mobile homes are not recreational vehicles, as defined under this bylaw.





**RECREATIONAL VEHICLE - PERMANENT:** a permanently parked structure impeded from moving by decking or skirting intended as accommodation for recreational use. Such structures may include but not be limited to a motor home, holiday trailer or fifth wheel travel trailer. Conventional or converted mobile homes are not recreational vehicles, as defined under this bylaw.

**RECREATIONAL VEHICLE PARKING SITE:** a plot of ground intended for the accommodation of a recreational vehicle. It can either be a serviced or non - serviced Site. The Site is normally provided with an activity pad containing a fire pit and picnic table and landscape buffer between adjacent stalls and uses.

**RESORT:** land that is generally used for recreational living purposes and includes a natural or man-made feature such as a recreational lake or golf course that is connected to the resort. Resorts may be subdivided within the context of a bareland condominium or unsubdivided when intended for short term occupancy to service the travelling public.

**RETAIL STORE:** development used for the retail sale of a wide variety of consumer goods from within an enclosed building. Minor government services, such as postal services, are permitted within retail stores. Cannabis Retail Store is not included in this use class. (Bylaw 11-2018)

**RURAL FARMLAND ASSESSMENT:** the agricultural use value of land used as determined by the Act.

**SALVAGE YARD:** a scrapyards or junkyard (also called wreck yard, wrecker's yard, salvage yard, breakers yard and scrapheap), which is the location of a dismantling business where wrecked or decommissioned vehicles are brought, their usable parts are sold for use in operating vehicles, while the unusable metal parts, known as scrap metal parts, are sold to metal-recycling companies.

**SEA CAN:** a large standardized shipping container, designed and built for intermodal freight transport meaning these containers can be used across different modes of transport – from ship to rail to truck – without unloading and reloading their cargo. They are also known as SHIPPING, INTERMODAL, OCEAN or BOX CONTAINER(S) or C-CAN.

**SERVICE STATION:** an establishment used for the sale of gasoline, propane or other automotive fuels or petroleum products; and may include the sale of other accessories for motor vehicles. Typical uses include gas bars, car washes, and may also include an eating and drinking facility and/or convenience store, but does not include servicing and minor repair of motor vehicles.

**SETBACK:** the distance that a development, or a specified portion of it, must be set back from a property line.

**SEWAGE COLLECTION SYSTEM** consists of a CSA approved sealed impermeable holding tank.

**SHALL:** is an operative word used throughout this bylaw to indicate a direct obligation or requirement that is non-negotiable.

**SHORELINE:** the land covered by water for such a period of time that it no longer features the natural vegetation or marks a distinct boundary from the water environment and the soil of the waterbody and the vegetation of the surrounding land.



**SIGN:** 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.

**SIGHT TRIANGLE:** The triangle formed by a straight line drawn between two (2) points on the exterior property lines of the said site, 6.0 m from the point where they intersect.

**STEEP SLOPES:** Any land with a slope angle of 20% or greater for a minimum of 30 feet horizontally.

**STORAGE FACILITY:** land and/or buildings designed and available for rent for the storage of recreational vehicles or motor sport vehicles when not in use. This does not include camping, vehicles or goods of a non-recreational nature, storage containers, salvage of abandoned vehicles or equipment, construction material, dangerous or hazardous goods or materials. (Bylaw 01-2018)

**STORAGE TANK, ABOVE GROUND:** a tank that sits on or above the ground and whose top and complete external sides can be visually inspected. The tank is used is for the storage, commercialization, and sale of crude oil and/or other petroleum or chemical products.

**STOREY:** a floor of a building, excepting the basement.

**STOREY, HALF:** that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor.

**STREET:** a right-of-way no less than 10.0 m (32.8 ft.) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane or as defined as a street in the *Highway Traffic Act*.

**STRUCTURE:** a building (including eaves) or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land.

**SUBDIVISION AUTHORITY:** a Subdivision Authority established Pursuant to the *Act*.

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD** means the Subdivision and Development Appeal Board appointed pursuant to the provisions of the *Act*.

**SUBDIVISION OFFICER:** a person authorized to accept, process and endorse subdivisions on behalf of the subdivision authority pursuant to the provisions of the *Act*.

**TRANSLOADING FACILITY:** a facility used for the process of transferring a product 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 product shall only be allowed if there are approved storage tanks on site. (see also "STORAGE TANK, ABOVE GROUND")

**TEMPORARY DEVELOPMENT:** a development for which a development permit has been issued for a limited time only.



**TEMPORARY USE OR BUILDING:** a use or building developed on a parcel which is not permanent in nature and can conveniently and economically be removed so as to not prejudice the future subdivision or development of that parcel.

**TEMPORARY LIVING ACCOMMODATION:** any recreational vehicle, holiday trailer, camper or tent situated on a residential lot.

**TOURIST HOME:** a dwelling unit operated as a temporary place to stay, with or without compensation, and includes all vacation rentals of a dwelling unit. The characteristics that distinguish a tourist home from a dwelling unit used as a residence may include any of the following:

- a. the intent of the occupant to stay for short term vacation purposes rather than use the property as a residence; and/or
- b. the commercial nature of a tourist home; and/or
- c. the management or advertising of the dwelling unit as a tourist home or “vacation property”; and/or
- d. the use of a system of reservations, deposits, confirmations, credit cards or other forms of electronic payment.

These examples do not represent an exhaustive list of operating practices that may constitute a tourist home.

**TRUCKING OPERATION:** a parcel of land that is used to store trucks and related equipment. May include a maintenance shop/garage and office.

**USE:** a use of land or a building as determined by the Development Officer.

**UTILITY:** the components of a sewage, storm water or solid waste disposal system, or a telecommunication, electrical power, water, gas or oil distribution system.

**UTILITY BUILDING:** a building in which the proprietor of a utility company, cooperative or the County maintains his office or offices and/or maintains or houses any equipment used in connection with the utility. Equipment may include a potable water reservoir.

**VEHICLE SALES/RENTALS:** the retail sale or rental of new or used automobiles, bicycles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles, together with incidental maintenance services, sales of parts and accessories. This includes automobile dealerships.

**VIOLATION TICKET:** a ticket issued pursuant to the Provincial Offences Procedure Act RSA 2000, Chapter P-34. (Bylaw 03-2020)

**WATER BODY:** the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh, or other natural body of water whether it contains or conveys water continuously or intermittently.



**WAREHOUSING:** a structure used for the storage and distribution of raw materials, processed or manufactured goods, and establishments providing servicing for those purposes. Cannabis Production and Distribution Facility is not included in this use class. (Bylaw 11-2018)

**WATER RESERVOIR:** a natural or artificial place where water is collected and stored for use, especially water for supplying a community, irrigating land, furnishing power, etc.

**YARD:** a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded parcel, unless otherwise permitted in this Bylaw.

**YARD, FRONT:** that portion of the parcel extending across the full width of the parcel from the front property boundary line of the parcel to the front wall of the main building.

**YARD, REAR:** that portion of the parcel extending across the full width of the parcel from the rear property boundary of the parcel to the exterior wall of the principal building.

**YARD, SIDE:** that portion of the parcel extending from the front yard to the rear yard and lying between the side property boundary of the parcel and the nearest portion of the exterior wall of the principal building.

**YARD, ZERO SIDE:** a case where a development is allowed to be built on an interior lot line with no required side yard setback to the side upon which the development(s) are located.



## **PART II: Development Control Agencies**

### **2.1 Municipal Planning Commission**

- 2.1.1. The Municipal Planning Commission established by separate County Bylaw is authorized to act as the Development Authority.
- 2.1.2. The Municipal Planning Commission shall:
  - (a) issue decisions for development permit applications for those uses listed as Discretionary Uses in the subject land use district and determine the method of notification;
  - (b) issue decisions for those uses listed as Permitted Uses which the Development Officer refers to the Municipal Planning Commission; and,
  - (c) perform such other duties as described in this bylaw or as may be assigned to it by Council.

### **2.2 Subdivision and Development Appeal Board**

- 2.2.1. The Subdivision and Development Appeal Board is established through separate County Bylaw.
- 2.2.2. The Subdivision and Development Appeal Board shall perform such duties as specified in the *Act*.

### **2.3 Office of the Development Officer**

- 2.3.1. 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 of Council.
- 2.3.2. For the purposes of the *Act*, the Development Officer is hereby declared to be a Designated Officer of the County.
- 2.3.3. The Development Officer shall perform such duties as are specified in this Land Use Bylaw, including among other things:
  - (a) keeping and maintaining for the inspection of the public during all regular hours, a copy of this Land Use Bylaw and all amendments thereto; and
  - (b) keeping a register of all applications for development including the decisions thereon and the reasons therefore;
- 2.3.4. For the purposes of this Bylaw, both the Development Officer and the Municipal Planning Commission shall constitute the Development Authority of Big Lakes County.
- 2.3.5. For the purposes of right of entry, the Development Officer is hereby authorized to carry out the duties and powers of a Designated Officer pursuant to the *Act*.



- 2.3.6. For the purposes of municipal inspections and enforcement, pursuant to the *Act*, the Development Officer is hereby designated as authorized by Big Lakes County to discharge the relevant powers and functions.

## **2.4 Office of the Subdivision Officer**

- 2.4.1. The office of the Subdivision Officer is hereby established and such office shall be filled by a person or persons appointed by Resolution of Council.
- 2.4.2. The Subdivision Officer or designate(s) shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this bylaw and all amendments thereto; keep a register of all applications for subdivision, including the decisions thereon and the reason therefore.
- 2.4.3. For the purposes of the *Act*, the Subdivision Officer or his designate(s) is/are hereby declared to be a Designated Officer of Big Lakes County.
- 2.4.4. For the purposes of this Bylaw, both the Subdivision Officer, and the Municipal Planning Commission shall constitute the Subdivision Authority of Big Lakes County.



## **PART III: Development Control**

### **3.1 Development Permit Required**

No development other than that designated in this Bylaw shall be undertaken within the County unless an application for it has been approved and a development permit has been issued.

### **3.2 Where a Development Permit is Not Required**

The following developments shall not require a development permit provided the proposed development complies with all other provisions of this Bylaw.

- 3.2.1. The construction, completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land.
- 3.2.2. The maintenance or repair of any conforming building if the work does not include structural alterations.
- 3.2.3. Extensive agricultural operations including the sowing and harvesting of crops, tillage of soil, and fencing.
- 3.2.4. The completion of a building which was lawfully under construction on the date of the first publication of the official notice of this bylaw as required by the *Act*, provided that the building is in accordance with the terms of any permit granted in respect of it, within a period of twelve (12) months from said date of the first publication of the official notice.
- 3.2.5. The use of any such building(s) as are referred to in subsection (3.2.4) above for the purpose for which construction was commenced.
- 3.2.6. Water reservoirs or dugouts for water supply, in conformance with the setback requirements of the applicable land use district.
- 3.2.7. Above ground pre-manufactured swimming pools with a water volume less than 6.11 cubic metres (72 cubic feet).
- 3.2.8. Solar panels affixed to a roof or wall of existing buildings.
- 3.2.9. Foster Homes under approval of the Province of Alberta.
- 3.2.10. The erection of an uncovered deck which has a height of less than 0.6 m (1.97 ft.) above grade, and which is accessory to a residential structure.
- 3.2.11. The construction of farm buildings in the AG district, excluding farm dwellings, provided that setbacks and other land use regulations of this bylaw are complied with.



- 3.2.12. Hard-surfacing of any yard area on a parcel for the purpose of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does not direct surface run-off onto adjoining properties or re-route existing drainage channels.
- 3.2.13. The erection of freestanding towers, electronic equipment, flag poles and other poles not exceeding 6.1 m (20.0 ft.), provided that the structure is not located in a front yard or on a building or structure in the AG District, or falls within an airport overlay.
- 3.2.14. Landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, drainage, stockpiling or excavation.
- 3.2.15. The erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
- (a) such signs are removed within fourteen (14) days of the election date;
  - (b) the consent of the property owner or occupant is obtained;
  - (c) such signs do not obstruct or impair vision or traffic; and
  - (d) such signs indicate the name and address of the sponsor and the person responsible for removal;
- 3.2.16. The erection or construction of 10.0 m<sup>2</sup> (107.6 ft.<sup>2</sup>) maximum floor area storage or garden sheds provided they meet the setback requirements for an accessory building and site coverage regulations as defined under this Bylaw.
- 3.2.17. A fence no higher than 1.83 m (6 ft).
- 3.2.18. A Home Occupation (minor), provided that the provisions of 6.23.2 of this bylaw are adhered to:
- 3.2.19. Those developments, uses and activities exempted under the *Act*.

### **3.3 Application for Development Permit**

- 3.3.1. An application for a development permit shall be made to the Development Authority in writing on the application form provided by the County in conformance with this Bylaw, and shall:
- (a) be accompanied by a fee set by Council;
  - (b) be signed by the registered owner or their agent where a person other than the owner is authorized by the owner in writing to make application;
  - (c) the correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration;





- (d) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer; and
- (e) at the discretion of the Development Officer, include site plans at a scale satisfactory to the Development Officer, showing any or all of the following:
- i. front, side and rear yards;
  - ii. outlines of the roof overhangs on all buildings;
  - iii. north point;
  - iv. legal description of the property;
  - v. location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
  - vi. the provision of off-street loading and vehicle parking;
  - vii. access and egress points to and from the parcel;
  - viii. location of water and sewage collection systems;
  - ix. the grades of the adjacent streets and lanes;
  - x. the exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;
  - xi. the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable;
  - xii. a site grading plan indicating but not limited to indicating the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel;
  - xiii. stormwater drainage plan;
  - xiv. on a vacant parcel in a residential district, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
  - xv. estimated cost of the project, excluding land prices; and
  - xvi. any other information or tests respecting the parcel or adjacent lands which is pertinent to an assessment of the conformity of the proposal to this Bylaw and any other Bylaws or resolutions of Council dealing with development.



- 3.3.2. The Development Officer may require the applicant to provide written consent to enter upon the subject property to verify compliance of all existing and proposed development(s) with this Bylaw.
- 3.3.3. The Development Authority may require the applicant to provide a real property report to be submitted by the applicant to verify compliance of all existing and proposed buildings with this Bylaw;
- 3.3.4. Upon receipt of a development permit application, the Development Officer shall, within twenty (20) days, issue a written notice to the applicant that the application is complete. If the Development Officer determines that the application is incomplete, a written notice shall be issued to the applicant stating that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed upon in order for the application to be considered complete. If the information is not submitted on or before the set date, the application shall be deemed refused. A written notice shall be issued to the applicant that the application has been refused and the reason for refusal. (Bylaw 07-2018)
- 3.3.5. In the case of a development permit application made pursuant to a Direct Control District, all requirements and procedures pertaining to the development permit application will be at the discretion and satisfaction of Council. Council may approve, with or without conditions, or refuse the application, giving reasons for refusal.
- 3.3.6. In determining the development permit application requirements and procedures pursuant to Section 3.3.5, Council may consider and be guided by the provisions outlined in Section 3.3.1 and shall require the applicant to submit all of the following for the purpose of relating any proposal to the growth of the entire County:
- (a) an explanation of the intent of the project;
  - (b) the features of the project which make it desirable to the general public and Big Lakes County. This is to include an evaluation of how the project may contribute to the present and projected needs of the County as a whole;
  - (c) an economic analysis of the proposal's anticipated economic impact on the County; and
  - (d) a detailed application containing the following information:
    - i. location of all proposed buildings;
    - ii. elevation and architectural treatment of all buildings and associated structures;
    - iii. proposed servicing scheme and its relationship to the County's existing and/or proposed servicing plans;
    - iv. anticipated scheduling and sequence of development;



- v. mechanisms by which conformance to the plan will be ensured such as normally achieved through a combination of caveats, easements, servicing agreements and performance bonds;
  - vi. all yard setbacks, parcel coverage, parcel areas, floor areas, sizes of parcels, number of parking stalls; and
  - vii. such additional requirements as are determined necessary by Council having regard to the nature of the proposed development and the surrounding use(s) which may be effected.
- 3.3.7. In case of an application for a Development Permit on Crown land, the County will require Provincial authorization prior to the issuance of a Development Permit.

## **3.4 Decisions on Development Permit Applications**

### **3.4.1. Permitted / Discretionary Uses**

- (a) Upon receipt of a completed application, the Development Officer shall approve, with or without conditions, the application for a permitted use where the proposed development conforms to this Bylaw.
- (b) The Development Officer shall refer the application (with recommendations) for a discretionary use to the Municipal Planning Commission for decision.
- (c) The Development Officer, Municipal Planning Commission, or Council, may impose conditions on the approval of a development. These conditions may include:
  - i. a Real Property Report, signed by an Alberta Land Surveyor, be submitted along with a signed authorization form or letter from the Alberta Land Surveyor stating that Big Lakes County may 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. that the applicant enters into a development agreement, in accordance with the Act, as amended, with the County to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the County may be protected by caveat registered in their favour;
  - iii. financial guarantees, in a form and an amount acceptable to the County, from the applicant to secure performance of any of the conditions of a development permit;
  - iv. any other condition considered necessary by the development authority to uphold the intent and objectives of any area structure plan, statutory plan, or land use regulation as adopted or amended from time to time; and



- v. any condition deemed appropriate ensure the orderly and economic development of land within the County.

### **3.4.2 Temporary Use Approval**

Where a development permit is not required on a permanent basis, the Development Authority may approve the development for a specified period of time. The expiry date of all temporary development permits shall be clearly indicated on the notice of decision.

### **3.4.3. Direct Control District Subdivision and Development Permit Applications**

- (a) Upon receipt of a completed application for a subdivision or development permit pursuant to a Direct Control District, Council may, prior to making a decision, refer the application to the Development Officer, Municipal Planning Commission, any municipal department, or external agency for comment.
- (b) At some point, as determined by Council, prior to deciding upon the subdivision or development permit application before it, Council shall provide public notice, through means and to whom it considers necessary, that a decision on a subdivision or development permit pursuant to a Direct Control District is to be made and that Council shall afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.
- (c) Council may approve, with or without conditions, or refuse the application, giving reasons for the refusal.

### **3.4.4. Variance Provisions**

The Development Officer may, in deciding upon an application for a permitted use, allow a variance to a maximum of 10% of the stated setback or other quantitative development regulation provided that, in the opinion of the Development Officer, such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of land.

### **3.4.5. Limitations on Variance Provisions**

When considering an application for a development permit that requires a variance, the Development Authority shall adhere to the general purpose and intent of the appropriate land use district and to the following:

- (a) a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district.
- (b) except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing density.
- (c) where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Officer to relax a regulation of a land use district or any other



regulation of this Bylaw, they shall not permit any variance from that regulation other than that contained in Section 3.4.3.

### **3.5 Notice of Proposed Development**

3.5.1. Prior to an application being considered for a discretionary use, or a permitted use with a variance to a quantitative requirement such as a setback distance, the Development Officer shall require one or more of the following:

- (a) cause a notice to be posted in a conspicuous place on the parcel upon which the proposed development is situated not less than fourteen (14) days prior to the date of consideration of such an application;
- (b) cause a similar notice to be advertised in accordance with the Public Notification Bylaw in effect at that time (Bylaw 14-2020); and/or
- (c) cause a similar notice to be sent by mail to all assessed property owners within one (1) kilometer of the parcel, and to those assessed property owners who, in the opinion of the Development Officer, may be affected, not less than fourteen (14) days prior to the date of consideration of the application.

3.5.2. The notices issued pursuant to Section 3.4 shall state:

- (a) the proposed use of the building or parcel;
- (b) that an application respecting the proposed use will be considered by the Development Authority;
- (c) that any person who objects to the proposed use of the parcel may deliver to the Development Officer a written statement of their objections indicating:
  - i. their full name and address for service of any notice to be given to them in respect of the objection, and
  - ii. the reasons for their objections to the proposed use; and
- (d) the date by which objections must be received by the Development Officer

3.5.3. When considering applications under Section 3.5.2 for which notices have been served, the Development Authority may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

### **3.6 Notice of Decision**

3.6.1. All decisions on applications for a development permit shall be given in writing to the applicant.



- 3.6.2. If an application is refused by the Development Authority, the notice of decision shall contain the reasons for the refusal.
- 3.6.3. When an approval decision on a development permit is made, the Development Officer shall undertake or be directed to undertake by County Council, as the case may be, any or all of the following:
- (a) cause a notice to be advertised in accordance with the Public Notification Bylaw in effect at that time (Bylaw 14-2020); and/or
  - (b) immediately mail a notice to all assessed property owners within one (1) km of the parcel with respect to which the application has been made and to those assessed property owners who, in the opinion of the Development Officer, may be affected.
- 3.6.4. The notices issued pursuant to Section 3.6.3 shall indicate:
- (a) the date a decision on the development permit application was made;
  - (b) the location and use of the parcel in respect of which the application has been made and the decision of either the Development Authority or Council; and
  - (c) that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board within twenty one (21) days after the date on which the notice of the issuance of the permit was given. (Bylaw 07-2018)
- 3.6.5. No right to appeal exists on decisions that are made by Council within a Direct Control District.
- 3.6.6. Notwithstanding 3.6.3, notification other than to the applicant and/or subject landowner is not required where the proposed use is described as a permitted use and no variance is granted.

### **3.7 Effective Date of Permit**

- 3.7.1. The decision on a development permit application shall come into effect:
- (a) If it is made by the Development Officer, Municipal Planning Commission, or Council, on the date of decision (Bylaw 07-2018); or
  - (b) If an appeal is made, on the date that the appeal is finally determined.

### **3.8 Validity of Development Permits**

- 3.8.1. A development permit is valid unless:
- (a) it is suspended or cancelled; or
  - (b) the development that is the subject of the development permit is not commenced within twelve (12) months from the date of the issuance of the development permit, or not carried out with reasonable diligence; or



- (c) the development that is the subject of the development permit is not commenced within a time period specified in the permit or not carried out with reasonable diligence, if the Development Officer, or Council has specified that the development permit is to remain in effect for less than twelve months.

3.8.2. If the development has not commenced prior to the expiry date of the permit:

- (a) the Development Officer may grant a one-time extension to a development permit's effective date for a maximum of one year where the permit was for a building or use which was permitted or in the opinion of the Development Officer, does not adversely impact the use, enjoyment or value of neighbouring properties;
- (b) time extensions not in accordance with subsection (a) above, may be granted by the Municipal Planning Commission, based upon a review of the permit and its merits;
- (c) time extensions granted under this section do not apply to land uses or buildings where the permit has a functional time deadline as in the case of a gravel extraction permit.

3.8.3. Temporary Development Permits shall have the expiry date of the permit clearly indicated on the notice of decision, with an opportunity for extension at the discretion of the Development Authority.

### **3.9 Deemed Refusals**

In accordance with the *Act*, an application in completed form 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, as deemed by the Development Authority, being received by the Development Officer unless an agreement to extend the 40-day period herein described is established between the applicant(s) and the Development Officer.

### **3.10 Subsequent Applications**

If an application for a development permit is refused by the Development Authority or on an appeal from the Subdivision and Development Appeal Board, the Development Authority may refuse to accept subsequent development permit applications for the same or similar use on the same parcel unless, in the opinion of the Development Authority, the reasons for refusal have been adequately addressed, or the circumstances of the application have changed significantly.

### **3.11 Suspension or Cancellation of Development Permits**

3.11.1. If, after a development permit has been issued, the Development Officer becomes aware that:

- (a) the application for the development contains a misrepresentation; or
- (b) facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or



- (c) the development permit was issued in error; or
- (d) the conditions of development permit approval are not complied with in a satisfactory manner,  
  
the Development Officer, may suspend or cancel the notice of decision or the development permit by notice, in writing, to the holder of it.

3.11.2. If a person fails to comply with a notice under the Act, the Development Officer may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.

3.11.3. A person whose development permit is suspended or cancelled under this Section may appeal to the Subdivision and Development Appeal Board.

### **3.12 Applicant's Responsibility**

3.12.1. An applicant to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, gas, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.

3.12.2. The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.

3.12.3. The applicant shall prevent excess soil or debris from being spilled on public road allowances streets, lanes, sidewalks, lakes, and run-off lanes and shall not place soil or any other materials on adjacent parcel without permission in writing from adjacent property owners.

3.12.4. A professional scaled drawing prepared by an Alberta Land Surveyor or Survey Technician shall be provided where the footprint of the building is within 2.0 metres (6.6 ft.) of a property line, if required by the Development Officer. The said drawing may be required at the foundation and/or final stages of a building construction.

3.12.5. No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Officer, has been undertaken.

### **3.13 Development Agreements**

3.13.1. The Development Authority, Subdivision Authority or the Subdivision and Development Appeal Board may require, by condition of issuing a development permit, subdivision decision, that the developer enter into a Development Agreement with the County, in accordance with the Act, as amended.

3.13.2. In accordance with the Act, the Development Agreement may be registered by a caveat against the title of the affected lot(s) and must be discharged when the conditions of the agreement have been fulfilled.





- 3.13.3. The Subdivision Authority or the Development Authority may request a refundable security, in an amount determined by the appropriate authority, be provided to ensure compliance with conditions of the subdivision approval or a development permit.

### **3.14 Inter-municipal Communications**

- 3.14.1. In addition to the notification requirements described in this Land Use Bylaw, the County shall provide notification to adjacent municipalities and any Inuit, Metis, First Nations and Aboriginal Peoples in accordance with the following:
- (a) All applications for proposed land uses that utilize infrastructure or services from adjacent municipalities or Metis and First Nations Settlements for operation including, but not limited to: potable water, waste-water, solid waste, lagoon storage, utility lines and access regardless of distance to the boundary of the said stakeholder jurisdiction.
  - (b) All applications to amend this Land Use Bylaw that are not of a punctuation or grammatical nature if deemed necessary (Bylaw 14-2020).

### **3.15 Control of Subdivision**

- 3.15.1 No subdivision of land shall be undertaken within the County unless an application for it has been approved pursuant to the *Act*.
- 3.15.2 Upon receipt of a completed subdivision application, the Subdivision and Development Officer shall, within twenty (20) days, provide acknowledge that the application is complete in the form of a written notice. If the Subdivision and Development Officer determines that the application is incomplete, a written notice shall be issued to the applicant stating that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed upon in order for the application to be considered complete. If the information is not submitted on or before the set date, the application shall be deemed refused. A written notice shall be issued to the applicant that the application has been refused and the reason for refusal. (Bylaw 07-2018)

### **3.16 Subdivision Fees**

All fees and charges pursuant to this Bylaw shall be as established by a schedule of fees established by a Schedule of Fees Bylaw of Council.



