



LAND USE BYLAW No. 865

Municipal District of Smoky River No. 130

Adopted on June 11, 2014

Consolidated on June 12, 2019



Prepared by the Municipal District of Smoky River No. 130

The original bylaw was prepared with the support of Mackenzie Municipal Services Agency in 2014 and future amendment have been completed with the support of others.

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SECTION ONE – GENERAL

1.1 TITLE

1.1.1 This Bylaw may be cited as the “Municipal District of Smoky River No. 130 Land Use Bylaw”.

1.2 REPEAL OF PREVIOUS LAND USE BYLAW

1.2.1 Land Use Bylaw No. 709 as amended is hereby repealed.

1.3 PURPOSE

1.3.1 The purpose of this Bylaw is to regulate the use and development of land and buildings within the Municipal District of Smoky River No. 130.

1.4 APPLICATION OF BYLAW

1.4.1 The provisions of this Bylaw apply to all land and buildings within the boundaries of Municipal District of Smoky River No. 130.

1.5 CONFORMITY WITH BYLAW

1.5.1 Except as provided in this Bylaw, no person shall commence a development unless it is in accordance with the terms and conditions of a development permit issued under this Bylaw.

1.6 EFFECTIVE DATE

1.6.1 This bylaw comes into force and takes effect on the date of its final reading by the Council of the Municipal District of Smoky River No. 130, having been signed in accordance with the Municipal Government Act.

1.7 APPLICATIONS IN PROGRESS

1.7.1 An application for a subdivision or development permit, which is received in its complete and final form prior to the effective date of this Bylaw, shall be processed in accordance with the Land Use Bylaw No. 709.

1.7.2 No amendment application to Bylaw No. 709 shall be accepted after this Bylaw comes into force.

1.8 SEVERABILITY

1.8.1 If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this Bylaw.

1.9 COMPLIANCE WITH OTHER LEGISLATION

- 1.9.1 A person applying for, or in possession of, a valid development permit is not relieved from the responsibility of ascertaining and complying with, or carrying out development in accordance with:
- a) the requirements of any statutory plan;
 - b) the requirements of the Alberta Safety Codes Act, R.S.A.2000, Chapter S-1;
 - c) the requirements of any other appropriate federal, provincial and/or other municipal legislation; and
 - d) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

1.10 GENERAL INTERPRETATION

- 1.10.1 Unless otherwise stated, any enactments in this Bylaw refer to an enactment of the Municipal Government Act (herein referred to as “the Act”) and regulations as amended, revised, consolidated or replaced from time to time, unless otherwise stated. Any bylaw referred in this Bylaw refers to an enactment of the Municipal District of Smoky River No. 130 Council, as amended, revised, consolidated or replaced from time to time.
- 1.10.2 The headings given to sections, paragraphs and sub-sections in this Bylaw are for convenience of reference only; they do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

1.11 RULES OF INTERPRETATION

- 1.11.1 Compliance with the policies in this Bylaw shall be interpreted and applied as follows:
- a) “shall” means mandatory compliance;
 - b) “should” means compliance in principle, but is subject to the discretion of the Development Officer where compliance is impracticable or undesirable because of valid planning principles or circumstances unique to a specific application; and
 - c) “may” means discretionary compliance or a choice in applying policy.
- 1.11.2 Where a regulation involves two (2) or more conditions, provisions or events connected by a conjunction, the following shall apply:
- a) “and” means all the connected items shall apply in combination;
 - b) “or” indicates that the connected items may apply singly or in combination; and
 - c) “either-or” indicates the items shall apply singly but not in combination.
- 1.11.3 Words used in the singular include the plural and vice-versa.
- 1.11.4 When a word is used in the masculine it will refer to either gender.
- 1.11.5 All other words shall have the meaning assigned to them in the Act.

- 1.11.6 All measurements in this Bylaw are metric. In the case of any conflict between information expressed in metric units and in imperial units, the metric shall govern.
- 1.11.7 In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall govern.
- 1.11.8 In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.
- 1.11.9 When Permitted or Discretionary Uses listed in table format in a land use district makes reference to the need to be compliant with another Section of this Bylaw, then this reference or notation becomes a part of the use provision of this Bylaw rather than a regulatory provision.

SECTION TWO – DEFINITIONS

In this Bylaw: Words in the present tense include the future; words in the singular include the plural; words in the plural include the singular; the word “used” includes arranged, designated or intended to be used; and the word “shall” is mandatory and shall not be permissive.