## **Part IV: Amending this Bylaw**

### **4.1 Development Appeals and Procedures**

Development appeals and procedures must be undertaken in conformity with the *Act*.

### **4.2 Subdivision Appeals and Procedures**

Subdivision appeals and procedures must be undertaken in conformity with the *Act*.

### **4.3 Application to Amend Bylaw**

- 4.3.1. Any person applying to have this Bylaw amended shall apply in writing to the Development Officer, using the application form provided by the County, and request that the Development Officer submit the application to Council. As part of the application referred to in this Section, the applications must include the following information:

#### **Text Amendments**

- (a) a statement indicating the specific amendment requested;
- (b) reasons in support of the application, as well as a statement outlining how the text amendment may impact land use and development throughout the County;

#### **Land Use District Amendments**

If the application involves a change in district:

- (a) a description of the intended use or uses;
- (b) a certified copy of the Certificate of Title within the last 30 days;
- (c) if the applicant is an agent acting on behalf of the landowner, a letter from the landowner authorizing the agent to make the application;
- (d) a properly dimensioned map indicating the following details, unless otherwise specified by the Development Authority:
  - i. the location, dimensions and boundaries of the affected site, and its relationship to existing land uses on adjacent properties;
  - ii. the dimensions and boundaries of existing rights-of-way (i.e.: public utilities, roads, pipelines, railways, etc.);
  - iii. the location, use and dimension of existing buildings on the site;
  - iv. the location of any river, stream, watercourse, lake or other waterbody, including the top of bank;



- (e) Any additional information the County may require in order to evaluate and make a recommendation concerning the application, which may include, but not be limited to:
  - i. a report on stakeholder consultations;
  - ii. the method and location of servicing (sanitary, water, wastewater);
  - iii. additional studies concerning the rezoning, including geotechnical reports, environmental site assessments, traffic impact assessments, servicing studies, or any other study deemed necessary by the County.
- (f) Applicants may be required to submit an Area Structure Plan for approval prior to making application to amend the land use designation that applies to a particular site. Outline Plans can be utilized in small portions after larger Area Structure Plans are adopted.

#### **4.3.2. Payments and Undertaking**

- (a) A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:
  - I. pay the County an application fee as set by Council; and
  - II. undertake in writing on a form provided by the County to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the County may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges.

#### **4.3.3. Review Process**

- (a) Upon receipt of a complete redistricting application to amend the Land Use Bylaw, the Development Authority:
  - I. shall provide written notice of the application to each assessed landowner adjacent to, or wholly or partially within the boundaries of the site subject to the redistricting application;
  - II. shall refer the application to internal County departments and applicable external agencies for review and comment;
  - III. shall complete a review and evaluation of the application, and prepare a report to Council including comments outlining the potential impacts of the application, as well as recommendations.

#### **4.3.4. Notification of Public Hearing**

- (a) In addition to the notification outlined in 4.3.3 above, where a public hearing is required by the Act for an application to amend this Bylaw, a notice of public hearing shall:



- I. be mailed or otherwise delivered by the County no later than fourteen (14) days prior to the public hearing; to the owners of all parcels subject to the proposed amendment, any adjacent parcel, and may include other lands within the vicinity of the subject site that may be deemed to be affected by the application;
- II. be advertised in accordance with the Public Notification Bylaw in effect at that time (Bylaw 14-2020).

#### **4.3.5. Review by Council**

- (a) Upon receiving a prepared recommendations report relating to an application to amend the Bylaw from the Development Officer, Council may:
  - I. approve the proposed amendment as submitted;
  - II. approve the proposed amendment with modifications, within the scope of the limitations of the Act;
  - III. table the application and request further information or review;
  - IV. refuse the application.
- (b) Following a public hearing, during the same meeting, Council may choose to proceed with second and third readings.

#### **4.3.6. Revert to Previous Land Use District**

Where the Land Use Bylaw has been amended for the purpose of accommodating a proposed development or subdivision proposal, and the proposal has been withdrawn or refused, Council may consider an amendment to the Land Use Bylaw to restore its previous wording or land use designation.

#### **4.3.7. Council May Direct Repayment**

If it appears that the proposed amendment is one which is applicable to and for the benefit of the County at large, or most of the persons affected in one area, or to the entire district, then Council may direct that the application fee be returned to the applicant and the County pay or cost-share expenses related to the proposed amendment.

#### **4.3.8. Amendments Proposed in Council**

Council may, at any time, initiate an amendment to this Bylaw.

#### **4.3.9. Limit on Frequency of Applications**

Notwithstanding anything in this Section or PART IV, where a proposed amendment has been rejected by Council within the previous twelve (12) months, another application for the same or similar amendment shall not be considered unless Council otherwise directs.



- 4.3.10. Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the *Act* regarding enactment of Bylaws.
- 4.3.11. Where the Land Use Bylaw is being amended to accommodate a proposed subdivision or development within a proposed Direct Control District, Council may require the subdivision and development permit application to be in its complete form prior to consideration of third reading of the said bylaw.



## Part V: Contravention and Enforcement

### 5.1 Contravention

- 5.1.1. Where an applicant and/or land owner is found to be in contravention of the provisions of this Land Use Bylaw, or a development permit or subdivision approval, a Stop Order may be issued by the development authority, in accordance with the *Act*.
- 5.1.2. Where a Stop Order is issued under the *Act*, the Stop Order shall state the following and any other information considered necessary by the Development Authority:
- (a) an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the *Act* the order is being carried out;
  - (b) the alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
  - (c) a time frame in which the contravention must be corrected prior to the County pursuing action; and
  - (d) advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board. Note: Right to appeal is not denied on parcels districted under Direct Control District.

### 5.2 Enforcement

- 5.2.1. This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Alberta Court of Appeal upon action brought by Council, whether or not any penalty has been imposed for the contravention.
- 5.2.2. A person who:
- (a) contravenes any provision of the *Act* or the regulations under the *Act*;
  - (b) contravenes this Bylaw;
  - (c) contravenes a development permit or subdivision approval or a condition attached thereto; and/or
  - (d) obstructs or hinders any person in the exercise or performance of his powers or duties under the *Act*, the regulations under the *Act* or this Bylaw;
- is guilty of an offense and is liable to a fine prescribed in the *Act*.
- 5.2.3. If a person is found guilty of an offense under this Bylaw or the *Act*, the court may, in addition to any other penalty imposed, order the person to comply with:
- (a) the *Act* and the regulations under the *Act*;



- (b) this Bylaw;
  - (c) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- 5.2.4. Any written notice, order, or decision that is required to be provided to any person, by any provision of this bylaw, shall be deemed to have been so provided if it is:
- (a) delivered personally to the person or their agent it is directed to; or
  - (b) delivered by registered mail to the last known address of the person it is directed to; or
  - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.
- 5.2.5. Where a person fails, or refuses to comply with an order directed to him pursuant to this Bylaw or an order of the Subdivision and Development Appeal Board under the *Act* within the time specified, Council or a person appointed by it may, in accordance with the *Act*, enter upon the land or building and take such action as is necessary to carry out the order. Where an order has not been complied with, Council may register a caveat against the title of the subject property related to the order. Costs and expenses incurred in carrying out the order may be placed on the tax roll for the subject property and shall be collected in the same manner as property taxes.
- 5.2.6. Fine and penalty amounts which shall apply and accrue as a result of non-compliance/ enforcement of orders issued under this section shall be established by Council at their discretion through a separate bylaw. Where not defined, the fine and penalty structure provided in the *Act* shall apply.

### **5.3 Municipal Tags, Violation Tickets, and Fines (Bylaw 03-2020)**

#### **5.3.1. Any person who:**

- (a) Contravenes or fails to comply with any provision of this Bylaw;
- (b) Uses land in a manner contrary to the provisions of any subdivision or development permit for such land;
- (c) Contravenes or fails to comply with any development permit or subdivision approval for such land;
- (d) Contravenes or fails to comply with a decision of the Subdivision and Development Appeal Board;
- (e) Obstructs or otherwise hinders in any manner any person in the exercise or performance of that person's powers authorized under this or any other Bylaw or enactment;
- (f) Contravenes or fails to comply with a stop order issued pursuant to the Municipal Government Act;



is guilty of an offence and is liable on summary conviction to a fine.

- 5.3.2. A person who proceeds with development without approval required under the Municipal Government Act and/or the Land Use Bylaw is guilty of an offence and is liable to a fine in the amount of \$250.00 for the first offence, and \$500.00 for a second or subsequent offence.
- 5.3.3. A person who contravenes or fails to comply with any other provision of the Land Use Bylaw is guilty of an offence and is liable to a penalty in the amount of \$250.00 for the first offence, and \$500.00 for a second or subsequent offence.
- 5.3.4. If a person is found guilty of an offence under the Land Use Bylaw, the court may, in addition to any other penalty imposed, order the person to comply with the Land Use Bylaw or a permit issued under that Bylaw, or a condition of any of them.
- 5.3.5. A Bylaw Enforcement Officer may issue a Municipal Tag where it is reasonably determined that a person has contravened any provision of the Land Use Bylaw.
- 5.3.6. Where a contravention or offence is of a continuing nature, further Municipal Tags may be issued by a Bylaw Enforcement Officer for each day the offence continues.
- 5.3.7. A person named in the Municipal Tag may, in lieu of being prosecuted, plead guilty to the offence by signing the Municipal Tag and paying the specified penalty at the location indicated on the Municipal Tag.
- 5.3.8. If payment of a Municipal Tag is not made within the time specified, a Peace Officer may issue a Violation Ticket under the Provincial Offences Procedures Act requiring the person named to appear in court on the date indicated in the Violation Ticket.
- 5.3.9. Nothing in this Bylaw shall prevent or restrict a Peace Officer from immediately issuing a Violation Ticket under the Provincial Offences Procedures Act for a mandatory court appearance of any person who contravenes the Land Use Bylaw.
- 5.3.10. The Municipal Tag shall specify the alleged offence committed by the person to whom the Municipal Tag is issued and require payment within twenty-one (21) days from the date of issue of the Municipal Tag of a fine to the County.
- 5.3.11. The Municipal Tag shall be served upon the alleged offender personally, or by leaving it with a person on the premises who has the appearance of being at least eighteen (18) years of age, or delivered by regular mail.
- 5.3.12. If a person who has been served with a Municipal Tag pays the fine specified therein within the time limit specified therein, then such payment shall be accepted in lieu of prosecution for the offence.
- 5.3.13. If a person who has been served with a Municipal Tag fails to pay the fine specified therein within the time limit specified therein, then the right of the alleged offender to settle the alleged





offence without a Court appearance shall no longer apply and prosecution for the alleged offence shall proceed.

5.3.14. A Municipal Tag shall be in a form approved by the CAO, and shall state:

- (a) The name of the person to whom the Municipal Tag is issued;
- (b) A description of the property upon which the offence has been committed;
- (c) A description of the offence and applicable Bylaw Section;
- (d) The appropriate penalty for the offence as specified in this Bylaw;
- (e) That the penalty shall be paid within twenty-one (21) days of the issuance of the Municipal Tag in order to avoid prosecution; and
- (f) The location where the penalty shall be paid.

## **PART VI: General Regulations**

The general regulations included in this section apply in all districts with the exception of agricultural practices. Where a conflict appears with regulations in other sections in this Bylaw, the general regulations apply unless those sections specifically exclude or modify these general regulations.

### **6.1 Accessory Buildings**

6.1.1. In residential districts, an accessory building is not allowed without a principal building or use.

6.1.2. In residential districts, unless otherwise provided, accessory buildings shall be built and located based on the following:

- (a) a maximum of one (1) detached garage on a lot or parcel may be considered a permitted use within a non-agricultural land use district;
- (b) all required yards and setbacks are maintained;
- (c) the total floor area for all buildings shall not exceed site coverage specified in the applicable land use district;
- (d) the Development Officer will require that there be adequate clearance between all buildings;
- (e) all accessory buildings shall be located in the rear yard except in the case of lakefront parcels;
- (f) a boathouse on a lakefront parcel will be located to the satisfaction of the Development Officer;
- (g) all enclosed accessory buildings shall have a vertical man-door for access;



- 6.1.3. accessory buildings and uses shall be permitted when accessory to a permitted use, and discretionary when accessory to a discretionary use.
- 6.1.4. Sea Cans (Bylaw 23-2017)
- (a) Industrial structures such as Sea Can (shipping container) units and similar storage containers may be approved as an accessory building and shall be placed in accordance with the regulations for Accessory Buildings in each land use district;
  - (b) A Sea Can shall be aesthetically compatible to the main residential structure on the lot and the surrounding neighbourhood;
  - (c) Colour photographs of the Sea Can shall be included with the development permit application;
  - (d) Sea Cans shall be located in the rear or side yard only and shall not be permanently fixed to the ground nor shall it project beyond the front of the principal building on the subject lot;
  - (e) In a residential or commercial district, the maximum number of Sea Cans allowed on a lot shall be:
    - i less than 0.2 ha (0.5 acre) – One (1) Sea Can
    - ii greater than 0.2 ha (0.5 acres) – at the discretion of the Development Authority
  - (f) In a residential district the maximum length of a Sea Can shall be 6.0 m (20 ft).
  - (g) In a non-residential district,
    - i The maximum number of Sea Cans that may be placed on a lot in a non-residential district is at the discretion of the Development Authority. This provision does not apply where containers are being sold or rented as part of an approved Sea Can storage or sales related business.;
  - (h) A Sea Can shall have an exterior finish to match or complement the exterior finish of other buildings on the subject property. If the exterior finish is not acceptable, the Development Authority may require the sea can to be painted to match the surrounding building colours;
  - (i) A Sea Can shall be suitably screened from public view to the satisfaction of the Development Authority;
  - (j) A temporary permit for the placement and use of a Sea Can on a residential lot may be permitted at the discretion of the development authority for a period of six (6) months for the storage of equipment and materials during a period of construction or renovation on the said lot. After the temporary permit has expired the developer may apply for a one time extension to the permit for an additional six (6) months.

The temporary placement of a Sea Can on a construction site will not require screening and will not be restricted to the side or rear yards;



- (k) Sea Cans cannot be stacked on top of each other or any other building and cannot exceed an overall height of 3.0 m (10 ft),

- (k) No human or animal habitation will be allowed within a Sea Can.

6.1.5. Notwithstanding Section 6.1.1, at the discretion of the Development Authority, an accessory building may be constructed on a lot in the absence of a principal building if the proposed accessory building is required to accommodate the storage of vehicles or equipment. (Bylaw 11-2019)

## **6.2 Alternative Energy Systems**

Alternative Energy Systems include wind, solar and geo-exchange (geothermal) systems. Bio-mass energy converters are considered an industrial use and are not contemplated under this Section of the Land Use Bylaw.

### **6.2.1. Wind Power:**

- (a) Windmills shall be classified as small ( $\leq 3\text{KW}$ ), medium (up to  $50\text{KW}$ ) and large (greater than  $50\text{KW}$ );
- (b) Large windmill structures shall be separated from a residential dwelling with a minimum distance of 1.0 km. (0.6 mi.);
- (c) A horizontal windmill blade must be entirely within the property line setback or 1.5 metres, whichever is less;
- (d) A vertical windmill blade must have a minimum 10 metre clearance above grade.
- (e) Agreements with impacted landowners may be used in support of a request for a reduction in site setbacks;
- (f) Noise from windmills shall be subject to County Noise Bylaw 7-99;
- (g) All windmill applications shall be subject to the obtaining of approval from the relevant provincial and federal governments; and
- (h) All windmills shall be removed from the site and the site shall be reclaimed once the site is no longer required for the proposed use.

### **6.2.2. Solar Panels:**

- (a) Solar panels as stand-alone structures are subject to restrictions for buildings in a front yard.



### **6.2.3. Geo-exchange:**

- (a) The zone of influence for a geo-exchange circulation well shall be contained entirely within the property boundary of the subject property unless a variance is agreed to by the landowner for the adjoining property;
- (b) All proposed geo-exchange systems shall be professionally engineered; and
- (c) Developers who wish to provide geo-exchange as part of a subdivision servicing proposal shall be required to provide all necessary engineering in advance of subdivision approval.

### **6.2.4. Energy onto Grid:**

Applicants who wish to produce energy and sell it to the utility grid shall consult with the applicable utility regulator and provider prior to applying for development permit approval. Details of the consultation shall be provided to the County for use as part of the development permit decision making process.

### **6.2.5. Additional Application Requirements:**

In addition to the requirements for an application for Development Permit, the following may be required by the Development Officer:

- (a) a site plan at scaled elevation showing the proposed height, tower height, rotor diameter, colour and proximity to property lines and buildings;
- (b) an analysis for noise at the site and the property boundary of the site;
- (c) specifications for anchor design, foundation and guy wires; and
- (d) details on consultation with Alberta Environment and Parks, NAV Canada, Transport Canada and the Alberta Energy Regulator as applicable.

### **6.2.6. Land Use District Requirements:**

- (a) Solar panels and geo-exchange systems may be installed within any Land Use District as an accessory building or use, as applicable.

## **6.3 Bareland Condominiums**

- 6.3.1. A bareland condominium development must comply with all applicable Land Use Bylaw regulations and *Condominium Property Act*.
- 6.3.2. For the purposes of this Bylaw, a bareland condominium plan is a plan of subdivision. A unit within a bareland condominium plan is considered a lot for development control purposes.



- 6.3.3. Development of land within a bareland condominium shall be considered the same as the development of land within a fee simple subdivision, with each unit of land treated as an individual lot.
- 6.3.4. Development within a bareland condominium shall be subject to all of the provisions of the relevant land use district.

## **6.4 Bed and Breakfast Operations**

6.4.1. Bed and Breakfast Operations shall:

- (a) be limited to one meal provided on a daily basis to registered guests only, with such meal being prepared in one common kitchen and served in one common room;
- (b) be limited to residential and agricultural land use districts and the guest units shall be contained entirely within the principal building;
- (c) be limited to one (1) off-street parking space per rented guest room in addition to off-street parking required for the residential use;
- (d) be required to hold any permits or authorizations required by the local or Provincial Health Authority, as well as be in compliance with the Safety Codes Act;
- (e) accommodate no more than 8 (eight) registered guests at one time. (Bylaw 19-2018)

## **6.5 Building Appearance and Building Exteriors**

- 6.5.1. The design, construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Authority.
- 6.5.2. The exterior finish on all buildings shall be of a permanent material, complementary to the surrounding neighbourhood, and satisfactory to the Development Authority.

## **6.6 Building Attached to Principal Buildings**

Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and subject to the setbacks required for the principal building.

## **6.7 Building Demolition**

- 6.7.1. The demolition of a building within non-Agricultural Land Use Districts shall require a Development Permit. Such a permit shall contain a statement indicating:
- (a) how the demolition will be carried out;
  - (b) how the parcel will be reclaimed and/or redeveloped.



- 6.7.2. Demolitions shall be completed within a six-month time period from the date of issuance of the Development Permit.

## **6.8 Campgrounds and Resorts**

- 6.8.1. When considering an application for development of a campground or resort the Development Authority shall have regard for the suitability of the site based upon its physical attributes, accessibility, surrounding land uses and environmental sensitivity.
- 6.8.2. An application for a campground or resort shall include a detailed stormwater management plan, indicate the locations of camper and visitor parking, children's play areas, utility systems, buildings and play areas, as well as clearly identify internal road networks.
- 6.8.3. The layout and overall campground or resort design shall be to the satisfaction of the Development Authority.
- 6.8.4. The County may require the submission of a Traffic Impact Assessment (TIA) at the time of application. The County may impose conditions on the development permit based on the recommendations of the TIA.
- 6.8.5. All campgrounds and resorts should comply with FireSmart Guidelines in accordance with the Province of Alberta FireSmart Manual.
- 6.8.6. All campgrounds and resorts shall be accessible to emergency services at all times when in operation.
- 6.8.7. Campgrounds are to be used on a short-term basis and cannot be used for long term or seasonal occupancy.
- 6.8.8. Resorts may be used on a short term, long term or seasonal basis.
- 6.8.9. A campground or resort shall provide for both on-site and off-site security with due regard to minimization of issues related to the impact and security of adjoining properties.
- 6.8.10. A minimum of 10% of the land area of the campground or resort area shall incorporate open space areas for recreational use in a manner consistent with the use standards of a municipal reserve lot.
- 6.8.11. All campgrounds and resorts shall include communications, lighting, water, wastewater and electrical services appropriate for the intended use.
- 6.8.12. A campground shall be of a size appropriate for the intended use but shall not be less than 0.4 ha. (1.0 ac.) in area. A resort shall have a minimum size of 2.0 ha. (4.9 ac.) in area. For this provision, area means all stalls, units, recreation and open spaces, utility areas and roadways.
- 6.8.13. Applicants may be required to prepare a land use plan for phased and larger scale campgrounds and resorts.



- 6.8.14. Storage of private chattels, decks, equipment and other improvements within a resort through non-operational seasons shall be prohibited unless approved through a condition of development permit approval.
- 6.8.15. Section 6.8.14 above shall not be considered within the Communal Recreation including bareland condominium developments.
- 6.8.16. Internal roads surfaces shall be a minimum of 3.0 metres (10.0 ft.) in width for one-way traffic and 6.0 metres (20.0 ft.) in width for two-way traffic.
- 6.8.17. Camping stalls shall be large enough to accommodate a parking space, picnic table and an area for the setting up of a tent.
- 6.8.18. Recreational Vehicle stalls shall be designed in accordance with the following design standards:

Min width	10.7 metres (35 feet)
Depth	18 metres (60 feet)

\*A zero-lot line setback shall not adjoin another zero lot line setback

## 6.9 Communal Servicing

- 6.9.1. All applicable development shall provide sewage disposal facilities to the satisfaction of the Development Authority, including compliance with the Alberta Environment and Parks Standards of Practice and obtaining the necessary approvals.
- 6.9.2. The availability and suitability of on-site water shall be confirmed and provided, at the time of subdivision application submission, in accordance with the Public Health Act as amended.
- 6.9.3. Resort developments shall be serviced through piped communal systems for both water and wastewater services unless future utility network services or engineering constraints make the service impractical in the opinion of the County.

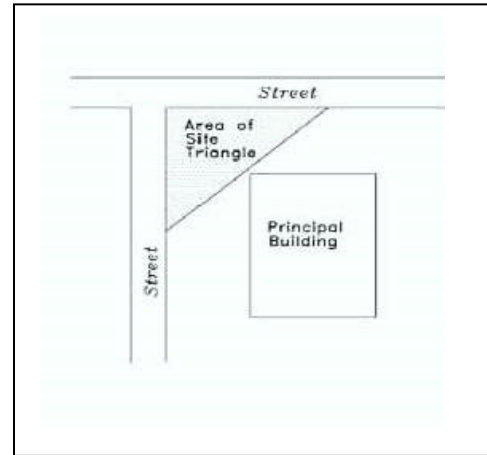
## 6.10 Corner and Double Fronting Sides

- 6.10.1. The front lot line of corner parcels abutting onto two public roadways shall be the shorter line of the two. In the case that both lot lines are the same length, the front lot line shall be designated at the discretion of the development authority. In the case of a double-fronting, either street line may be considered the front line, but the other street line shall be the rear lot line.



#### 6.10.2. Sight Triangles

On any corner site in a residential district, no person shall erect, place or maintain within the sight triangle a wall, fence, shrub, trees, hedge or any object over 0.9 metres (3 feet) in height above the lowest street grade adjacent to the intersection. Generally, the sight triangle is measured 6.0 metres (20.0 feet) back from the intersection.



### 6.11 Designated Hamlets

6.11.1. The designated Hamlets within the County are:

- Enilda
- Faust
- Grouard
- Jossard
- Kinuso

6.11.2. Any development that occurs within the Hamlets must be connected to any municipal water distribution system and sewage collection system, if available, and the developer shall be responsible for all improvements to services required for new developments, unless the County considers that a cost-sharing arrangement is appropriate.

### 6.12 Development Near County Roads and Highways

#### 6.12.1. Highways

- (a) A minimum building setback of 40.0 metres (131 feet) is required from the right-of-way boundary of a highway, unless a lesser distance is approved by Alberta Transportation.
- (b) All highway approaches shall be developed to the satisfaction of Alberta Transportation and the County. The cost of all improvements shall be borne by the developer.
- (c) Any development permit approved for a development located within 300 metres of a provincial right-of-way or 800 metres of the centre point of the intersection of a highway and public road intersection shall be issued subject to approval of the development by Alberta Transportation (or the government agency having jurisdiction).

#### 6.12.2. County Roads

- (a) A minimum building setback of 40.0 metres (131 feet) is required from the edge of the right-of-way boundary of a County Road or undeveloped County road allowance unless specified otherwise in this Bylaw.
- (b) Where a County Road has been identified for future road widening, the setback from the edge of the right-of-way may be increased by the width of the said proposed road widening upon consultation with the County's Public Works Department.





## **6.13 Development Near Waterbodies and Slopes**

6.13.1. Where development is adjacent to waterbodies or slopes, the following regulations shall apply:

- (a) a minimum setback of 10 metres (32.8 feet) from a waterbody or the high-water mark of the 1:100-year flood plain, if known.
- (b) notwithstanding the setback from waterbodies identified in 6.13.1. (a), a minimum of 30 metres (98.4 feet) from the shoreline of Lesser Slave Lake.
- (c) where a slope is in excess of 15%, a 15 metre setback from the toe and crest, as defined by a certified professional engineer, shall apply, unless a lesser distance is supported through a geotechnical analysis;

## **6.14 Development on Lands Containing a High-Water Table**

6.14.1. A high-water table is defined as land within a proposed building site that features a near surface water table less than 2.0 metres (6.6 feet) below grade. As part of a development permit approval, the County:

- (a) may allow the development of basements where the water table is greater than 1.0 metres (3.2 feet) and less than 2.0 metres (6.6 feet) where supported by a report completed by a qualified geotechnical engineer, satisfactory to the County and the Safety Codes approving authority;
- (b) shall prohibit basement development where the near surface water table is less than 1.0 metres (3.2 feet).

## **6.15 Direct Control Districts**

6.15.1. In accordance with the *Act*, Direct Control districts are to be applied to areas determined by the County to be unique or of special character or where particular circumstances or difficulties are present. Direct Control Districts are intended to ensure that land use and development occurs in these areas in accordance with any applicable provisions prescribed for such areas in a statutory plan in effect or to be put in effect to specifically guide the implementation and administration of a Direct Control District. Pursuant to the relevant sections of the *Act* and this Bylaw, applications under Direct Control Districts will be received, considered and decided upon by Council.

6.15.2. The authority for development and subdivision may be delegated at the discretion of Council to the Development Officer and/or the Subdivision Officer, and those decisions made by the lower authorities are applicable for Subdivision and Development Appeal Board eligibility.

## **6.16 Dwelling Density**

6.16.1. No person shall construct or locate or cause to be constructed or located more than one principal dwelling unit on a parcel unless specifically provided for in this bylaw (e.g. multiple unit buildings that are considered specific uses within certain districts, and more than one single detached dwelling within the AG district).



6.16.2. Notwithstanding policy 6.16.1, the Development Officer may issue a development permit allowing one or more additional dwellings on a parcel. When determining whether or not to allow an additional dwelling on a parcel, the Development Officer shall consider:

- (a) the suitability of the site for the proposed dwelling;
- (b) the length of time that the developer requires the proposed dwelling;
- (c) access to and from the site;
- (d) the provision of proper water and sewer services;
- (e) existing and future surrounding land uses;
- (f) whether or not the proposed development meets the spirit and intent of the subject land use district;
- (g) no more than two (2) dwelling units on a parcel that is less than eighty (80) acres; and
- (h) no more than three (3) dwelling units on a parcel greater than eighty (80) acres.

6.16.3. Notwithstanding policy 6.16.2, the Development Authority may issue a development permit allowing a multi-unit (colony) dwelling(s) on a parcel within the Agriculture (AG) District.

## **6.17 Environmentally Sensitive Lands**

6.17.1. Development on lands deemed environmentally sensitive, by the County, shall be discouraged.

6.17.2. As part of a subdivision review on a parcel that includes Environmentally Sensitive Land, the County may require the landowner to enter into an Environmental Conservation Agreement or dedication of land to Environmental Reserve or an Environmental Reserve Easement that will support the protection of environmentally sensitive lands without unduly impacting lands that are developable.

6.17.3. As part of a development permit application, the Development Officer may require a geotechnical study, prepared by a qualified geotechnical engineer, addressing the proposed development. The geotechnical study will recommend development setbacks from property lines based upon land characteristics of the subject property.

6.17.4. As part of a development permit application, the Development Officer may require a professional biologist to prepare a biophysical report to address biophysical issues on the subject property and to recommend appropriate development setbacks from property lines.

6.17.5. In addition to the list of development permit conditions provided in this Bylaw, the Development Officer shall consider the following:

- (a) the impact of the proposed development on the subject and surrounding lands;



- (b) professional recommendations including those of geotechnical engineers, biologists, Alberta Environment and Parks; and
- (c) conditions of development approval which will mitigate the impact of the proposed development upon the biodiversity and/or stability of the parcel and adjoining lands.

6.17.6. Notwithstanding the above, redevelopment of environmentally sensitive lands may be considered by the Development Officer provided appropriate and reasonable measures are undertaken to minimize risk. This may include, but not necessarily be limited to:

- (a) the creation of a building site a minimum of 0.5 metres (1.6 feet) above the 1 in 100 year flood plain elevation;
- (b) the inclusion of Federally and Provincially approved flood reduction building standards; and
- (c) ensuring that access points to water wells and sewage holding tanks are above the flood plain elevation.

## **6.18 Existing Substandard Lots**

6.18.1. Proposed development on existing substandard lots which do not meet the provisions of this Bylaw shall be considered by the Development Authority and development permits may be issued, having regard for the limitations of the site.

## **6.19 Fences and Screening**

6.19.1. In any Hamlet district, no fence, wall or hedge shall be higher than 1.8 metres (6.0 feet) unless approved by the Development Authority through a development permit.

6.19.2. Siting of a fence, wall or hedge over 1.8 metres (6.0 feet) in height shall be determined by the Development Authority, taking into consideration the fences which exist on the parcels abutting the parcel in question.

6.19.3. Electrified or barbed wire fences will be permitted in a district at the discretion of the Development Officer but shall not be permitted under any circumstances in a residential district.

6.19.4. In front yards, no fence shall be higher than 1.8 metres (6.0 feet). (Bylaw 15-2020)

6.19.5. The height of a fence shall be determined from the elevation of the facing property line.

6.19.6. A fence or natural screen planting may be required for a storage facility at the discretion of the Development Authority. (Bylaw 01-2018)

## **6.20 Filling**

6.20.1. The use of filling on undeveloped flood prone lands shall be prohibited.



- 6.20.2. The County shall not provide development permit approval to a proposal for the use of filling unless the appropriate permit has first been obtained from Alberta Environment and Parks or other applicable agencies.
- 6.20.3. Filling proposals must be prepared by a qualified professional engineer registered in the Province of Alberta.

## **6.21 Garden Suites**

- 6.21.1. A garden suite may be approved on a lot of 0.8 ha (2.0 ac) or more if, in the opinion of Development Authority, it would not interfere with the existing quality of life or character of the neighbourhood.
- 6.21.2. A garden suite shall be located and designed to connect with utilities serving the host residence and shall not jeopardize services to neighbouring lots.
- 6.21.3. A garden suite shall be designed, constructed, and finished in a manner that is, in the opinion of the Development Authority, visually compatible with the principal dwelling on the site and the general development of the neighbourhood.
- 6.21.4. The gross floor area of a garden suite shall be no less than 37.2 metres square (400 sq. feet) and no more than 65m<sup>2</sup> (700 sq. feet).
- 6.21.5. The maximum height of a garden suite shall be no more than 4.5metres (14.7 feet).
- 6.21.6. A garden suite shall comply with the minimum setback requirements of the district.
- 6.21.7. The site around a garden suite shall be graded to minimize pooling under or around the suite and to avoid storm water runoff onto adjacent lots.
- 6.21.8. A permit issued for a garden suite shall be temporary, for a term not exceeding five (5) years, and may be renewed upon subsequent application. Upon expiry of the permit, and if it is not renewed, the suite shall be removed or incorporated into the principal dwelling, and the site restored to the satisfaction of the Development Authority.

## **6.22 Hazard Lands**

### **6.22.1. Land Farms**

- (a) Land farms should be restricted to the remediation of oilfield waste and petroleum storage sites.
- (b) Approved development permit applications for Land Farms shall be issued with a condition requiring any require provincial and federal approvals to be obtained.
- (c) The Development Officer shall consider adjoining lands and impacts on environmentally sensitive lands as part of the approval process for a land farm.



#### **6.22.2. Development Near Wastewater Treatment Sites, Landfills and Waste Transfer Stations**

- (a) Development near wastewater treatment sites, landfills and waste transfer stations shall be in accordance with the Alberta Subdivision and Development Regulation, as amended.

#### **6.22.3. Development Near Sour Gas Facilities**

- (a) Development near sour gas facilities shall be in accordance with the Alberta Subdivision and Development Regulation, as amended.

#### **6.22.4. Pressure Vessel Storage**

- (a) Pressure vessel storage facilities for materials including but limited to anhydrous ammonia, propane, oxygen, with a liquid volume capacity exceeding 4546 liters (1,000 gallons) shall not be allowed within 0.8 kilometres (0.5 miles) of an, institutional use, commercial business or residence.
- (b) Upon receipt of a development permit application for a development which includes a pressure vessel storage container with a liquid volume capacity exceeding 4546 liters (1,000 gallons), the Development Officer may require the applicant to provide:
  - i. a site plan detailing the location and orientation of each pressure vessel;
  - ii. an emergency response plan, detailing procedures in the event of a pressure vessel rupture, discharge or explosion; and
  - iii. where applicable, a contact person and the location of the nearest emergency response team provided by the product vendor.
- (c) Commercial pressure vessel storage facilities for the above storage materials with a water capacity less than 4546 liters (1,000 gallons) the Development Authority shall consider:
  - i. the material to be stored in the pressure vessel;
  - ii. the orientation of the pressure vessel to buildings in the surrounding neighborhood, especially those which are used for residential use or public assembly;
  - iii. the ability of the local fire department to respond to an accident involving the proposed development; and
  - iv. the truck route through the community which will be used to service the proposed development.
- (d) Upon receipt of a development permit application which includes a pressure vessel with a water capacity in excess of 4546 liters (1,000 gallons), the Development Officer shall refer the development proposal to the applicable fire department fire chief for his/her comments and recommendations.



- (e) Notwithstanding any other provision of this bylaw, no new residential site development shall be allowed within 0.8 kilometres (0.5 miles) of an existing anhydrous ammonia storage vessel with a water capacity exceeding 4546 liters (1,000 gallons).
- (f) All pressure vessel containers shall be constructed, located, and inspected in accordance with the provisions of the Alberta Safety Codes Act and its regulations, as amended.

## **6.23 Home Occupations**

### **6.23.1. General Regulations**

- (a) Home Occupations are considered to be subordinate uses to the primary function of the residential use, and are divided into two categories: Minor and Major.
- (b) Home Occupations (Minor and Major) shall be limited to those areas which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- (c) All permits for Home Occupations shall be subject to the condition that they may be reviewed, and possibly revoked at any time, if, in the opinion of the Development Authority, the use is or has become detrimental or otherwise incompatible with the amenities of the neighbourhood.
- (d) At all times, the privacy of the adjacent dwellings shall be preserved and shall not unduly offend the surrounding residents by way of excessive lighting, noise, traffic, congestion and/or visitations by clients.

### **6.23.2. Home Occupations (Minor):**

- (a) Shall be incidental and subordinate to the primary residential function of the residence.
- (b) Shall be limited to the confines of the residence.
- (c) Shall not employ any person who does not reside in the residence.
- (d) Shall not involve the outside storage of goods, a change in appearance or alterations to the residence or its accessory buildings.
- (e) Should not exceed 30% of the gross floor area of the primary structure.
- (f) Shall not generate additional traffic that is uncharacteristic of the residential area in which it is located.

### **6.23.3. Home Occupations (Major):**

- (a) May utilize accessory buildings, while maintaining residential as the primary use on site.
- (b) May employ up to two (2) employees who do not reside on-site.
- (c) Shall accommodate all required parking on-site.



- (d) Outside storage of materials, goods or equipment directly related to the Home Occupation may be permitted, and may require adequate screening or fencing.

## **6.24 Industrial Camps**

- 6.24.1. All Industrial camps shall be required to conform to the standards of the local health authority and the *Alberta Safety Codes Act*;
- 6.24.2. Where an industrial camp accesses a public roadway, the camp shall have an access satisfactory to the County and may be subject to a road use agreement in accordance with the road use requirements;
- 6.24.3. All industrial camps located in remote areas shall conform to FireSmart guidelines.

## **6.25 Keeping of Animals**

- 6.25.1. Ducks and hens in hamlets and household pets (dogs) are regulated through the County Animal Control Bylaw No. 01-2017.
- 6.25.2. No animals other than ducks, hens and household pets shall be allowed on parcels smaller than 0.40 ha (1.0 ac).
- 6.25.3. On parcels larger than 0.40 ha (1.0 ac) in area, outdoor animals shall be in accordance with the provisions of the *Agricultural Operations and Practices Act*.
- 6.25.4. No Kennel shall be located within 300 metres (984 feet) of a Hamlet or the boundary of a multi-parcel subdivision.
- 6.25.5. Kennel development permit applications shall include a description of pens, rooms, exercise runs and holding stalls as well as soundproofing measures that are planned for the site.
- 6.25.6. Kennels shall be subject to the County Noise Bylaw No. 7-99.
- 6.25.7. Kennel sites should be visually screened from adjoining land properties to the satisfaction of the Development Authority.
- 6.25.8. All outdoor kennel facilities shall be located behind the principal building unless better suited elsewhere for sound prevention purposes.
- 6.25.9. Exterior run areas shall be fenced with the minimum height required to sufficiently contain dogs by nature of their size, disposition, and the type of fencing used (chain link, wood, electric, etc.).
- 6.25.10. Animal day care areas such as doggy day cares shall be regulated as a kennel under this Bylaw.



## **6.26 Landscaping**

- 6.26.1. In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
- 6.26.2. Landscaping in commercial and industrial districts shall be required at the discretion of the Development Authority, where the subject parcel is adjacent to a residential district.
- 6.26.3. The site area shall be landscaped to the satisfaction of the Development Authority.

## **6.27 Non-Conforming Uses**

In accordance with the *Act*, the following shall apply to non-conforming uses and structures:

- 6.27.1. If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues to be in effect in spite of the bylaw coming into force.
- 6.27.2. A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw in effect.
- 6.27.3. A non-conforming use of part of a building may be extended throughout the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- 6.27.4. A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
- 6.27.5. A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - (a) to make it a conforming building;
  - (b) for routine maintenance of the building, if the development authority considers it necessary; and/or
  - (c) in accordance with a Land Use Bylaw that provides minor variance powers to the Development Authority for the purposes of this Section.
- 6.27.6. If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except where allowed under this Bylaw.





6.27.7. The land use or the use of the building is not affected by a change in ownership or tenancy of the land or building.

## **6.28 On-Parcel and Off-Parcel Services and Improvements**

Where any on-parcel services or improvements, or any off-parcel local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Officer is satisfied that such services or improvements will be undertaken in an appropriate, and where applicable, approved manner.

## **6.29 Parcel Grading**

In all cases, parcel grades shall be established with regard to preventing drainage from one parcel to the next except where drainage conforms to an acceptable local or subdivision drainage plan which has been approved by the Alberta Environment and Parks and/or other applicable authority.

## **6.30 Parking Regulations**

6.30.1. Parking stalls and loading spaces shall be clearly marked and regularly maintained in the parking facility to the satisfaction of the Development Officer.

6.30.2. All off-street parking areas shall be separated from public street rights-of-way by a landscaped area at least 1.0 m (3.28 ft.) in width as measured from the public street right-of-way, except in the case of residential land uses where the off-street parking area for an individual residential dwelling unit is accessed directly from the public street, and unless otherwise specified in this Bylaw.

6.30.3. Off-street parking facilities shall be designed such that no vehicle is required to back out directly onto a public street, including laneways, except in the case of one and two unit dwellings.

6.30.4. All off-street parking facilities shall be constructed according to the following standards:

- (a) necessary curb cuts shall be located and designed in accordance with the County's General Servicing Standards.
- (b) in all land use districts where the requirement for off-street parking spaces exceeds two (except for a bed and breakfast operation), every off-street parking space provided and its access shall be hard-surfaced if the access is from a street or lane which is hard-surfaced, using the same or similar material.
- (c) off-street parking facilities shall have adequate lighting for the entire parking facility. Such lighting shall be directed away from adjacent residential parcel and other parcel(s) where in the opinion of the Development Authority it would have adverse effects.
- (d) grades and drainage shall dispose of surface water to the satisfaction of the Development Authority. In no case, shall grades be established that would permit surface drainage to cross any sidewalk or parcel boundary without the approval of the Development Authority.



- (e) parking for the physically disabled shall be provided as provincial regulations require, and shall be considered as part of the number of stalls required for the project. Stalls shall be clearly identified for use by the physically disabled.

6.30.5. A building or use shall not be enlarged or added to, nor shall the use be altered unless provision is made in accordance with this Bylaw to increase the number of parking stalls or loading spaces required on the total parcel for which the addition or change in use is proposed.

6.30.6. The minimum number of off-street parking stalls required for each use of building or development shall be as follows:

(a)	Automotive Repair Shop	1 space per 46.45 m <sup>2</sup> (500 ft <sup>2</sup> ).
(b)	Bed and Breakfast Operation	1 space per sleeping unit.
(c)	Boat Launches	As required in Subsection (7) Seven
(d)	Business Office	1 space per 37.16m <sup>2</sup> (400 ft <sup>2</sup> ) gross floor area.
(e)	Day Care	1 space per 35.5 m <sup>2</sup> (350 ft <sup>2</sup> )
(f)	Eating & Drinking Establishments	1 space per four (4) seating spaces.
(g)	Health Service	1 space per 27.87 m <sup>2</sup> (300 ft <sup>2</sup> ) gross floor area.
(h)	Hospitals	1 space per 92.9 m <sup>2</sup> (1,000 ft <sup>2</sup> )
(i)	Motel/Hotel	1 space per sleeping unit
(j)	Multiple Unit Dwellings of two or more people/dwelling	1.5 space per dwelling unit
(k)	Place of Assembly/Worship	1 space per five (5) seating spaces
(l)	Residential Dwelling	2 spaces per dwelling.
(m)	Resorts & Campgrounds	1 visitor parking space per four (4) stalls or units.
(n)	Retail Businesses	1 space per 46.45 m <sup>2</sup> (500 ft <sup>2</sup> ) gross floor area.
(o)	Schools (Grades K-9)	5 spaces plus 1 per daytime employee.
(p)	Schools (Grades 10-12)	1 space per daytime employee and 1 per 8 students.
(q)	Senior Citizen self-contained dwelling units	1 space per dwelling unit.

6.30.7. Boat launches which are accessible to the public shall require a minimum of five parking spaces or such greater number as required by the Development Authority based on the size and frequency of use of the launch. Boat launch parking areas shall require curbs, markings and landscaping to the satisfaction of the Development Authority.



- 6.30.8. Where, in the opinion of the Development Authority, municipal parking facilities have previously been provided to specifically serve a proposed project, the number of parking stalls required on a parcel may be reduced accordingly.
- 6.30.9. The number of parking stalls required may be reduced where, in the opinion of the Development Authority, the parking required by various users on a parcel will vary according to time so that all needs as defined in this Bylaw can be met at any given time by a reduced number of stalls.
- 6.30.10. In the case of a use not specified, the number of stalls provided shall be the same as for a similar use as determined by the Development Authority.
- 6.30.11. Where a development on a parcel falls within more than one use, the required number of spaces shall be the sum of the requirements for each of the uses.
- 6.30.12. Where there are a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.
- 6.30.13. No development shall be permitted unless all parking needs are accommodated on-site.

### **6.31 Relocation of Existing Buildings (Bylaw 26-2022)**

6.31.1. No person shall:

- (a) place on a parcel a building which has previously been erected or placed on a different parcel;
- (b) alter the location of a building which has already been constructed on that parcel;

unless a development permit is issued to approve the placement or alteration, ensuring the relocation meets the requirements of this Bylaw.

- 6.31.2. The Development Authority shall require any applicant for a relocated building to submit recent photographs of the building which demonstrate the condition and appearance of the proposed building to the satisfaction of the Development Authority.
- 6.31.3. All external renovations required to any moved-in structure shall be completed within three (3) months of the relocation of the structure onto the property unless approved through a condition of development permit approval.
- 6.31.4. Security may be required to ensure the completion of proposed structural improvements. The amount of security shall be the minimum of the cost of removal of the structure from the site.

### **6.32 Residential Dwelling Regulations**

- 6.32.1. Dwellings (single detached) that are of new construction shall include the following design standards:



- (a) all components or modules of the dwelling must be consistent in construction standards and external appearance;
- (b) all homes constructed outside of the Province of Alberta must comply with the Alberta Safety Codes Act;
- (c) minimum floor area shall be reviewed on a case by case basis and shall be at the discretion of the development authority.

6.32.2. Dwellings that are of new construction and comply with this Bylaw may be considered as a single detached dwelling under the applicable land use district regardless of whether or not the dwelling is constructed off-site and/or in modules.

### **6.33 Setbacks from Railway Lines**

6.33.1. The minimum setback for new residential development from railway rights-of-way shall be as follows:

<b>Railway Operation</b>	<b>Setback Requirement</b>
Freight Rail Yard	300 m (984.25 ft.)
Principle Main Line	30 m (98.43 ft.)
Secondary Main Line	30 m (98.43 ft.)
Principle Branch Line	15 m (49.21 ft.)
Secondary Branch Line	15 m (49.21 ft.)
Spur Line	15 m (49.21 ft.)

6.33.2. The Development Officer may refer any application for Development Permit Approval and the Subdivision Officer may refer any application for Subdivision Approval to the Railway company for review and comment.

6.33.3. The development authority shall allow a variance for a railway line that transects a property line as per the Variance Provisions and Limitations on Variance Provisions in the Bylaw.

### **6.34 Siting of Recreational Vehicles**

6.34.1. No recreational vehicle shall be parked and used as temporary accommodations on any developed or undeveloped lot within a Hamlet Residential District, Hamlet Residential Estate District or Hamlet Mixed Use District unless a development permit for a Recreational Vehicle Parking Site has been approved.

6.34.2. With an approved development permit the parking or storage of any recreational vehicle on a developed or undeveloped residential lot in a Hamlet Residential District, Hamlet Estate Residential District, or Hamlet Mixed Use District, shall be limited to two (2) per lot, provided



that the lot coverage of 40% or a maximum coverage of 371 m<sup>2</sup> (3,993.4 ft<sup>2</sup>), whichever is greater, is not exceeded. (Bylaw 20-2020)

6.34.3. Recreational vehicles shall not be stored on a residential lot within a Hamlet Residential District, Hamlet Estate Residential District, or Hamlet Mixed Use District unless they are located entirely within the area of:

- (a) the driveway;
- (b) the rear yard;
- (c) a recreational vehicle parking site shown on the site plan for an approved development permit for the site, or
- (d) an area designated for recreational vehicle storage on the site plan for an approved development permit for the site.

6.34.4. A recreational vehicle parking space shall only be approved on a development permit, provided the recreational vehicle parking space:

- (a) would not impede emergency access to any area on the site;
- (b) would not encroach into any required setbacks within the Land Use District.

6.34.5. At no time, shall a recreational vehicle be kept so that it encroaches on a sidewalk or roadway;

6.34.6. Within the Communal Recreation District (CMR), lots/units shall be limited to one (1) Recreational Vehicle – Permanent, and one (1) Recreational Vehicle Parking Site.

6.34.7. Notwithstanding Section 6.34.6, the number of recreational vehicles allowed on a Communal Recreation (CMR) District lot/unit greater than 2.5 acres in size shall be limited to four (4). (Bylaw 13-2020) with an approved development permit. (Bylaw 02-2021)

## **6.35 Subdivision Standards**

6.35.1. All subdivision applications must conform to the standards provided in the Big Lakes County Municipal Development Plan Bylaw and the Big Lakes County General Servicing Standards, as amended.

6.35.2. Subject to minor variations along property lines, all lands determined to be environmentally sensitive lands may be dedicated for environmental conservation in a manner determined by the Subdivision Authority.

6.35.3. All subdivisions that result in six or more lots and require a potable water supply from an aquifer shall include as part of the subdivision application a preliminary groundwater availability report prepared in accordance with the *Alberta Water Act*, as amended.

6.35.4. All subdivision applications shall conform to applicable approved statutory plans.



6.35.5. The Subdivision Authority may require additional information from a subdivision applicant as part of the subdivision process in order to effectively review and decide a subdivision application.

### **6.36 Wastewater Collection and Disposal Systems**

6.36.1. A building or dwelling shall be adequately serviced for wastewater collection, treatment and disposal, as a condition of development permit approval.

6.36.2. The County shall require an on-site tertiary treatment system, holding tanks or a piped wastewater service on all lands where the near surface water table is less than 2.0 metres (6.6 feet) below grade.

6.36.3. The County shall require on-site wastewater systems located on lands with a water table less than 1.0 metres (3.2 feet); and shall require a holding tank or piped service on non-resort properties.

6.36.4. The County may require security as a condition of development permit approval for a building or dwelling to ensure that the wastewater system is in compliance with this Bylaw.

6.36.5. The County shall require any application for a resort development to include a communal water and wastewater system;

6.36.6. The County shall require Alberta Safety Codes approval on a water and wastewater servicing concept prior to issuing a notice of decision for the proposed development where applicable.

### **6.37 Water Supply**

6.37.1. Water wells are not permitted in areas that are serviced by a piped water supply.

6.37.2. The County may require the identification of proposed locations for water wells on residential development permit applications.

### **6.38 Cannabis Production and Distribution Facility Development Standards (Bylaw 11-2018)**

6.38.1 A Cannabis Production and Distribution Facility shall only be located within the Agriculture (AG) District.

6.38.2 A Cannabis Production and Distribution Facility shall not be located less than 100 m (328 ft) from any of the following uses:

- (a) The lot boundary of a provincial health care facility;
- (b) The lot boundary of a building containing a school or licensed day care facility;



- (c) The lot boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the Municipal Government Act.
  - (d) The lot boundary of a commercial recreation facility, indoor recreation facility, outdoor recreation facility, park or recreational use (intensive or extensive).
  - (e) Separation distances shall not be varied by the Development Authority.
- 6.38.3 A Cannabis Production and Distribution Facility shall not be located less than 100 m (328 ft) from a Residential District. For the purposes of this subsection only:
- (a) The 100 m separation distance shall be measured from the closest point of the lot boundary of the Cannabis Production and Distribution Facility use to the closest point of the residential district boundary.
  - (b) Separation distances shall not be varied by the Development Authority except where the Cannabis Production and Distribution Facility is separated from the Residential District by publicly owned land used for the purpose of a buffer strip, walkway, or public utility lot, in which case the Development Authority may reduce the separation distance by up to 50 m.
- 6.38.4 A Cannabis Production and Distribution Facility shall operate under applicable Federal licensing. Proof of valid Federal licensing and the activities as approved hereunder shall be provided to the Development Authority.
- 6.38.5 All activities linked to a Cannabis Production and Distribution Facility shall be carried out indoors within an enclosed building designed and equipped to prevent odours and noise from negatively impacting adjacent properties as per the requirement of Health Canada and Federal Legislation.
- 6.38.6 A Cannabis Production and Distribution Facility must have equipment designed and intended to remove odours from the air where it is discharged from the facility as part of the ventilation system and must be maintained in good operating condition at all times. A ventilation plan must be provided to the Development Authority and must include how the system prevents any offensive odours from leaving the building.
- 6.38.7 The design of a Cannabis Production and Distribution Facility shall incorporate crime prevention through environment design (CPTED) principles and the entire site on which it is located.
- 6.38.8 The Development Authority may require, as a condition of a development permit:
- (a) A Municipal Utility, Water and Waste Management Plan, completed by a qualified professional(s), that includes details on:
    - i. the incineration of waste products and air borne emission, including smell;
    - ii. the quality and characteristics of liquid and waste material discharged by the facility;
    - iii. the method and location of collection and disposal of liquid and waste material;



- iv. water conservation methods employed;
- v. the mitigation of over strength sewage loading;
- (b) Landscaping and screening;
- (c) Provision of a waste management plan completed by a qualified environmental engineering professional that includes detail on:
  - i. the incineration of waste products and airborne emissions, including odour;
  - ii. the quantity and characteristics of liquid and waste material discharged by the facility; and
  - iii. the method and location of collection and disposal of liquid and waste material.
- (d) A site and facility security plan; and
- (e) Any other information or thing that may be deemed necessary by the Development Authority to make a decision on the application.