Terms not defined in this section shall carry their customary meaning.

ABATTOIR means the use of land or a building for the slaughtering of livestock and may include the processing, packing, treating, storing and sale of the meat produced.

ABUT or ABUTTING means to have a common boundary, to border on.

ACCESSORY, when used to describe a use, building or structure, means a use, building or structure, which is incidental and subordinate to the principal use or building and located on the same site but does not include a farm building.

ACCESSORY DWELLING UNIT means a dwelling unit which is secondary and subordinate to the principal commercial or industrial use that is located on the same site. An accessory dwelling unit may be located above or to the rear of the commercial or industrial use.

ACT means the Municipal Government Act, R.S.A. 2000 Chapter M-26, and amendments thereto.

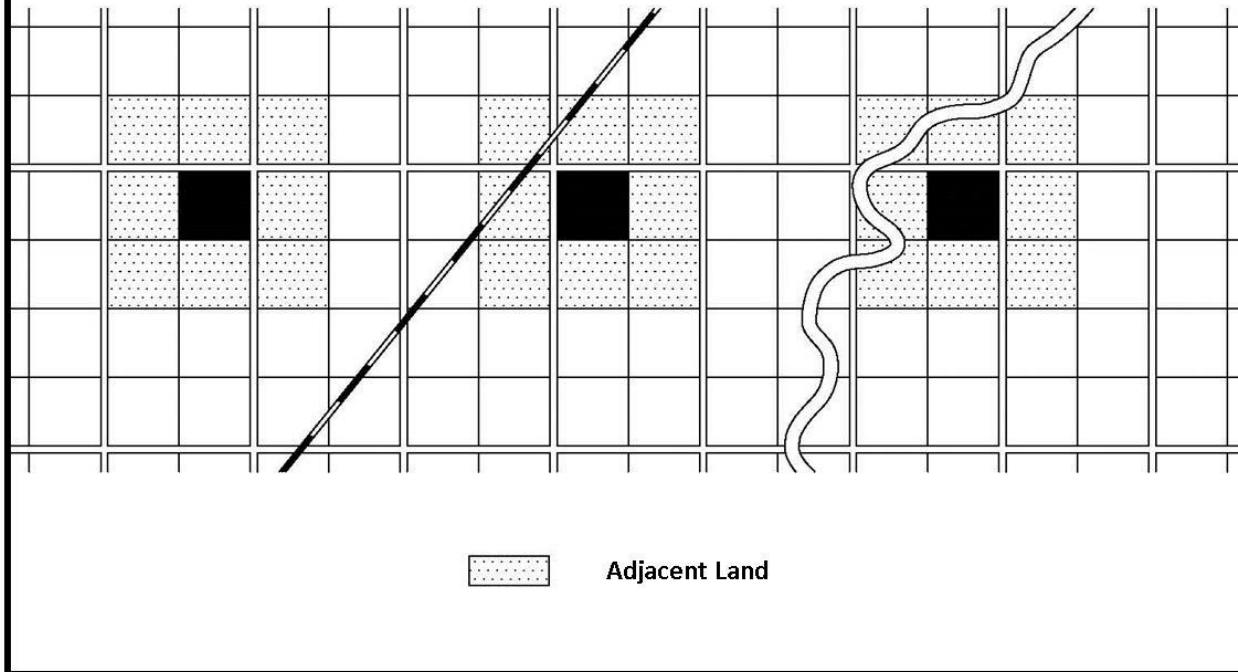
ADJACENT LAND means land that shares a common boundary with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be adjacent if not for a public roadway, railway, river or stream; and any other land identified by Council, the Subdivision and Development Appeal Board and/or the Development Officer as adjacent land for the purpose of notification.

EXPLANATION NOTES

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

Adjacent Land

"ADJACENT LAND" means land that shares a common boundary with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be adjacent if not for a public roadway, railway, river or stream; and any other land identified by Council, the Subdivision and Development Appeal Board and/or the Development Officer as adjacent land for the purpose of notification.



AGGREGATE EXTRACTION means an area where sand, gravel and rock fragments are mined or excavated for sale or off-lot use.

AGRICULTURE (EXTENSIVE) means a system of tillage or animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock, and may include buildings and other structures incidental to the operation.

AGRICULTURE (INTENSIVE) means the raising or production of any cultivated crops which relies generally on the confinement of plants (bee keeping, green houses, market gardens, plant nurseries, sod farms, tree farms, etc).