### **6.39 Cannabis Retail Store Development Standards (Bylaw 11-2018)**

6.39.1. A Cannabis Retail Store use shall not be located less than 100 m (328 ft) as measured from the boundary of the parcel from which a Cannabis Retail Store is located to any of the following uses:

- (a) The lot boundary of a provincial health care facility, health service, or health clinic.
- (b) The lot boundary of a building containing an elementary school, secondary school, or licensed day care facility.
- (c) The lot boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the Municipal Government Act.
- (d) Separation distances shall not be varied by the Development Authority.

6.39.2. A Cannabis Retail Store development permit applicant shall comply with the Alberta Gaming, Liquor and Cannabis Act requirements for premises, security, and signage.

6.39.3. A copy of the Retail Cannabis License issued by the Alberta Gaming, Liquor and Cannabis Commission shall be provided to the Development Authority prior to occupancy as a condition of development permit approval.

6.39.4. The hours of operation for a Cannabis Retail Store shall be from 10:00am to 10:00pm.

6.39.5. Signage on a Cannabis Retail Store shall not use the term “Big Lakes”, promote intoxication, use graphics that appeals to minors, show the use of cannabis, display intoxication, display or identify a cannabis plant, product or accessory, display a price, or display any sporting or cultural event or activity.





6.39.6. The Cannabis Retail Store is subject to the parking requirements for Retail Businesses within Section 6.30.6(n).

#### **6.40 Industrial Wellsite Trailer Development Standards (Bylaw 01-2023)**

6.40.1 Unless specifically listed as a Permitted Use or a Discretionary Use in a land use district, an Industrial Wellsite Trailer shall not be considered as part of a development permit application.

6.40.2 All units shall have Canadian Standard Association certification where applicable.

6.40.3 All components of the trailer shall meet the requirements of Part 9 of the Alberta Building Codes.

6.40.4 The applicant shall submit recent photographs of the trailer to demonstrate the condition and appearance of the proposed trailer to the satisfaction of the Development Authority.



## **PART VII: Land Use Districts**

### **7.1 Land Use Districts**

The County is hereby divided into the following districts:

Agricultural	(AG)
Commercial Recreation	(CREC)
Communal Recreational	(CMR)
Country Residential	(CR)
Crown Land	(CL)
Direct Control	(DC)
Hamlet Commercial	(HC)
Hamlet Industrial	(HI)
Hamlet Manufactured Home Court	(HMHC)
Hamlet Mixed Use	(HM)
Hamlet Residential	(HR)
Hamlet Residential Estate	(HRE)
Highway Commercial	(HWC)
Parks and Institutional	(PI)
Rural Industrial	(RI)
Urban Reserve	(UR)
Airport Protection Overlay District (Bylaw 06-2018)	(AP)

### **7.2 Land Use District Maps**

- 7.2.1. The Land Use District Maps, as may be amended or replaced by bylaw from time to time, are those maps attached to and forming part of this Land Use Bylaw in Schedule A – Land Use District Maps.
- 7.2.2. The boundaries of the districts outlined in the table above are delineated on maps included in Schedule A– Land Use District Maps of this Land Use Bylaw. The districting of a particular parcel shall be determined by looking at these maps. Where uncertainty arises as to the precise location of the boundary of any district, the following rules shall apply:
- (a) where a boundary is shown as following a public lane or street, the boundary follows the middle of the right-of-way.
  - (b) where a boundary is shown as approximately following a lot line or quarter section line, it shall be deemed to follow the lot line or quarter section line.
  - (c) in circumstances not covered by rules (a) and (b), the location of the district boundary shall be determined:



- i. where dimensions are set out on a Land Use District map, by the dimensions so set out, or;
  - ii. where no dimensions are set out on a Land Use District map with respect to such boundary, by measurement with the use of the scale shown on a Land Use District map, or;
  - iii. where a street, highway or railroad right of way, electrical transmission line right of way or watercourse serves as a boundary, a line midway on such right of way shall be considered the boundary between the district unless specifically indicated otherwise.
- (d) where the application of the above rules does not determine the exact location of the boundary of the district, the Council, either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Order and with the degree of detail as to measurements and directions as the circumstances may require



## 7.3 Agriculture (AG) District

### 7.3.1. General Purpose of District

The general purpose of this District is to recognize the wide variety of uses that are compatible with the agricultural community.

### 7.3.2. Uses

PERMITTED	DISCRETIONARY
Accessory Building	Abattoir
Accessory Use	Agricultural Industry
Agriculture – Extensive	Agricultural Support Services
Agriculture – Intensive	Airport
Cabin (First on Parcel) (Bylaw 19-2022)	Airstrip
Canopy (Bylaw 07-2018)	Animal Health Care Services
Dwelling – Manufactured Home	Apiary
Dwelling – Single Detached	Aquaculture
Home Occupation (Minor)	Auctioneering Establishment
Industrial Wellsite Trailer (up to 3 units) (Bylaw 01-2023)	Bed and Breakfast Operation
Utility Building	Boarding or Lodging House (Bylaw 07-2018)
Water Reservoir (Bylaw 07-2018)	Boathouse
	Bulk Agricultural Chemical Distribution
	Cabin (exceeding one) (Bylaw 19-2022)
	Campground
	Cannabis Production & Distribution Facility (Bylaw 11-2018)
	Caretaker's Residence
	Country Inn (Bylaw 07-2018)
	Dwelling, multi-unit (colony) (Bylaw 21-2022)
	Garden Suite
	Garage Suite
	Guest Ranch
	Home Day Care
	Home Occupation (Major)
	Industrial Camp (Bylaw 01-2018)
	Institutional
	Kennel
	Land Farm
	Liquor Manufacturing
	Municipal Lagoon, Landfill or Waste Transfer Station



	Pressure Vessel Storage
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**7.3.3. Parcel Requirements: (ha/ac.)**

- (a) Lot Size: 1.2 ha (3.0 acres) minimum; 4.0 ha (10.0 acres) maximum for a Country Residential Parcel in the Agricultural District.
- (b) Maximum parcel density shall be three single parcels plus the balance of the quarter-section, notwithstanding fragmented parcels, or previously subdivided quarters.

**7.3.4. Site Regulations (metres (feet))**

Minimum Front Yard Setback	40.0 m (131.2 ft.)
Minimum Rear Yard	7.5 m (24.6 ft.)
Minimum Side Yard	6.0 m (19.7 ft.)



## 7.4 Commercial Recreation (CREC) District

### 7.4.1. General Purpose of District

The general purpose of this District is to allow compatible for profit commercial recreational use within the County.

### 7.4.2. Uses

PERMITTED	DISCRETIONARY
Accessory Buildings	Campground
Accessory Use	Cabin
Amusement, Indoor	Convenience Retail Services
Amusement, Outdoor	Eating and Drinking Establishment
Artisan Shop	Institutional
Bed and Breakfast Operation	Kennel
Canopy (Bylaw 07-2018)	Liquor Sales (Bylaw 10-2022)
Caretaker's Residence	Marina
Guest Ranch	Resort
Park or Playground	Storage Facility (Bylaw 01-2018)
Recreation – Extensive	
Recreation – Intensive	
Utility Building	

### 7.4.3. Lot Requirements

- (a) Parcel shall be to an appropriate size to accommodate the proposed use to the satisfaction of the Subdivision Authority and Development Authority, as applicable.

### 7.4.4. Site Regulations

- (a) Sites within a Hamlet shall conform as a minimum to the property line setback provisions provided in the Hamlet Residential District.
- (b) Sites within a rural area, outside hamlets shall conform to the property line setbacks provided in the Agricultural Land Use District.

### 7.4.5. Special Provisions

- (a) Council shall consider the overall impact upon the community when determining re-districting applications of land to this District.
- (b) Re-districting of land to this District may require amendments to the applicable Hamlet Area Structure Plan which, where required shall be completed prior to granting of final readings to the re-districting bylaw.
- (c) A kennel shall only be used to board dogs which form an integral part of the commercial recreational use on the property in compliance with Section 6.25 – Keeping of Animals.



- (d) In remote areas, compliance with Fire Smart guidelines is mandatory.
- (e) Access and signage shall be to the satisfaction of the approving authority including Alberta Transportation



## 7.5 Communal Recreational (CMR) District

### 7.5.1. General Purpose of District

The general purpose of this District is to allow for a range of development that typically locates adjacent to prominent natural features, includes overnight accommodation for guests, and a wide variety of recreational opportunities.

### 7.5.2. Uses

PERMITTED	DISCRETIONARY
Accessory Buildings	Amusement, Indoor
Accessory Use	Amusement, Outdoor
Artisan Shop	Caretaker's Residence
Cabin	Campground
Canopy (Bylaw 07-2018)	Eating and Drinking Establishment
Dwelling, Manufactured Home	Garage Suite
Dwelling, Single Detached	Garden Suite
Park or Playground	Institutional
Recreational Vehicle Parking Site (maximum of 2) (Bylaw 13-2020)	Recreation – Extensive
Resort	Recreation – Intensive
Utility Building	Recreational Vehicle Parking Site (exceeding 2 to a maximum of 4 on lots greater than 2.5 acres in size) (Bylaw 13-2020)

### 7.5.3. Lot Requirements

- (a) Lot areas shall be at the discretion of the Subdivision Authority.

### 7.5.4. Site Regulations (metres (feet))

Minimum Front Yard Setback	7.5 m (24.6 ft.) from County roads; 7.5 m (24.6 ft.) from internal road or hamlet roads.
Minimum Rear Yard Setback	4.5 m (15 ft.)
Minimum Side Yard Setback	2.0 m (6.6 ft.)
<b>Accessory Buildings:</b> (Bylaw 07-2022)	
Minimum Side Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)*





Minimum Rear Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)**
Minimum Exterior Side and Rear Yard (adjacent to County roads, internal subdivision roads and undeveloped road allowances)	4.57 m (15 ft)
	<i>*Dependent on the type of construction, a greater setback may be required as per Building Code</i>
	<i>**Except when an accessory building, such as a garage, has an overhead door that faces the rear lane access, in which case the rear yard setback shall be a minimum of 6 m (19.8 ft)</i>

- (a) Due to development prior to incorporation of Big Lakes as a Municipal District, site regulations for Shaw's Point: Plan 032 6208, Pt. SW 12-75-14-W5, and Plan 032 0962 as well as SW3 74-13-W5M within Joussard shall be at the discretion of the Subdivision and Development Authorities.

#### 7.5.5. Additional Requirements

- (a) Permanent Dwellings within this District are restricted to the following resort communities:

<b>Community Name</b>	<b>Legal Description</b>
Red Sky Community within the Hamlet of Joussard	Pt. NE 7-74-13-5 and SE 18-74-13-5
Key Cove within the Hamlet of Joussard	Plan 032 5341, Pt. SW 3-74-13-5
South West Shore	Plan 142 0722 within SE 18-74-13-5
Deer Park	Plan 072 4705 within NE 32-73-10-W5
Poplar Point	Plan 112 3283 within NW 32-73-10 W5
Sunset Park	Plan 102 5552 within NE 32-73-10 W5
Hilliard's Bay Estates	SE 20-75-13-5
Shaw's Point	Plan 032 6208, Pt. SW 12-75-14-W5, and Plan 032 0962
	SW 3 74-13-W5M within Joussard

- (b) Applications for campgrounds and resorts shall comply with applicable policy directions contained in section 6.8 of this Bylaw.



## 7.6 Country Residential (CR) District

### 7.6.1. General Purpose of District

The purpose of this District is to provide for traditional country residential living on rural lands in a manner that does not detract from the character of the surrounding agricultural community.

### 7.6.2. Uses

PERMITTED	DISCRETIONARY
Accessory Buildings	Bed and Breakfast Operation
Accessory Use	Boarding or Lodging House (Bylaw 07-2018)
Canopy (Bylaw 07-2018)	Garden Suite
Dwelling – Single Detached	Garage Suite
Dwelling – Manufactured Home	Home Occupation (Major)
Home Occupation (Minor)	Home Day Care
Institutional	Tourist Home (Bylaw 14-2023)
Utility Building	

### 7.6.3. Lot Requirements

Minimum Parcel Area	1.2 ha (3.0 ac)
Maximum Parcel Area	4.0 ha (10.0 ac)
Minimum Lot Width	30.0 m (98.4 ft.)

- (a) Parcel density shall be at the discretion of the Subdivision Authority.

### 7.6.4. Site Regulations (metres (feet))

Minimum Front Yard Setback	40.0 m (131.2 ft.) from highways and County roads; 7.5 m (24.6 ft.) from internal road or hamlet roads.
Minimum Rear Yard Setback	7.5 m (24.6 ft.)
Minimum Side Yard Setback	6.0 m (19.7 ft.)

### 7.6.5. Additional Requirements:

- (a) All newly created parcels shall be accessed from internal roads except where no reasonable alternative exist.
- (b) Notwithstanding the requirements of 7.6.4 above, moveable (not on fixed foundation) buildings with a floor area less than 10.0 metres<sup>2</sup> (107.6 feet<sup>2</sup>) in area may be located in the rear or side yard with a minimum setback of 5.0 metres (16.4 feet).



## 7.7 Crown Land (CL) District

### 7.7.1. General Purpose of District

The general purpose of this district is to provide a basis for the direction of development on Crown Lands through collaboration with the Provincial Government, and provide development direction for lands if released by the Crown for private ownership.

### 7.7.2. Uses

PERMITTED	DISCRETIONARY
Accessory Building	General Industrial
Accessory Use	Heavy Industrial
Agriculture – Extensive	Industrial Camps
Agriculture – Intensive	Natural Resource Processing
Industrial Wellsite Trailer (up to 3 units) (Bylaw 01-2023)	Oil and Gas Processing Plant (Bylaw 07-2018)
Water Reservoir (Bylaw 07-2018)	

### 7.7.3. Additional Requirements

- (a) In case of an application for development permit on Crown Land, the County shall require Provincial authorization and/or copy of the Provincial Land Disposition prior to the issuance of a development permit.
- (b) Notwithstanding 7.7.3 (a), the Province may require municipal development permit approval as part of a lease agreement (e.g. Spruce Point Park Association recreation lease, Winagami Lake Provincial Park Cottage lot development area). In this instance, development permit approval shall be at the discretion of the development authority.
- (c) In the event that Crown Land is transferred to private ownership, the land must be re-districted to an appropriate land use district suitable for the proposed use.
- (d) All development standards, including minimum requirements and maximum limits, shall be at the discretion of the Development Authority.



## **7.8 Direct Control (DC) District**

### **7.8.1. General Purpose of District**

To provide Council with decision making powers for the development and subdivision of lands which are inappropriate for control by traditional land use districts.

### **7.8.2. Application**

Council shall consider the application and designation of Direct Control Districts to those specific sites or areas of the County where:

- (a) development regulation and control by means of the other land use districts provided for in this Bylaw may be inappropriate or inadequate having regard to existing or future developments and to the interests of the applicant, the County and the public generally; or
- (b) an approved statutory plan for the area could be more effectively implemented through the application of a Direct Control District; or
- (c) a proposed development is of a unique form or nature not contemplated; or
- (d) is not reasonably regulated by another land use district provided for in this Bylaw.

### **7.8.3. Buildings and Uses**

- (a) As determined by Council.

### **7.8.4. Lot Area and Site Regulations**

- (b) As determined by Council.

### **7.8.5. Special Regulations**

- (a) As determined by Council.



## 7.9 Hamlet Commercial (HC) District

### 7.9.1. General Purpose of District

The general purpose of this District is to allow for a wide range of retail commercial and related land uses designed to service the needs of residents in and around the hamlet area, that is consistent with and sensitive to existing development and adjacent residential uses.

### 7.9.2. Uses

PERMITTED	DISCRETIONARY
Accessory Building	Animal Health Care Services
Accessory Use	Cannabis Retail Store (Bylaw 11-2018)
Amusement Indoor	Caretaker's Residence
Artisan Shop	Convention Services
Automobile Repair Services	Dwelling, Live Work Unit (Bylaw 14-2021)
Canopy (Bylaw 07-2018)	Eating and Drinking Establishment
Convenience Retail Services	Flea Market
Cultural Facility	Funeral Service
Day Care Services	Kennel
Health Service	Liquor Manufacturing
Hotel	Liquor Sales (Bylaw 10-2022)
Institutional	Service Station
Motel	Storage Facility (Bylaw 01-2018)
Office	Vehicle Sales/Rentals
Personal Service Establishment	
Retail Store	

### 7.9.3. Lot Requirements

Minimum Lot Area	At the discretion of the Subdivision/Development Authority
Minimum Lot Width	15.0 m (49.2 ft.)

### 7.9.4. Site Regulations (metres (feet))

Minimum Front Yard Setback	3.0 m (9.8 ft.)
Rear Yard Setback	3.0 m (9.8 ft.)
Side Yard Setback	3.0 m (9.8 ft.)
Height	12.0 m (39.4 ft.)

### 7.9.5. Additional Requirements

Outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares and residential properties to the satisfaction of the Development Authority;



## 7.10 Hamlet Industrial (HI) District

### 7.10.1. General Purpose of District

The general purpose of this District is to accommodate opportunities for workshop, light industrial and manufacturing development within Hamlets, which do not cause any nuisance or danger to surrounding hamlet development.

### 7.10.2. Uses

PERMITTED	DISCRETIONARY
Accessory Building	Bulk Fuel Depot
Accessory Use	General Industrial (Bylaw 07-2018)
Agricultural Support Services	Industrial Wellsite Trailer (Bylaw 01-2023)
Animal Health Care Services	Kennel
Auctioneering Establishment	Liquor Manufacturing
Auto Body and Paint Shop	Maintenance Yard
Automobile Repair Services	Pressure Vessel Storage
Canopy (Bylaw 07-2018)	Storage Facility (Bylaw 01-2018)
General Contractor Services	Storage Tank, Above Ground
Oilfield Services (Bylaw 07-2018)	
Service Station	
Trucking Operation	
Utility Building	
Vehicle Sales/Rentals	
Warehousing	

### 7.10.3. Lot Requirements

- (a) All lots shall be a minimum of 0.2 ha. (0.5 ac.) in size.
- (b) All other parcel standards are at the discretion of the Development Authority or Subdivision Authority.

### 7.10.4. Parcel Regulations

- (a) Front, side and rear yard setbacks shall be a minimum of 10.0 metres (32.8 feet)
- (b) Maximum building height shall be 14.0 metres (45.9 feet)

### 7.10.5. Additional Regulations

- (a) Where a multi-lot business park is proposed, an Area Structure Plan shall be prepared to guide development.



## 7.11 Hamlet Manufactured Home Court (HMHC) District

### 7.11.1. General Purpose of District

The general purpose of this District is to allow compatible manufactured home communities in an urban setting.

### 7.11.2. Buildings and Uses

PERMITTED	DISCRETIONARY
Accessory Building	Bed and Breakfast Operation
Accessory Use	Garden Suite
Dwelling, Manufactured Home	Home Day Care
Home Occupation (Minor)	
Institutional	
Manufactured Home Court	
Park or Playground	
Utility Building	

### 7.11.3. Lot Requirements

Minimum Lot Area	370 m <sup>2</sup> (3,982.8 ft.)  All lots shall have a minimum size to accommodate the proposed use to the satisfaction of the Subdivision Authority and Development Authority, as applicable.
Minimum Lot/Unit Widths	12.0 m (39.4 ft.) – Single Wide 20.0 m (65.6 ft.) – Double Wide

### 7.11.4. Site Regulations (metres (feet))

Minimum Front Yard Setback	7.5 m (24.6 ft.)
Minimum Rear Yard Setback	3.0 m (10.0 ft.)
Minimum Side Yard Setback	3.0 m (10.0 ft.)
Maximum Site Coverage	50%

### 7.11.5. Special Regulations

- (a) All roads in a manufactured home court shall be hard-surfaced to the satisfaction of the County.
- (b) All units within a manufactured home park shall be fully serviced in accordance with the servicing standards of the County.



- (c) All utilities shall be underground.
- (d) No principal building shall be closer than 6.0 metres (19.7 feet) to another principal building.
- (e) The development area of a manufactured home court shall be landscaped to the satisfaction of the Development Officer.
- (f) A minimum of 10% of the court gross area shall be designated as municipal reserve.
- (g) All homes shall be skirted or parged to the satisfaction of the Development Authority.
- (h) Where a development permit for a manufactured home court has been approved, separate development permits for each individual Dwelling - Manufactured Home will be required.
- (i) An overall site plan indicating the general layout of lots, roads, buildings and open spaces shall be provided as part of an application for a manufactured home court.





## 7.12 Hamlet Mixed Use (HM) District

### 7.12.1. General Purpose of District

The general purpose of this District is to allow compatible residential and commercial land uses within the same area.

### 7.12.2. Uses

PERMITTED	DISCRETIONARY
Accessory Building	Animal Health Care Services
Accessory Use	Apartment Building
Artisan Shop	Bed and Breakfast Operation
Canopy (Bylaw 07-2018)	Boarding or Lodging House (Bylaw 07-2018)
Convenience Retail Services	Caretaker's Residence
Cultural Facility	Convention Services
Dwelling - Duplex	Day Care Services
Dwelling – Row House	Drive Through Business
Dwelling – Manufactured Home	Flea Market
Dwelling – Single Detached	Funeral Service
Eating and Drinking Establishment	Garage Suite
Health Service	Garden Suite
Home Occupation (Minor)	Group Home
Institutional	Home Day Care
Park or Playground	Home Occupation (Major)
Recreational Vehicle Parking Space	Hotel
Utility Building	Liquor Manufacturing
	Liquor Sales
	Motel
	Personal Service Establishment
	Retail Store
	Service Station
	Tourist Home
	Vehicle Sales/Rentals

### 7.12.3. Lot Requirements

Lot Width:	15.0 m (49.2 ft.)
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All other parcel standards are at the discretion of the Development Authority or Subdivision Authority.



#### 7.12.4. Site Regulations (metres (feet))

Minimum Front Yard Setback	7.5 m (24.6 ft.)
Minimum Rear Yard Setback	7.5 m (24.6 ft.)
Side Yard (Interior)	2.0 m (6.6 ft.)
<b>Accessory Buildings:</b> (Bylaw 07-2022)	
Minimum Side Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)*
Minimum Rear Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)**
Minimum Exterior Side and Rear Yard (adjacent to County roads, internal subdivision roads and undeveloped road allowances)	4.57 m (15 ft)
	<i>*Dependent on the type of construction, a greater setback may be required as per Building Code</i>
	<i>**Except when an accessory building, such as a garage, has an overhead door that faces the rear lane access, in which case the rear yard setback shall be a minimum of 6 m (19.8 ft)</i>
Site Coverage	40% or a maximum coverage of 371 m <sup>2</sup> (3993.4 ft <sup>2</sup> ), whichever is greater

#### 7.12.5. Re-Districting Requirements

- a) Council shall consider the overall impact upon the community when determining redistricting applications of land to this District; and
- b) Redistricting of land to this District may require amendments to the applicable Hamlet Area Structure Plan, which, where required shall be completed prior to granting of final readings to the redistricting Bylaw.



## 7.13 Hamlet Residential (HR) District

### 7.13.1. General Purpose of District

The general purpose of this District is to allow a variety of residential land uses of a smaller scale and higher density compared to the Hamlet Estate district, which are compatible with the overall residential character of a Hamlet.

### 7.13.2. Uses

PERMITTED	DISCRETIONARY
Accessory Building	Apartment Building
Accessory Use	Bed and Breakfast Operation
Canopy (Bylaw 07-2018)	Boarding or Lodging House (Bylaw 07-2018)
Dwelling – Duplex	Cabin (Bylaw 21-2018)
Dwelling – Single Detached	Dwelling, Row House
Home Occupation (Minor)	Dwelling – Manufactured Home
Institutional	Garden Suite
Recreational Vehicle Parking Site	Garage Suite
Utility Building	Group Home
	Home Occupation (Major)
	Home Day Care
	Tourist Home

### 7.13.3. Lot Requirements

Minimum Lot Area - Single Detached	465 m <sup>2</sup> (5,000 ft <sup>2</sup> )
Minimum Lot Area (Per Dwelling Unit) - Duplex	200 m <sup>2</sup> (2,152 ft <sup>2</sup> )
Minimum Lot Area (Per Dwelling Unit) – Row House	175 m <sup>2</sup> (1,883 ft <sup>2</sup> )
Minimum Lot Width – Single Detached	15.0 m (49.2 ft.)
Minimum Lot Width (Per Dwelling Unit)- Duplex	7.5 m (24.6 ft.)
Minimum Lot Width (Per Dwelling Unit) – Row House	7.5 m (24.6 ft.)

### 7.13.4. Site Regulations (metres (feet))

Minimum Front Yard Setback	7.5 m (24.6 ft.)
Minimum Rear Yard Setback	7.5 m (24.6 ft.)
Side Yard (Interior) Setback	2.0 m (6.6 ft.)
<b>Accessory Buildings:</b> (Bylaw 07-2022)	



Minimum Side Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)*
Minimum Rear Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)**
Minimum Exterior Side and Rear Yard (adjacent to County roads, internal subdivision roads and undeveloped road allowances)	4.57 m (15 ft)
	<i>*Dependent on the type of construction, a greater setback may be required as per Building Code</i>
	<i>**Except when an accessory building, such as a garage, has an overhead door that faces the rear lane access, in which case the rear yard setback shall be a minimum of 6 m (19.8 ft)</i>
Site Coverage	40% or a maximum coverage of 371 m <sup>2</sup> (3993.4 ft <sup>2</sup> ), whichever is greater



## 7.14 Hamlet Residential Estate (HRE) District

### 7.14.1. General Purpose of District

The general purpose of this District is to allow lower density single detached dwellings, and those uses which are compatible with the overall residential character of a Hamlet.

### 7.14.2. Uses

PERMITTED	DISCRETIONARY
Accessory Building	Bed and Breakfast Operation
Accessory Use	Boarding or Lodging House (Bylaw 07-2018)
Canopy (Bylaw 07-2018)	Garden Suite
Dwelling – Single Detached	Garage Suite
Home Occupation (Minor)	Home Day Care
Institutional	
Recreational Vehicle Parking Site	
Utility Building	

### 7.14.3. Lot Requirements

Minimum Lot Area	510 m <sup>2</sup> (5489 ft <sup>2</sup> )
Minimum Lot Width	15.0 m (49.2 ft.)
Minimum Lot Depth	34.0 m (111.5 ft.)

### 7.14.4. Site Regulations (metres (feet))

Minimum Front Yard Setback	7.5 m (24.6 ft.)
Minimum Rear Yard Setback	7.5 m (24.6 ft.)
Minimum Side Yard Setback	2.0 m (6.6 ft.)
<b>Accessory Buildings:</b> (Bylaw 07-2022)	
Minimum Side Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)*
Minimum Rear Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)**
Minimum Exterior Side and Rear Yard (adjacent to County roads, internal subdivision roads and undeveloped road allowances)	4.57 m (15 ft)



	<i>*Dependent on the type of construction, a greater setback may be required as per Building Code</i>
	<i>**Except when an accessory building, such as a garage, has an overhead door that faces the rear lane access, in which case the rear yard setback shall be a minimum of 6 m (19.8 ft)</i>
Site Coverage	40% or a maximum coverage of 371 m <sup>2</sup> (3993.4 ft <sup>2</sup> ), whichever is greater



## 7.15 Highway Commercial (HWC) District

### 7.15.1. General Purpose of District

The general purpose of this District is to allow for development that would accommodate the travelling public, along highways and major roadways, in a manner that does not conflict with other land uses, or highway safety.

### 7.15.2. Uses

PERMITTED	DISCRETIONARY
Animal Health Care Services (Bylaw 07-2018)	Amusement, Indoor
Accessory Building	Amusement, Outdoor
Accessory Use	Auto body and Paint Shop
Automobile Dealership	Automotive Repairs
Canopy (Bylaw 07-2018)	Bulk Fuel Depot
Convenience Retail Services	Cannabis Retail Store (Bylaw 11-2018)
Drive Through Business	Caretaker/Security Residence (Bylaw 14-2021)
Eating and Drinking Establishment	Cultural Facility
Health Service	Dwelling (Bylaw 26-2020)
Hotel	Dwelling, Live Work Unit (Bylaw 14-2021)
Institutional	Funeral Service
Motel	General Contractor Services
Retail Store	Industrial Wellsite Trailer (Bylaw 01-2023)
Service Station	Liquor Manufacturing
Utility Building	Liquor Sales (Bylaw 10-2022)
	Storage Facility (Bylaw 01-2018)
	Trucking Operations
	Vehicle Sales/Rentals

### 7.15.3. Lot Requirements

Minimum Site Width	60.0 m (196.9 ft.)
Minimum Site Depth	45.0 m (147.6 ft.)
Parcel Density	At the discretion of the Subdivision Authority

### 7.15.4. Site Regulations (metres (feet))

Minimum Front Yard Setback	40.0 m (131 ft.) from Highways; 20.0 m (64.6 ft.) from County Roads; 10.0 m (32.8 ft.) from Internal Roads
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Minimum Rear Yard Setback	40.0 m (131 ft.) from Highways; 20.0 m (64.6 ft.) from County Roads 10.0 m (32.8 ft.) from Internal Roads 10.0 m (32.8 ft.) adjacent to other property lines (Bylaw 07-2018)
Minimum Side Yard Setback	40.0 m (131 ft.) from Highways; 10.0 m (32.8 ft.) adjacent to County Roads 10.0 m (32.8 ft.) from Internal Roads (Bylaw 07-2018) 6.0 m (19.7 ft.) adjacent to other property line.
Maximum Building Height	12.0 m (39.3 ft.)
Maximum Site Coverage	40% including both principal and accessory buildings combined.





## 7.16 Parks and Institutional (PI) District

### 7.16.1. General Purpose of District

The purpose of this District is to provide a range of park, recreation and institutional land uses which are compatible with urban and rural communities within the County.

### 7.16.2. Uses

PERMITTED	DISCRETIONARY
Accessory Building	Day Care Services
Accessory Use	Funeral Services
Canopy (Bylaw 07-2018)	Group Home
Cemetery	Marina
Community Recreation Services	Recreation - Extensive
Cultural Facilities	Recreation - Intensive
Educational Services	
Institutional	
Park or Playground	
Place of Worship	
Public Works Building (Bylaw 07-2018)	
Utility Building (Bylaw 07-2018)	
Water Reservoir (Bylaw 07-2018)	

### 7.16.3. Subdivision Requirements

All lots shall have a minimum size to accommodate the proposed use to the satisfaction of the Subdivision Officer and Development Officer, as applicable.

### 7.16.4. Site Requirements (metres (feet))

Minimum Front Yard Setback	7.5 m (24.6 ft.) within hamlets; 40.0 (131 ft.) from highways and County Roads.
Minimum Rear Yard Setback	7.5 m (24.6 ft.)
Minimum Side Yard Setback	6.0 m (19.8 ft.) abutting a public road; 3.0 m (9.8 ft.) abutting another lot line.



## 7.17 Rural Industrial (RI) District

### 7.17.1. General Purpose of District

The general purpose of this district is to provide for larger-scale intensive industrial development best suited for areas outside of Hamlets and urban settings.

### 7.17.2. Uses

PERMITTED	DISCRETIONARY
Abattoir	Bulk Fuel Depot
Accessory Building	Caretaker's Residence
Accessory Use	Concrete / Asphalt Plant
Agricultural - Extensive	General Contractor Services
Agricultural Industry	General Industrial Use
Agricultural Support Services	Heavy Industrial
Animal Health Care Services	Industrial Camp
Auctioneering Establishment	Industrial Wellsite Trailer (Bylaw 01-2023)
Automotive Repair Shop	Land Farm
Bulk Agricultural Chemical Distribution	Liquor Manufacturing
Canopy (Bylaw 07-2018)	Maintenance Yard
Oilfield Services (Bylaw 07-2018)	Medical Marijuana Facility
Service Station	Natural Resource Processing
Trucking Operation	Oil and Gas Processing Plant (Bylaw 07-2018)
Utility Building	Pressure Vessel Storage
Warehousing	Salvage Yard
	Storage Facility (Bylaw 01-2018)
	Storage Tank, Above Ground
	Transloading Facility

### 7.17.3. Lot Requirements

- (a) Rural areas, outside hamlets: All lots shall be a minimum of 0.8 ha. (2.0 ac.) in size.

### 7.17.4. Site Regulations

- (a) Front yard setbacks shall be a minimum of:
- 40.0 metres (131 feet) from a Highway;
  - 40.0 metres (131 feet) from a County Road;
  - 10.0 metres (32.8 feet) from an internal road or hamlet road.
- (b) Rear and Side yard setbacks are to be a minimum of:



- i. 40.0 metres (131 feet) from a Highway;
- ii. 40.0 metres (131 feet) from a County road;
- iii. 10.0 metres (32.8 feet) from an internal road or hamlet road;
- iv. 10.0 metres (32.8 feet) from another property line.

(c) Caretaker's Residence:

- i. In this District a Caretaker's Residence may be allowed at the discretion of the Development Authority, to a maximum of one (1) suite per Lot and accessory to the Principal Use. Where approval is given, the following regulations shall apply:
  - 1. where the Caretaker's Residence is a manufactured home unit, the unit shall have Canadian Standards Association certification or equivalent. Proof of these shall be submitted with the Development Permit application.
  - 2. The manufactured home unit shall be secured and properly skirted to the satisfaction of the Development Authority.

(d) Outside Storage and Display:

- i. there shall be no outside storage of goods, products, materials, or equipment permitted within the front yard setback of this District.
- ii. outside storage of goods, products, materials, or equipment shall be screened from public thoroughfares to the satisfaction of the Development Authority.

**7.17.5. Additional Requirements**

All parcels shall be large enough to accommodate the proposed use. Where a multi-lot business park is proposed, an Area Structure Plan shall be prepared to guide development.



## 7.18 Urban Reserve (UR) District

### 7.18.1. General Purpose of District

The general purpose of this District is to allow some development within lands that are identified for future urban growth.

### 7.18.2. Uses

PERMITTED	DISCRETIONARY
Accessory Building	Farmstead
Accessory Use	Institutional
Agriculture - Extensive	
Agriculture – Intensive	
Park or Playground	
Utility Building	

### 7.18.3. Lot Requirements

- (a) As required by the Subdivision Officer and appropriate for the proposed use.
- (b) Parcels must be designed to incorporate fully serviced lots.

### 7.18.4. Site Regulations (metres (feet))

Minimum Front Yard Setback	40.0 m (131 ft.) from Highways 7.5 m (24.6 ft.) All other roads
Minimum Rear Yard Setback	7.5 m (24.6 ft.)
Minimum Side Yard Setback	2.0 m (6.6 ft.)
<b>Accessory Buildings:</b> (Bylaw 07-2022)	
Minimum Side Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)*
Minimum Rear Yard (not adjacent to a road/road allowance)	1.5 m (4.9 ft)**
Minimum Exterior Side and Rear Yard (adjacent to County roads, internal subdivision roads and undeveloped road allowances)	4.57 m (15 ft)
	<i>*Dependent on the type of construction, a greater setback may be required as per Building Code</i>



	<p><i>**Except when an accessory building, such as a garage, has an overhead door that faces the rear lane access, in which case the rear yard setback shall be a minimum of 6 m (19.8 ft)</i></p>
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## **7.19 Airport Protection Overlay (AP) District (Bylaw 06-2018)**

### **7.19.1. General Purpose of District**

The purpose of the Airport Protection Overlay District is to reflect the extent of the noise exposure of forecast areas and height limitations affecting airports in the County. This Overlay applies to all lands included in the established Airport Protection Overlay District.

### **7.19.2. Uses**

- (a) Permitted and discretionary uses within the Airport Vicinity Overlay District are the same as those in the underlying district unless they are prohibited by this overlay because they will cause objectionable or dangerous conditions that would interfere with safety by reason of causing excessive:
  - i. discharge of toxic, noxious, or other particulate matter into the atmosphere;
  - ii. radiation or interference by the use of electronic equipment such as equipment for commercial purposes that cause electrical interference with navigational signals or radio communications;
  - iii. conflicting aircraft movements from private airstrips;
  - iv. fire and explosive hazards;
  - v. accumulation of any material or waste edible by or attractive to birds, or
  - vi. development that creates glare or lighting that interferes with lights necessary for aircraft landing or take-off.

### **7.19.3 Subdivision Regulations:**

- (a) The subdivision regulations of the underlying district apply.

### **7.19.4 Development Regulations:**

- (a) All developments adjacent to an Airport and/or within the Airport Protection Overlay District shall be reviewed in accordance with "Transport Canada's Guide – TP 1247E, Land Use in the Vicinity of Airports" as updated from time to time.
- (b) No development shall be approved which will jeopardize the safe use of the airports.
- (c) The following criteria shall be applied to subdivision and development near all airports within the Airport Protection Overlay District as identified on the Land Use Map 20 and 21:
  - i. Development shall not exceed in height the structural height limitation requirements as prescribed by Transport Canada and indicated on Schedules "1A: High Prairie Airport Height Limitation" and "2A: Swan Hills Airport Height Limitation" located at the end of this



Subsection 7.19. The height of the development shall be approved in consultation with Transport Canada;

- ii. Buildings shall conform to Canada Mortgage and Housing Corporation Standards for sound insulation for buildings situated in Noise Exposure Forecast (NEF) Areas as identified in Schedules “1B: High Prairie Airport Noise Exposure Projection” and “2B: Swan Hills Airport Noise Exposure Projection” located at the end of Subsection 7.19.
- (d) Applications to erect or construct on any land within the Airport Protection Overlay District shall be forwarded to Transport Canada for technical comment prior to issuance of a development permit. Applications will be analyzed on a case by case basis and may be refused, notwithstanding that a land use class is listed as permitted, if it is deemed that such use class shall interfere with the operation of the airport.
- (e) Before considering any of the land uses listed below, the Development Authority shall consult with Transport Canada:
- i. A plant for processing and/or manufacturing of products from petroleum, natural gas or other hydrocarbons, chemical or related products, stone, clay or glass products, fertilizers, animal by- products.
  - ii. Anything that includes an electronic device, apparatus and or equipment that is used for industrial, scientific, medical, research purposes and/or produces and utilizes radio frequency in its operations but does not interfere with radio communication.
  - iii. Uses that will or will likely result in:
    - 1. emissions of steam or smoke or other particles which may impair vision
    - 2. outdoor storage of large quantities of any material or waste edible by or attractive to birds, or
    - 3. the use of extensive exterior lighting
  - iv. Uses that will result in:
    - 1. Interference with airspace up to 305 m (1,000 ft) above ground level;
    - 2. tethered balloons (with conditions) within five nautical miles; and
    - 3. private airstrips (with conditions) within five nautical miles
  - v. Construction of towers or masts extending upwards more than 45 m (147.6 ft) within five nautical miles of an airport reference point
- (f) If the Development Authority is satisfied that a proposed development shall not interfere with the safe operation of the airport, then the proposed development may be approved with or without conditions.



- (g) A development within the Airport Protection Overlay District shall not, in the opinion of the Development Authority with due regard to Transport Canada's comments, cause excessive
- i. discharge of toxic, noxious or other particulate matter into the atmosphere;
  - ii. radiation or interference through the use of electric or electronic equipment;
  - iii. fire and explosive hazards; or
  - iv. accumulation of any material or waste edible by, or attractive to, birds
- (h) In addition to the general submission requirements of this Bylaw, where required by the Development Authority, an application within the Airport Protection Overlay District must provide the following information:
- i. The grade elevation of the highest point of proposed buildings, to be referenced to geodetic elevations. Geodetic elevation is the elevation of a point and its vertical distance, determined by employing the principles of geodesy above or below an assumed level surface or datum; and
  - ii. The proposed building height, in metric measurement, including clearance lights, mechanical penthouses, antennas, building cranes during construction, receiving or transmitting structures, masts, flagpoles, clearance markers or any other erection beyond the height of the principal building structure.





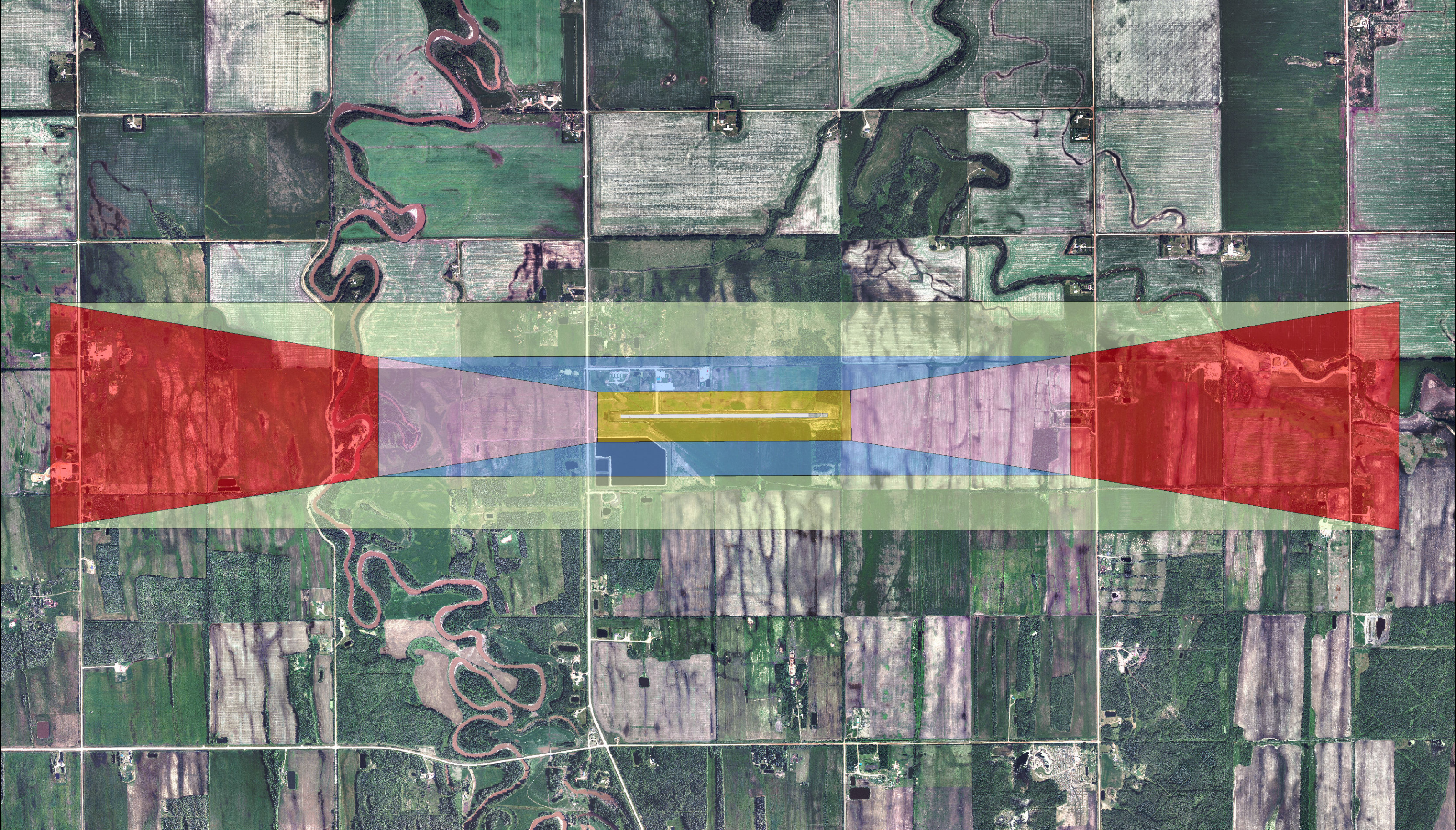
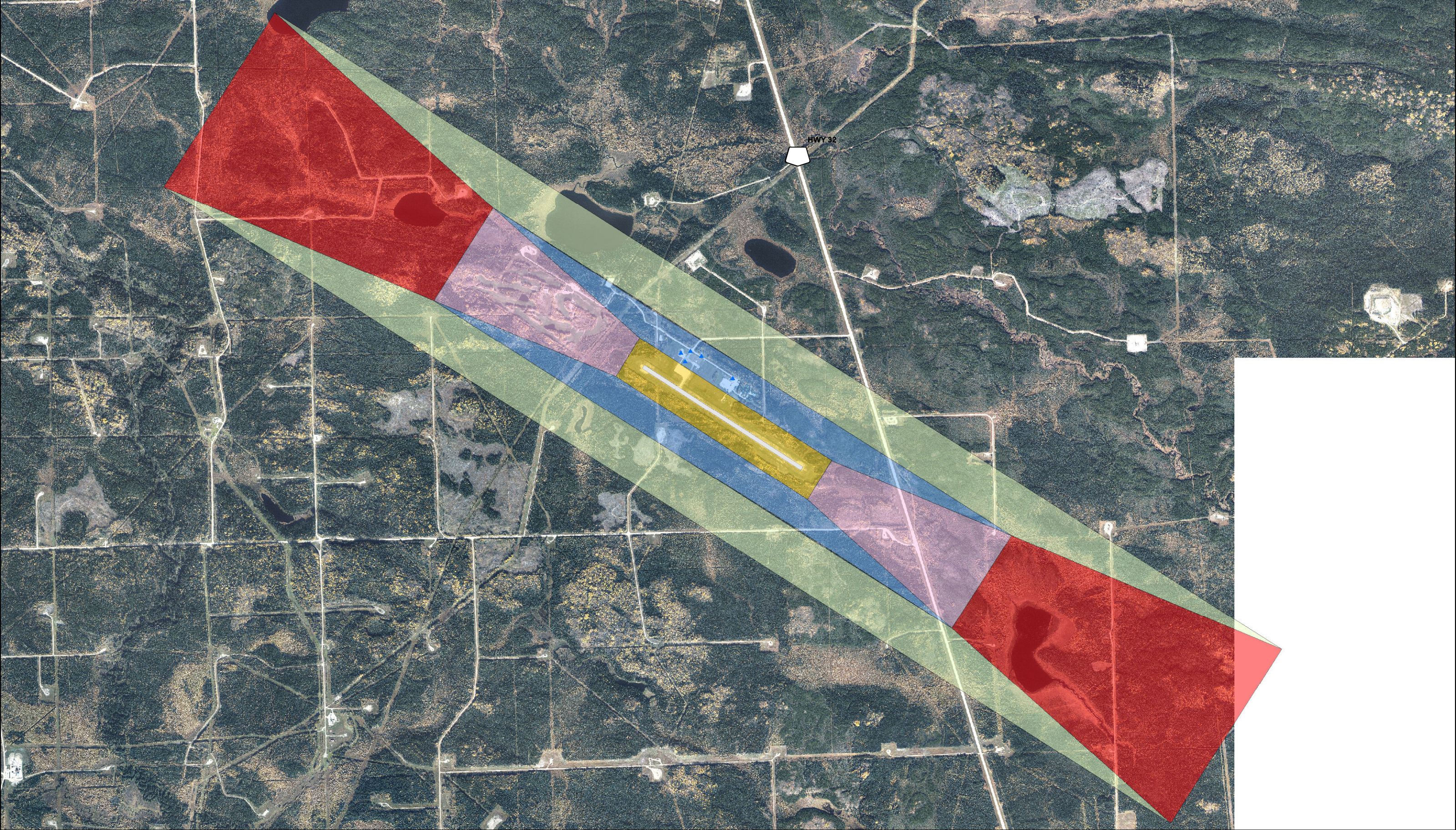