AGRICULTURE [CONFINED FEEDING OPERATION (CFO)] means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing, or breeding by means other than grazing and any other building or structure directly related to that

purpose but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks, or exhibition grounds. The standards and administration regulation of the Agricultural Operation Practices Act shall define the minimum size of a Confined Feeding Operation.

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

- a) grain elevator
- b) seed cleaning plant
- c) abattoir
- d) auction mart
- e) pellet plant
- f) bulk storage tank
- g) hay dryer plant
- h) livestock holding station.

AGRICULTURAL OPERATION means an agricultural operation:

- a) that is carried out on a parcel(s) of land, for the purpose of:
 - i. cultivating land;
 - ii. producing agricultural crops, including hay and forage;
 - iii. producing horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs, flowers, greenhouse crops and specialty crops;
 - iv. raising all classes of livestock, horses, poultry, fur-bearing animals, game birds and game animals, bees and fish;
 - v. carrying on an intensive livestock operation;
 - vi. producing eggs, milk, honey and other animal products;
 - vii. operating agricultural machinery and equipment, including irrigation pumps and noise-scare devices;
 - viii. conducting any process necessary to prepare a farm product for distribution from the farm gate;
 - ix. storing, handling and applying fertilizer, manure, organic wastes, soil amendments and pesticides, including both ground and aerial application;
 - x. any other prescribed agricultural activity or process; or
- b) that is prescribed as an agricultural operation for the purposes of the Agricultural Operations Act.

AIRSTRIP means a cleared area for the landing and taking off of aircraft.

APIARY means the use of a building for the commercial production of honey.

AREA STRUTURE PLAN means a plan adopted by a Council, in accordance with the requirements of the Municipal Government Act, R.S.A 2000 for the purpose of providing a framework for subsequent subdivision and development of an area of land in a municipality.

ARTISAN SHOP means 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, ceramic and sculpture studios, custom jewelry manufacturing and artist and photography studios.

Bylaw 19-911 **AUTOMOTIVE SERVICE AND/OR PAINT SHOP** means a building or site used for the repair, servicing, and/or painting of motor vehicle, boats, trailers, recreational vehicles, or other similar personal vehicles and may include the sale of automotive fuels, lubricating oils or other like automotive fluids;

AUTO WRECKER means a use where the primary activity is the demolition and storage of vehicles, usually for parts or scrap metal re-sale.

BETTER AGRICULTURAL LAND means a quarter section of which more than 50% of the soil is rated at 28% or greater by the Rural Farmland Assessment or where no R.F.A. is available, Canada Land Inventory for Agriculture Class 1 to 4 inclusive.

Bylaw 19-911 **BREWERY, WINERY, DISTILLERY** means a use where beer, wine, spirits and other alcoholic beverages are manufactured and that may have areas and facilities for the storage, packaging, bottling, canning and shipping of the products made;

Bylaw 19-911 **BREW PUB** means a restaurant or drinking establishment where beer, wine or alcoholic spirits are produced on-site for consumption within the development and for retail sale. The facility must be appropriately licensed by the Alberta Liquor and Gaming Commission;

BUFFER means a row of trees, shrubs, a berm, or fencing to provide visual screening and separation and/or sound dampening between sites or incompatible land uses.