Figure 2

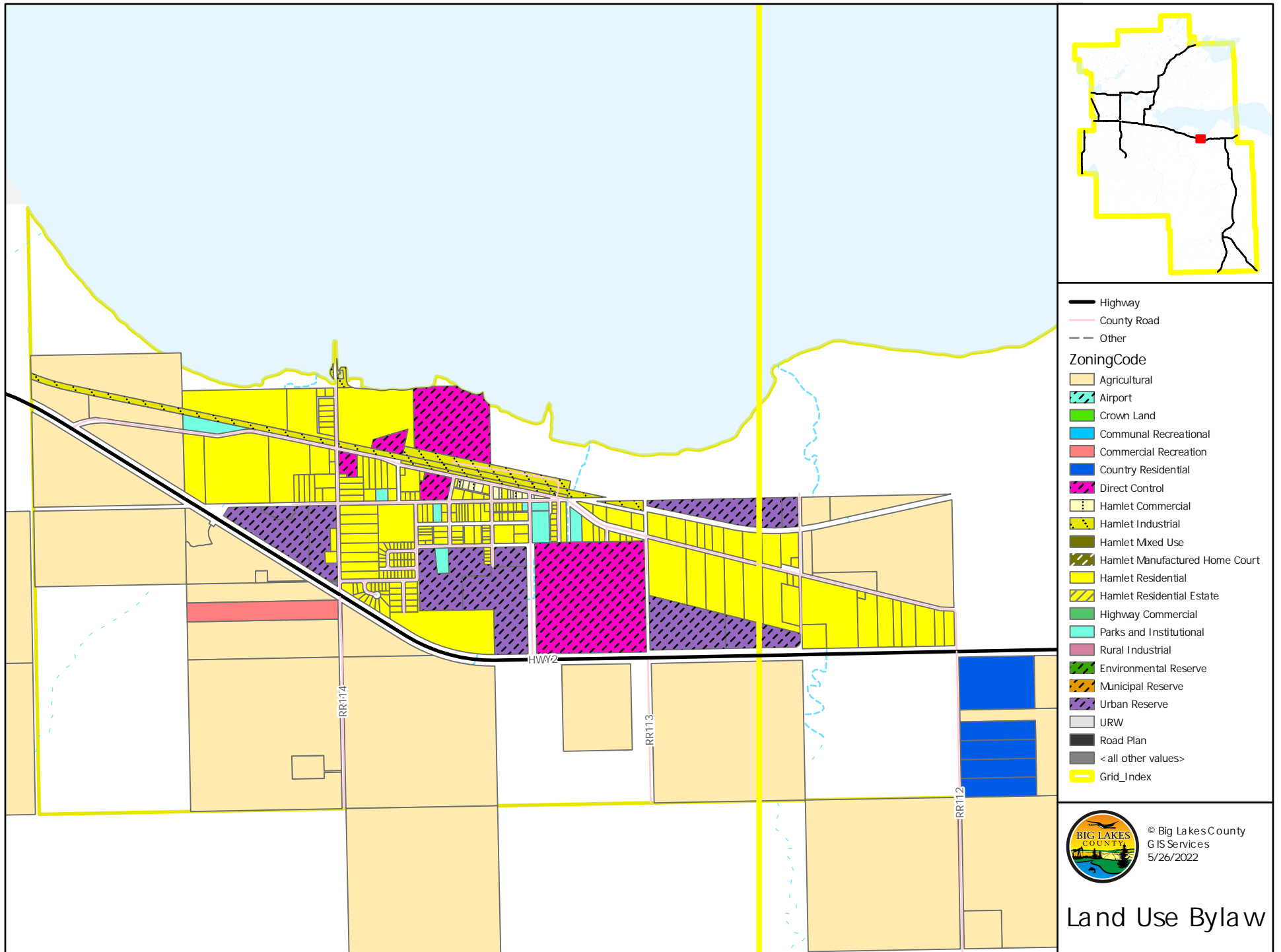


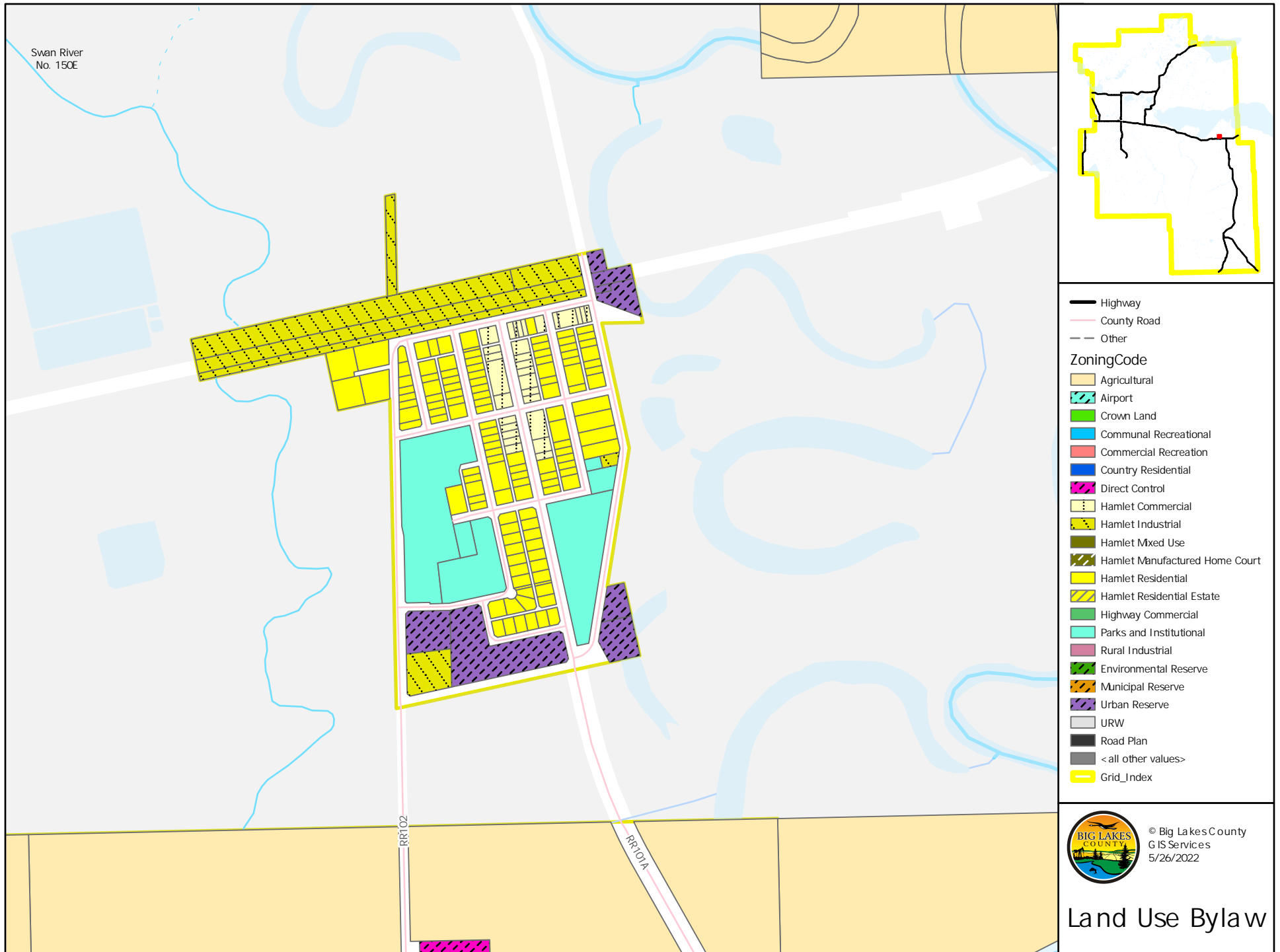


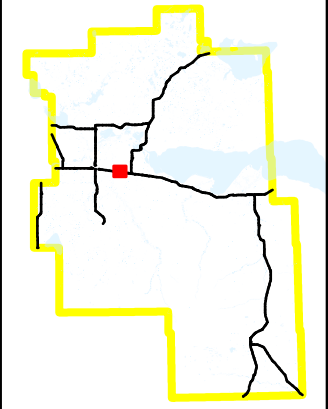
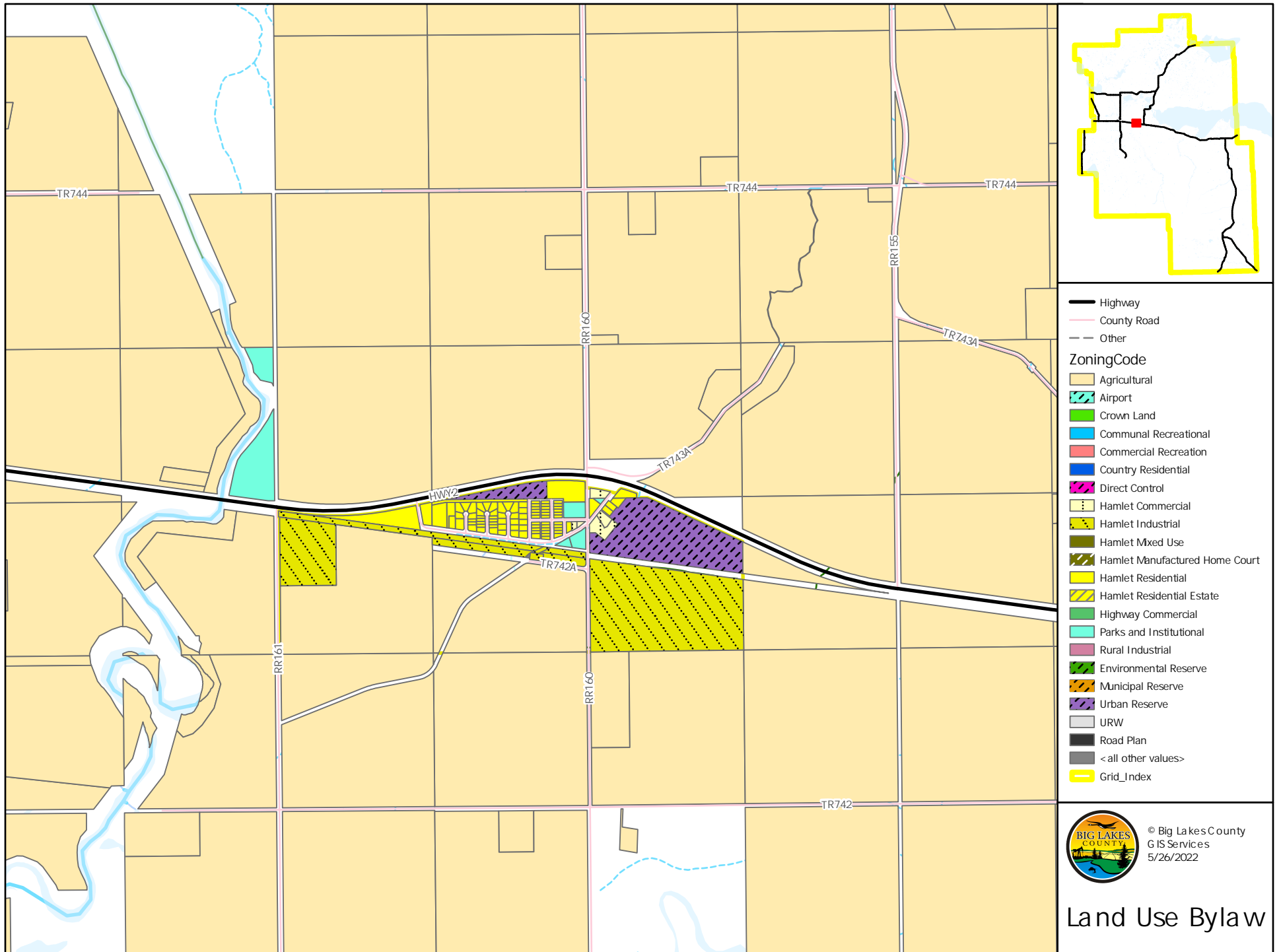
## **Schedule A – Land Use District Maps**

Maps 1 - 24







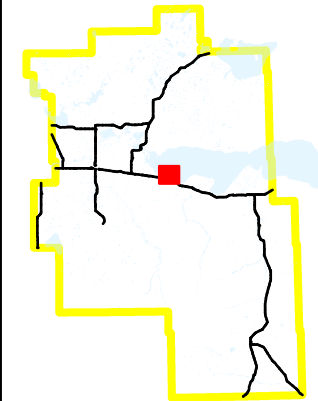
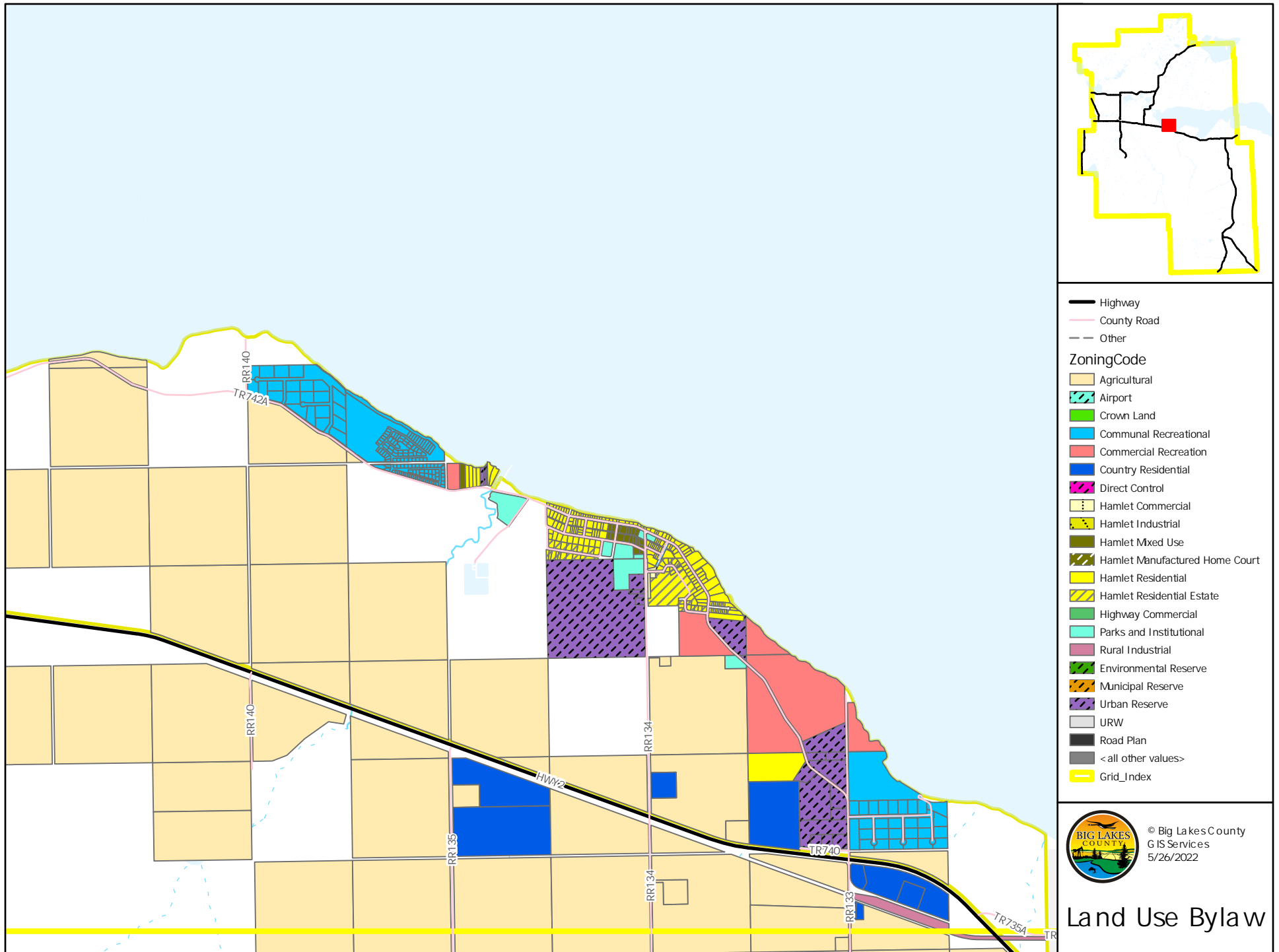


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  - Hamlet Manufactured Home Court
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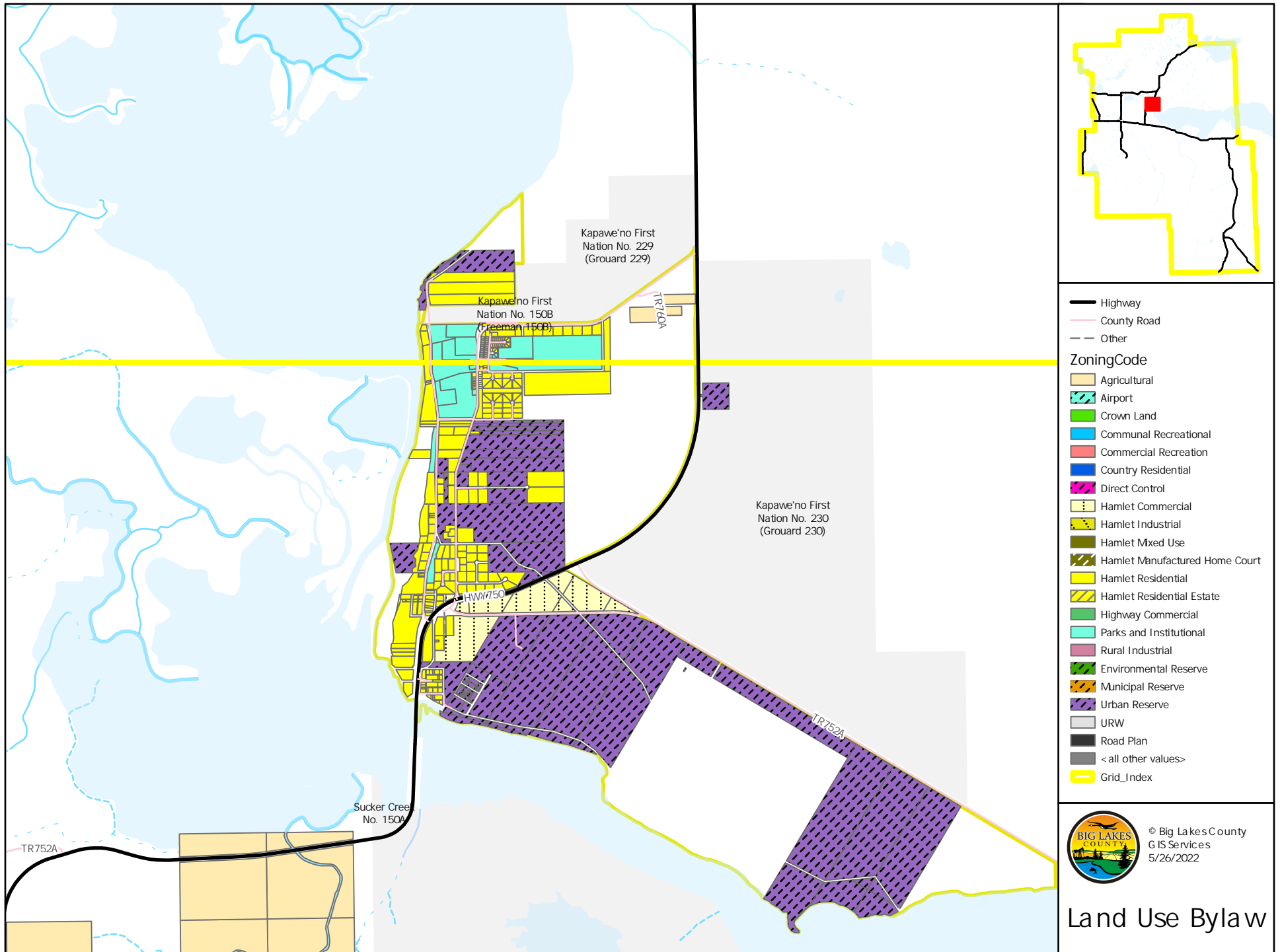


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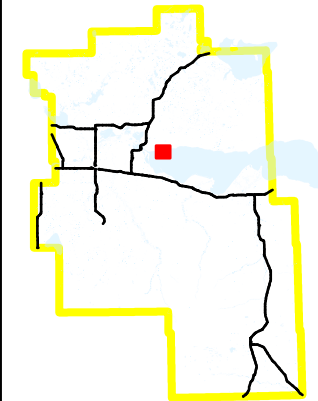
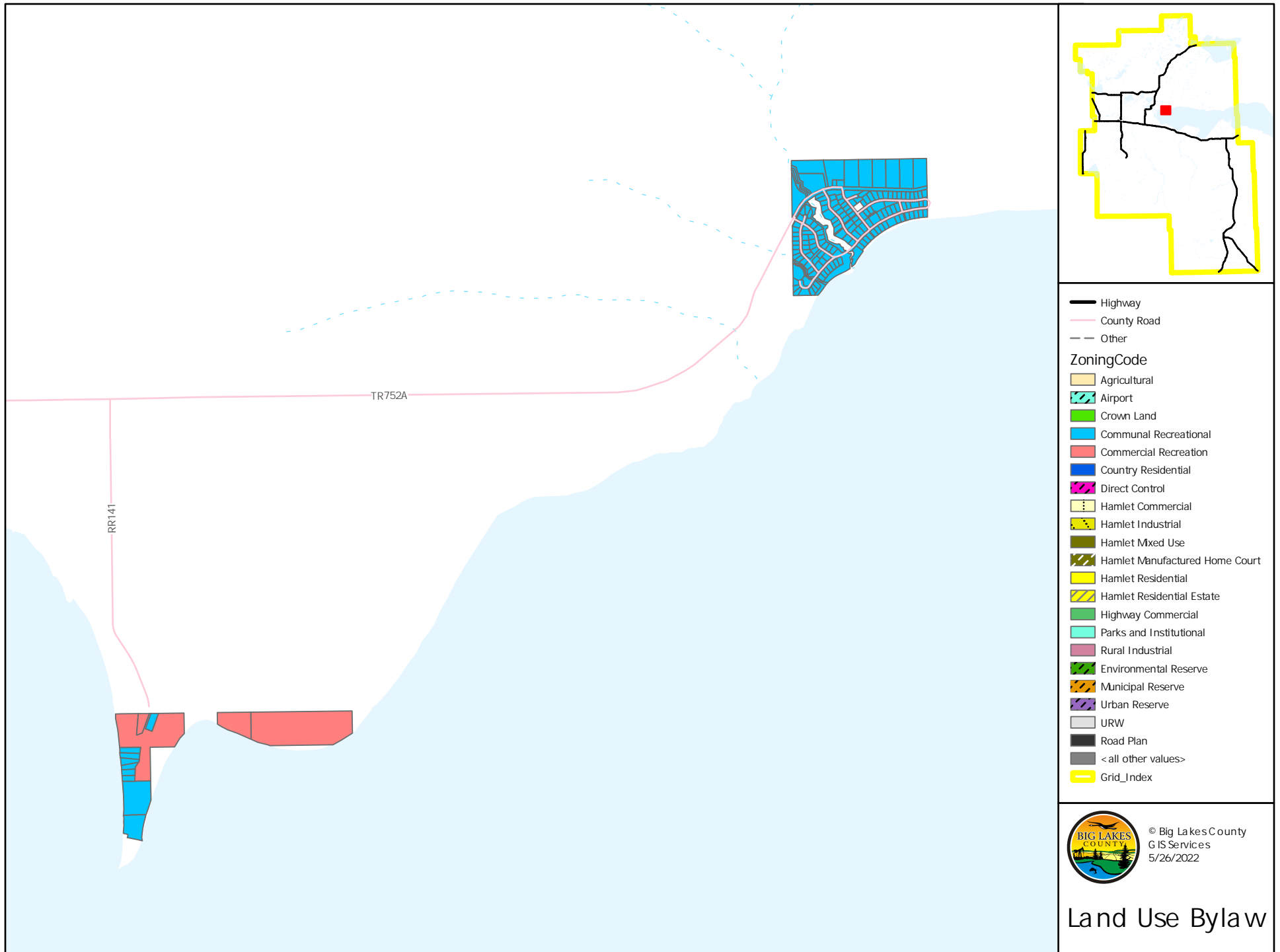


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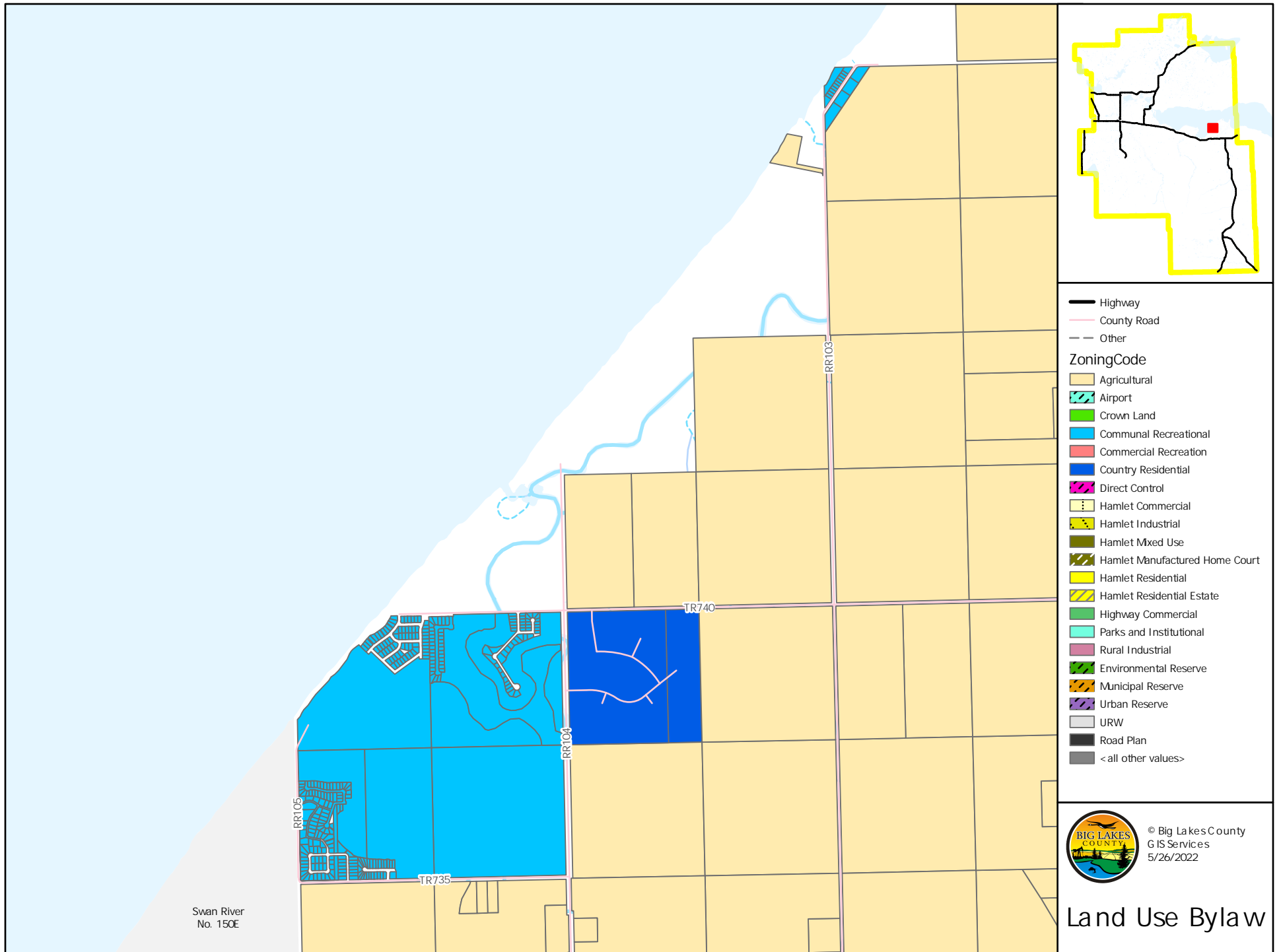


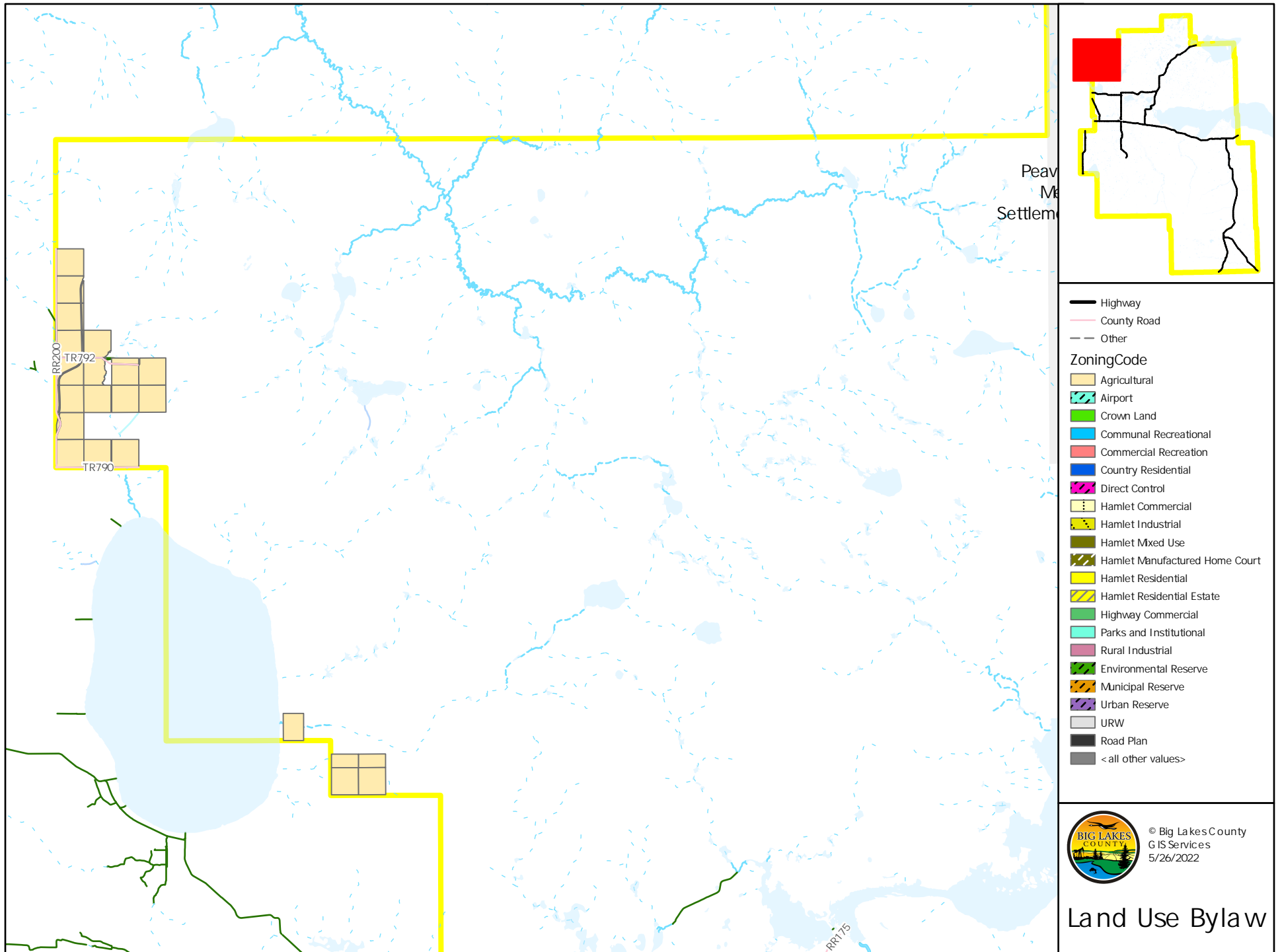
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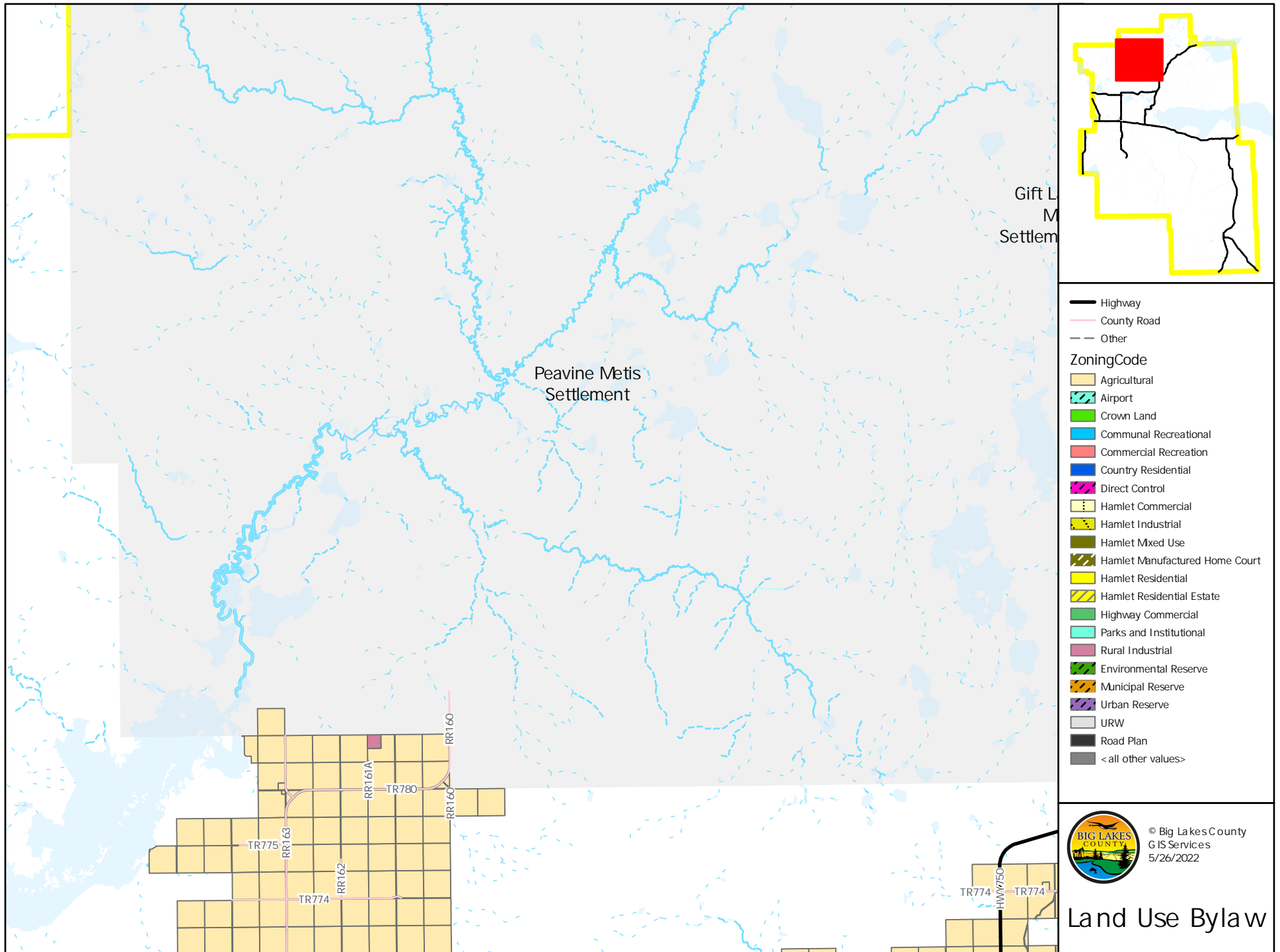


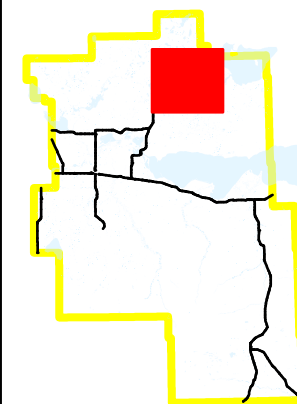
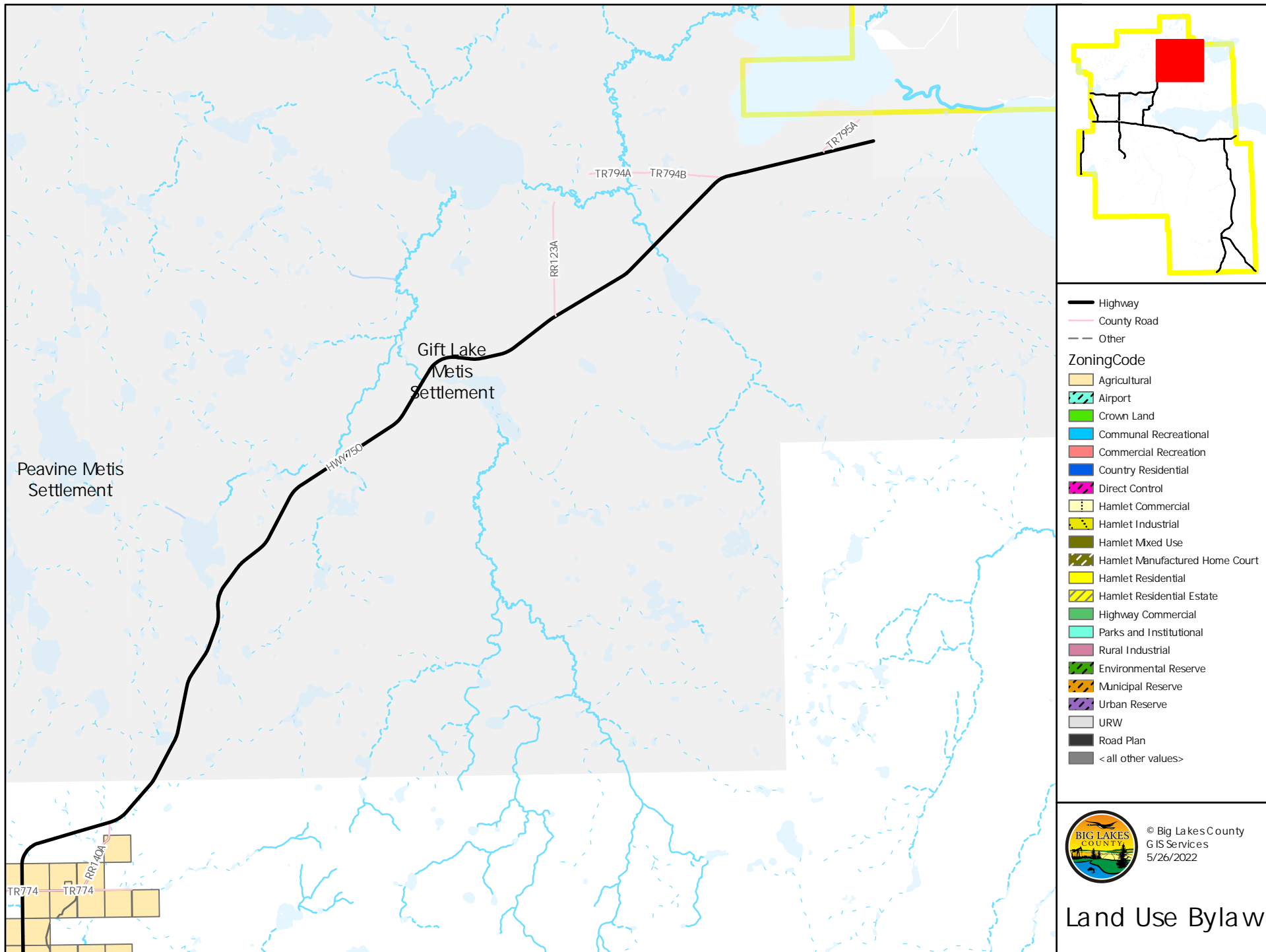
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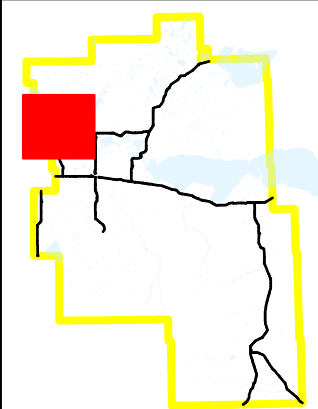
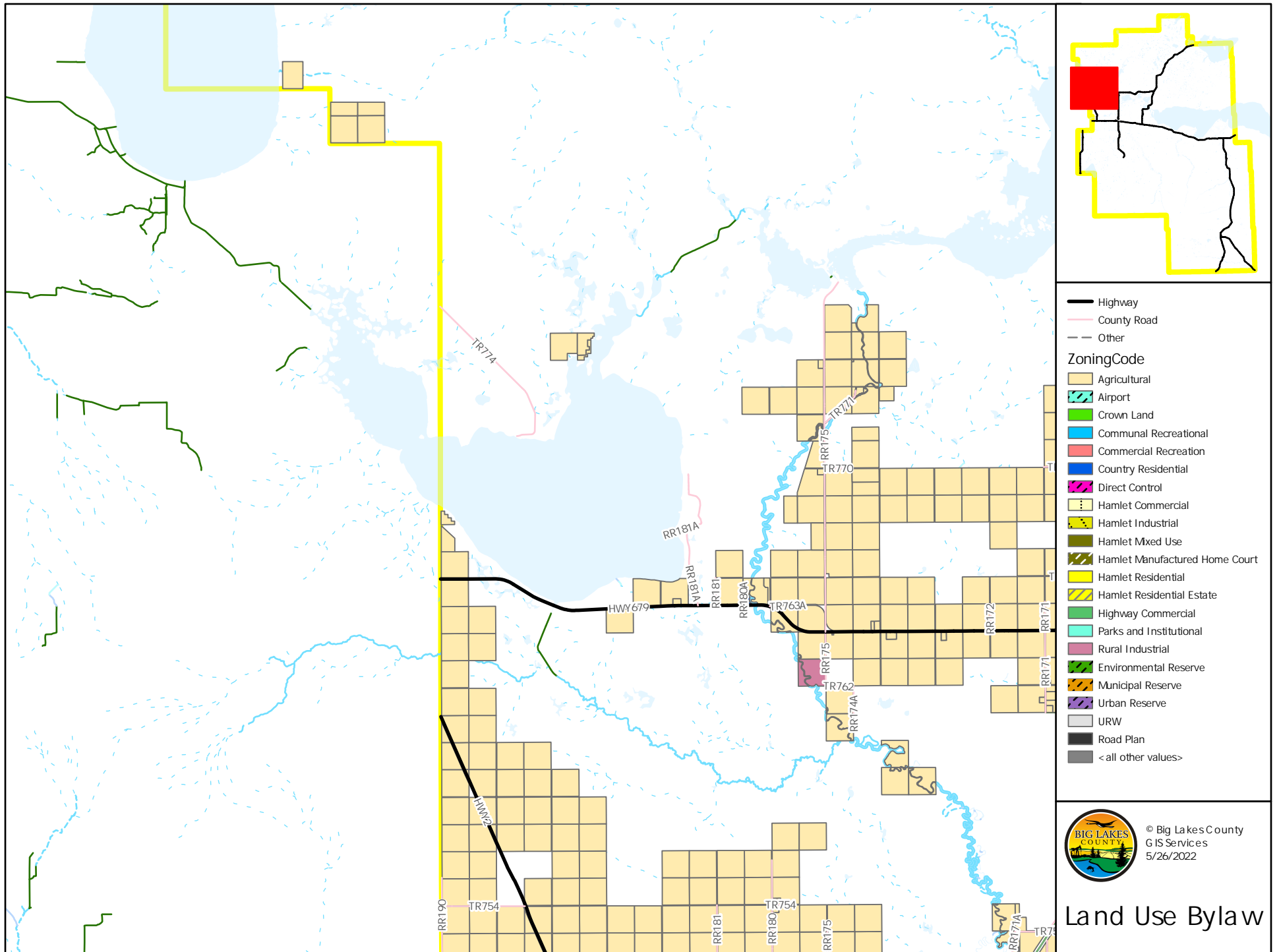


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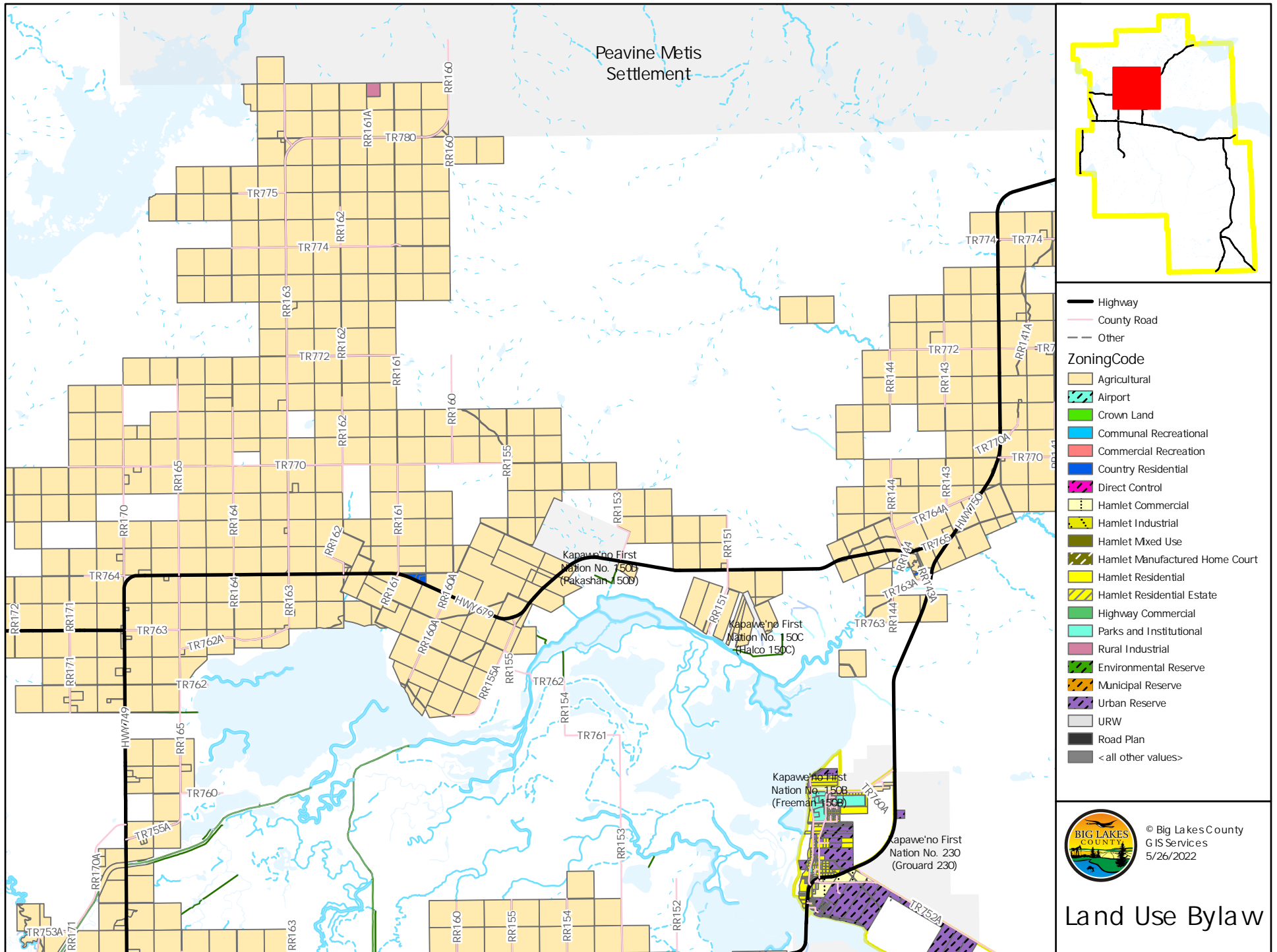
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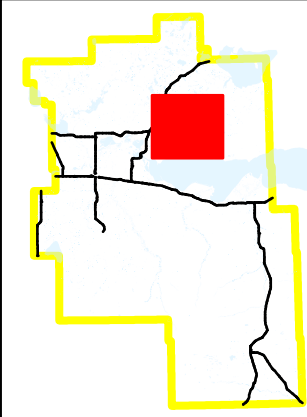
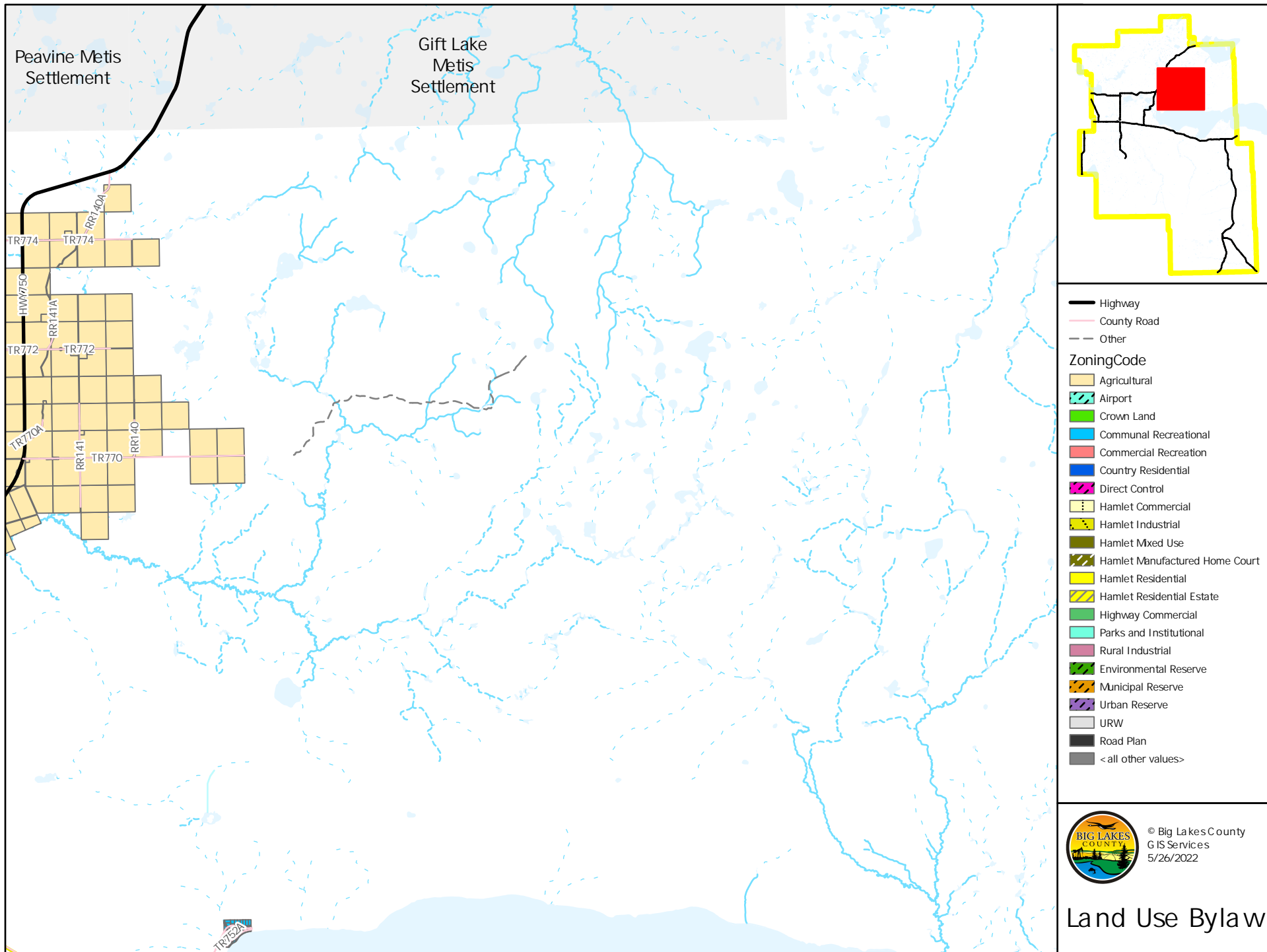


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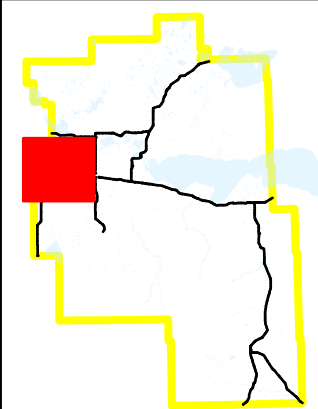
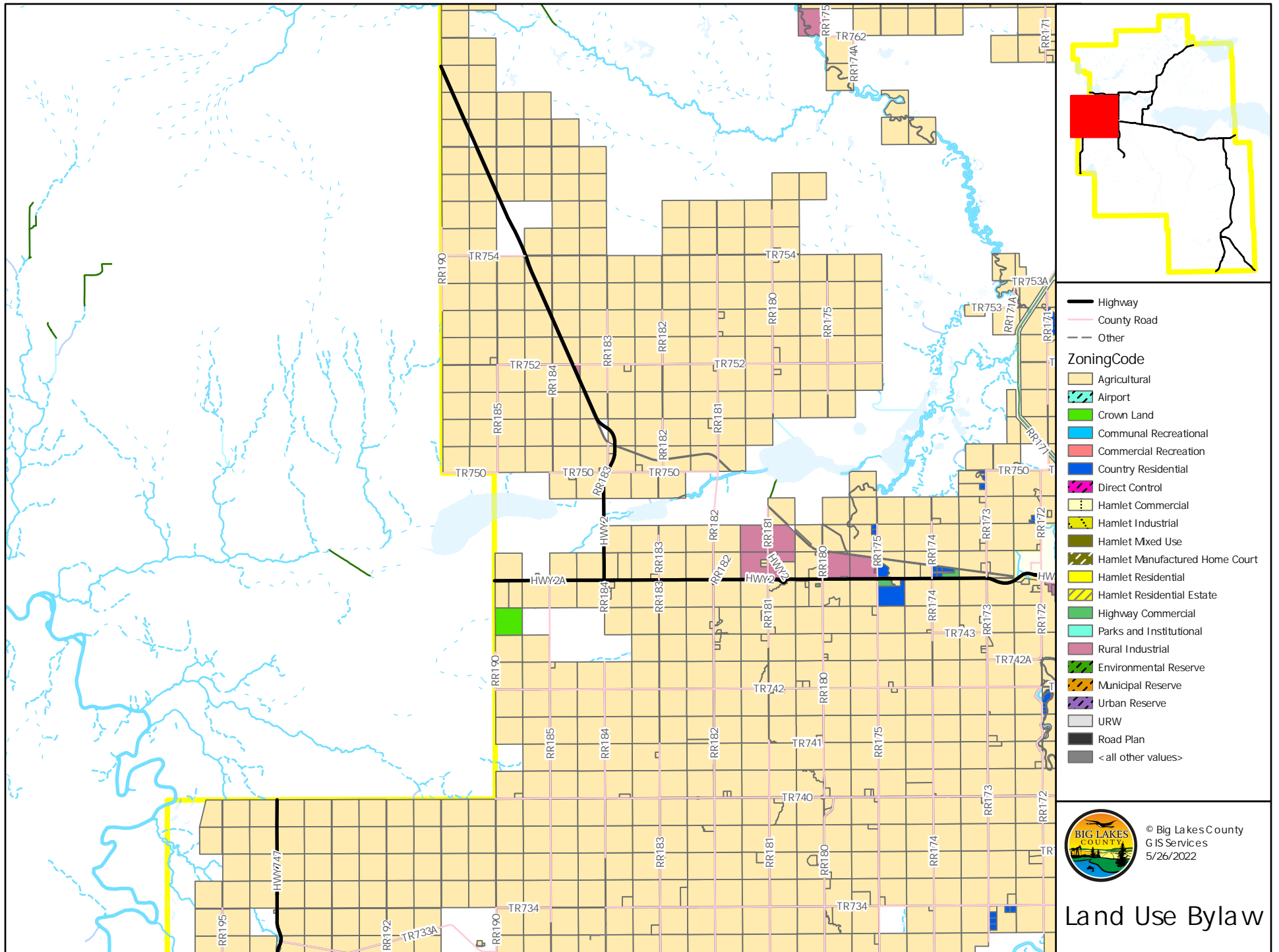
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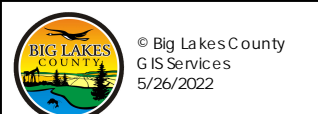
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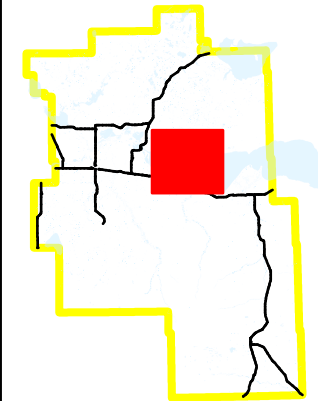
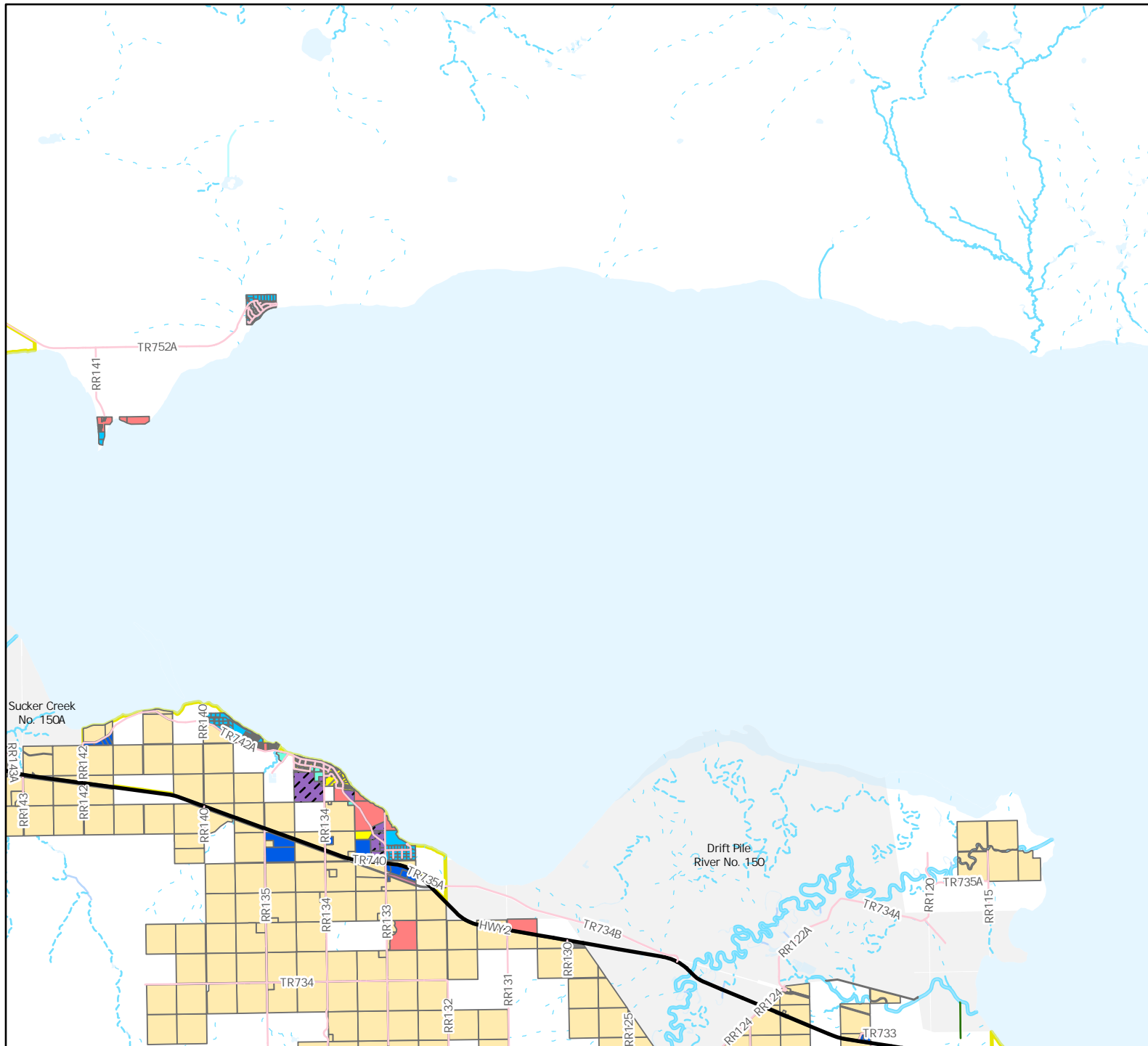


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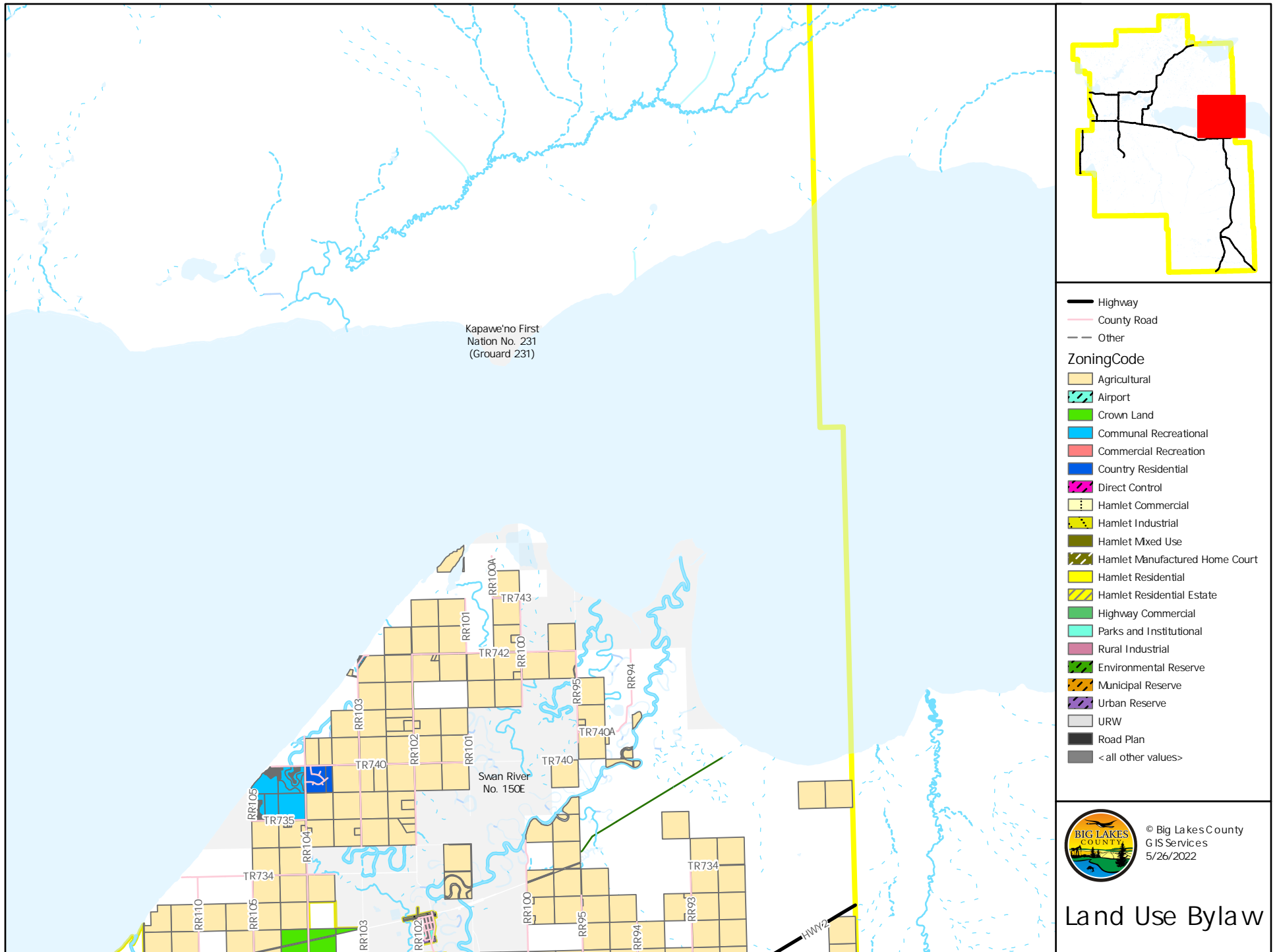




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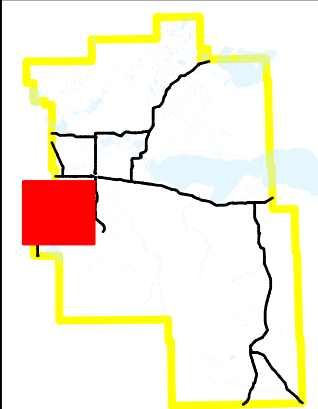
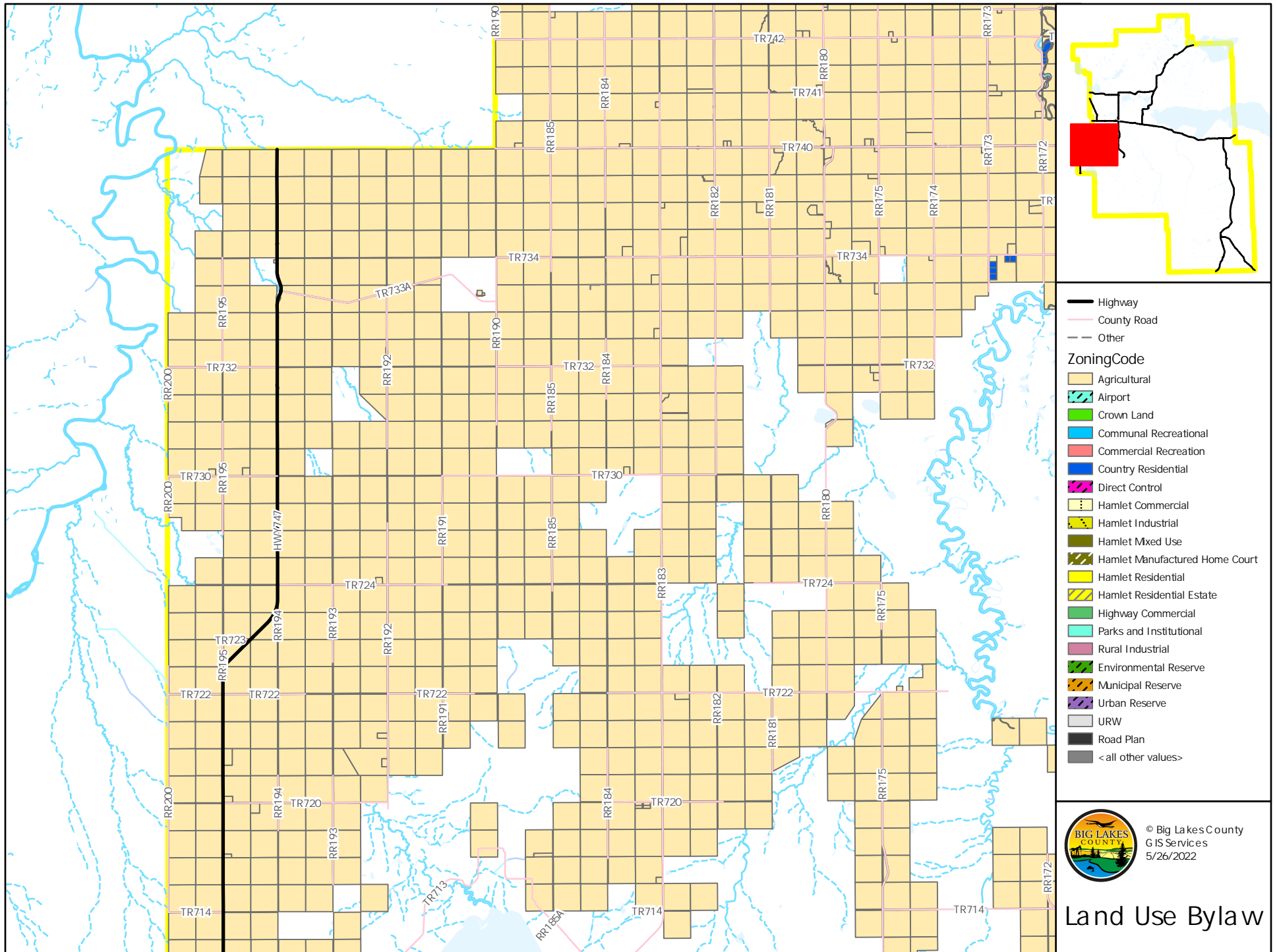


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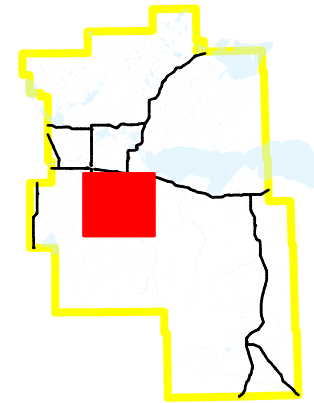
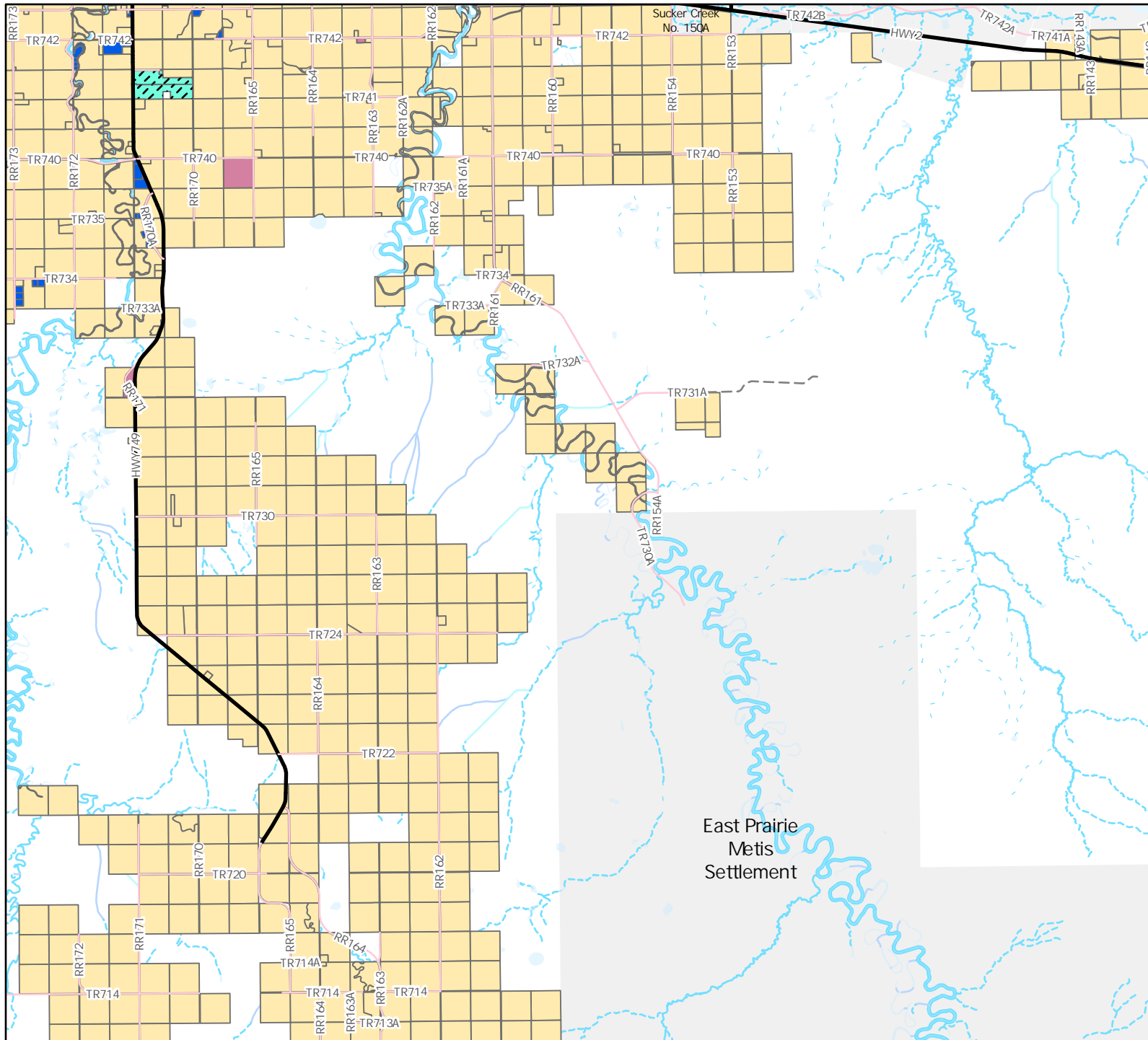
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## Land Use Bylaw



# Land Use Bylaw



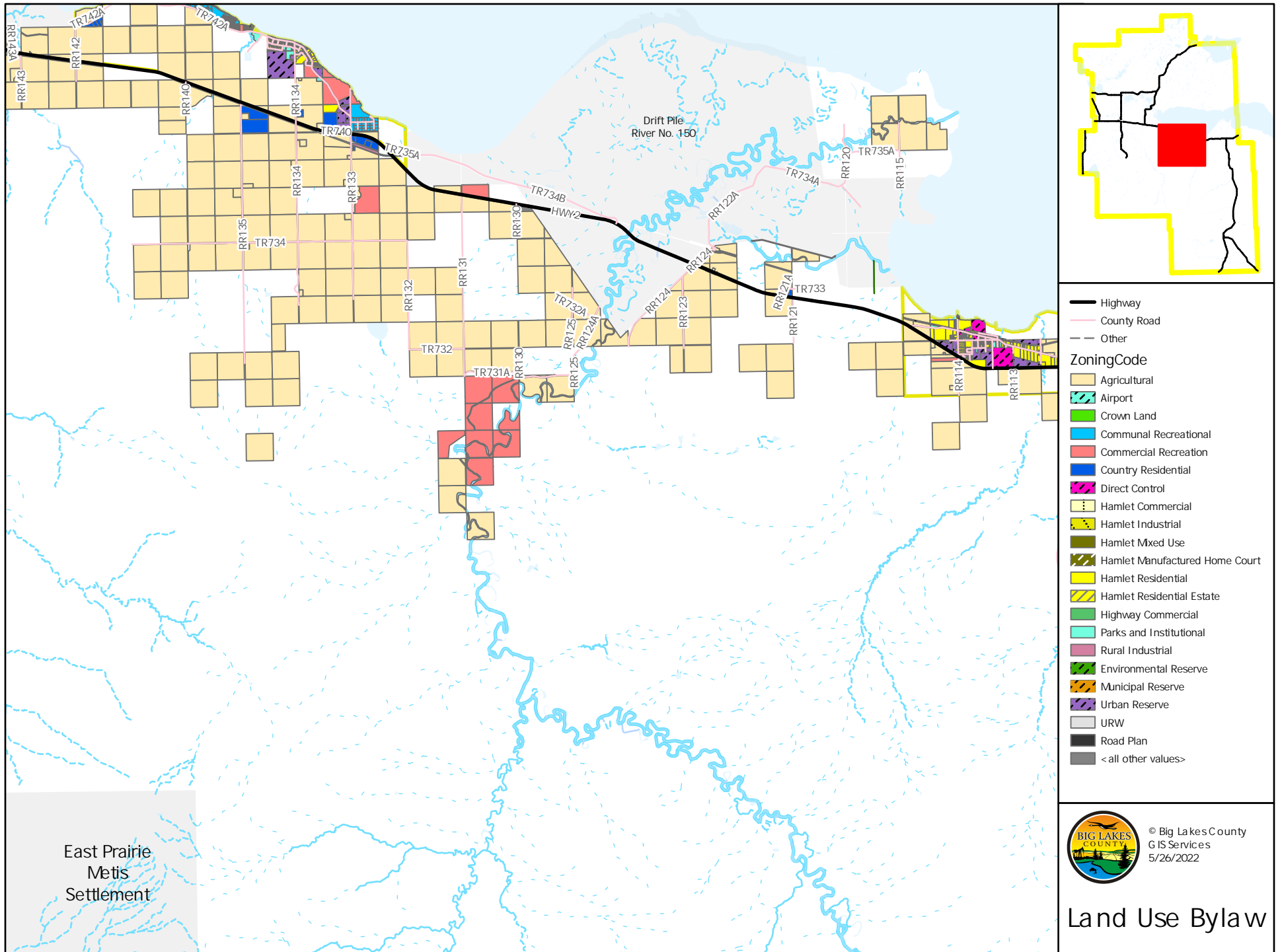


- Highway  
 — County Road  
 — Other
- ZoningCode**
- Agricultural
  - Airport
  - Crown Land
  - Communal Recreational
  - Commercial Recreation
  - Country Residential
  - Direct Control
  - Hamlet Commercial
  - Hamlet Industrial
  - Hamlet Mixed Use
  - Hamlet Manufactured Home Court
  - Hamlet Residential
  - Hamlet Residential Estate
  - Highway Commercial
  - Parks and Institutional
  - Rural Industrial
  - Environmental Reserve
  - Municipal Reserve
  - Urban Reserve
  - URW
  - Road Plan
  - < all other values >



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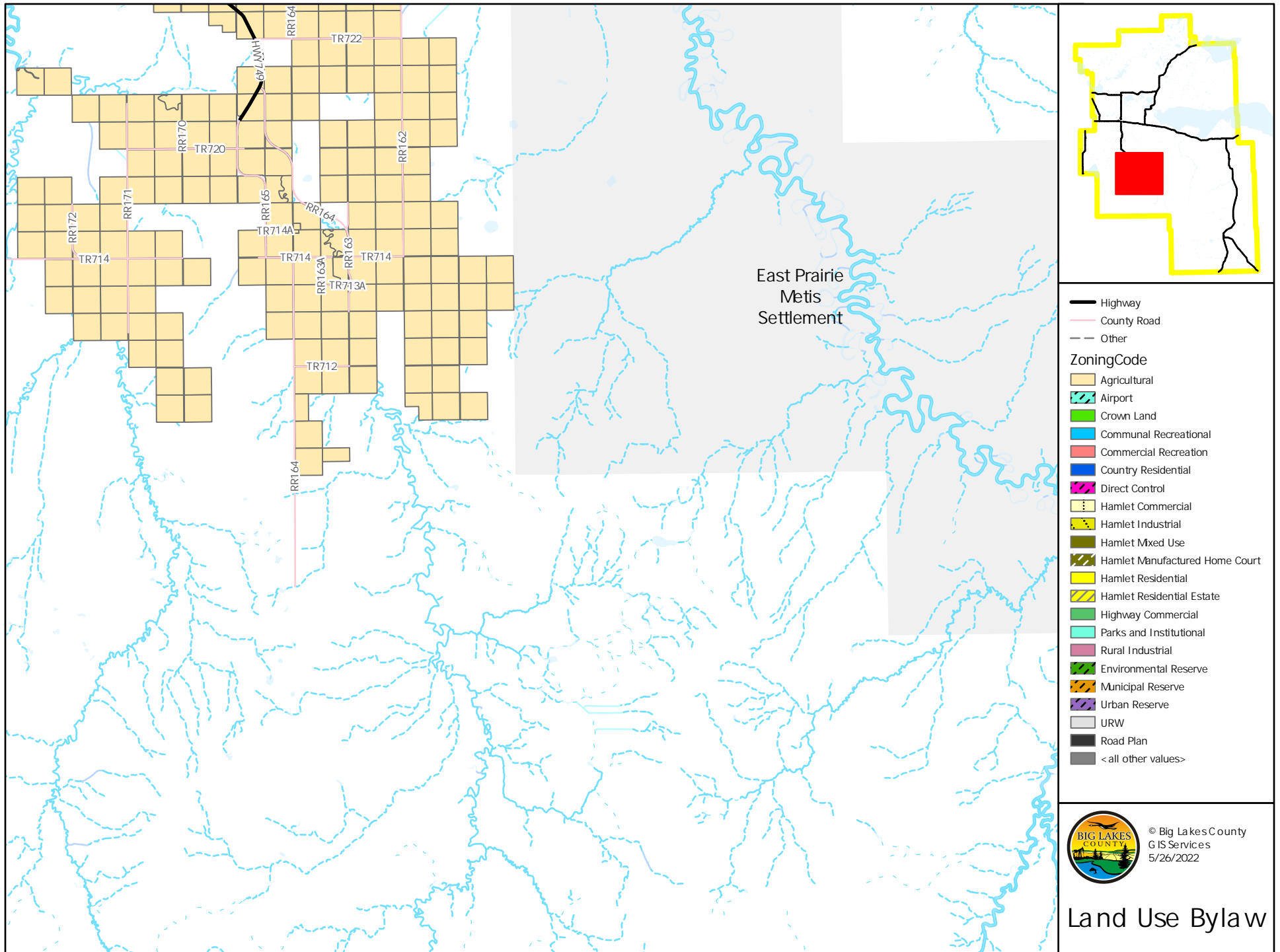
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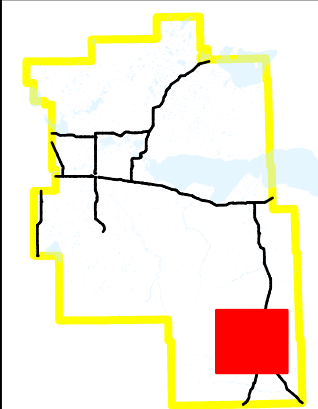
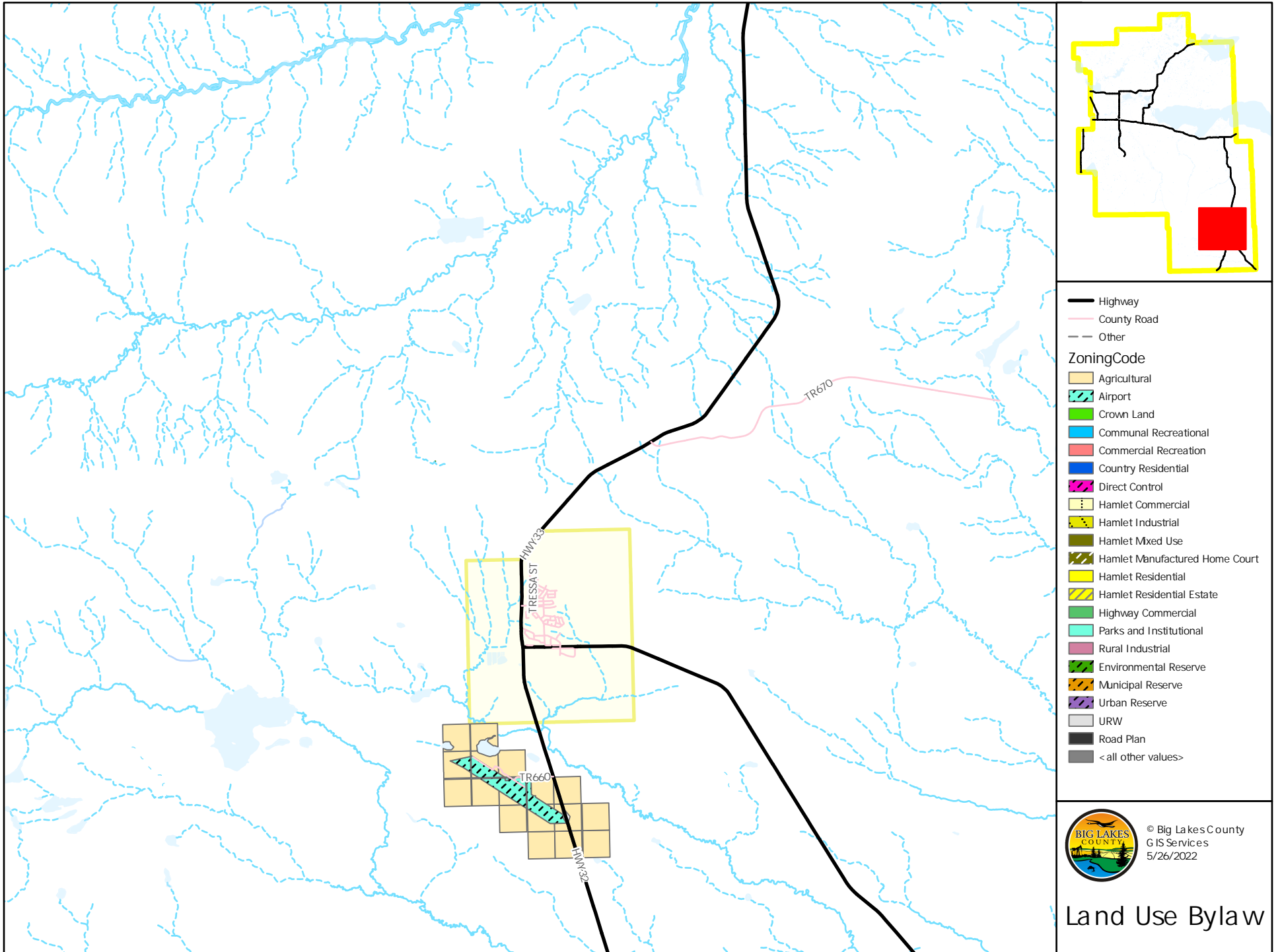












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