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

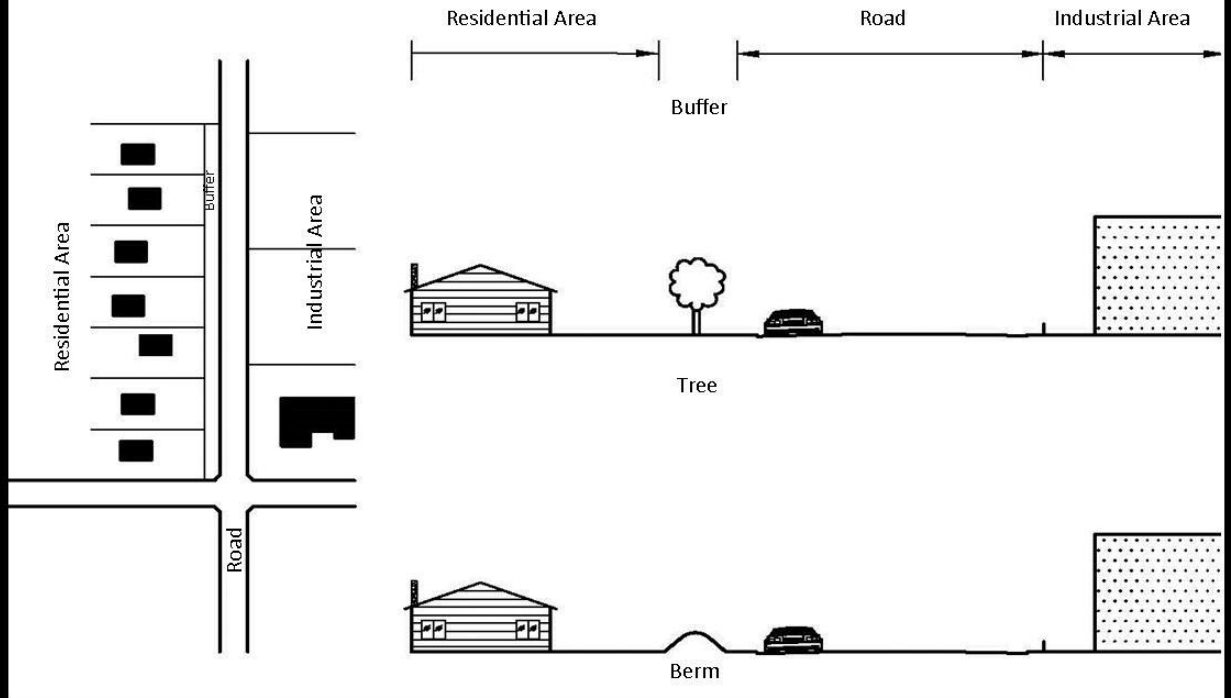
BUILDING HEIGHT means the maximum vertical distance between finished grade and the highest point of a building as measured from the elevation of the finished ground level at the base of each exterior wall to the highest point of the building on that particular side. The calculation of building height excludes: a roof stairway entrance, a ventilating fan, a skylight, a steeple, a minaret, a chimney, a smoke stack, a firewall or a parapet wall, or a flagpole or similar device not structurally essential to the building.

EXPLANATION NOTES

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

Buffer

"Buffer" means a row of trees, shrubs, a berm, or fencing to provide visual screening and separation and / or a sound dampening between sites or incompatible land uses.

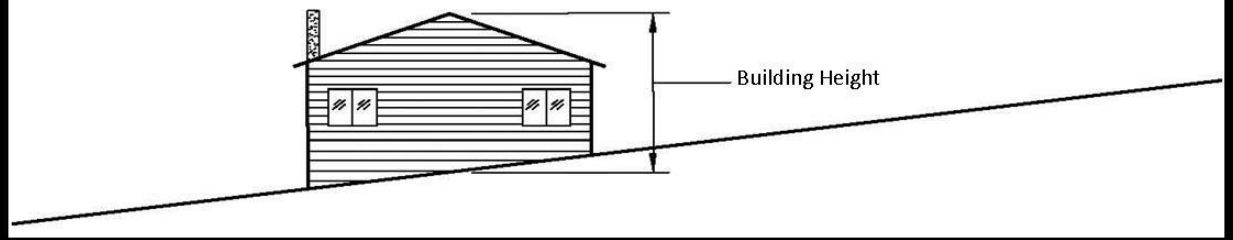


EXPLANATION NOTES

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

Building Height

"BUILDING HEIGHT" means the maximum vertical distance between finished grade and the highest point of a building as measured from the elevation of the finished ground level at the base of each exterior wall to the highest point of the building on that particular side. The calculation of building height excludes: a roof stairway entrance, a ventilating fan, a skylight, a steeple, a minaret, a chimney, a smoke stack, a firewall or a parapet wall, or a flagpole or similar device not structurally essential to the building.



BULK PRODUCT SALES AND/OR STORAGE means a facility for the bulk storage and sale of oil, fuel, and solid or liquid fertilizer.

Bylaw 19-911 **CAMPGROUND** means the use of a site managed for the short term stay of tents, campers, and/or recreational vehicles, but which is not used as year round storage or accommodation.

Bylaw 19-911 **CANNABIS** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

Bylaw 19-911 **CANNABIS ACCESSORY** means cannabis accessory including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis.

Bylaw 19-911 **CANNABIS PRODUCTION AND DISTRIBUTION FACILITY** means a development used principally for one or more of the following activities relating to cannabis:

- a) The production, cultivation, and growth of cannabis;
- b) The processing of raw materials
- c) The making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products
- d) The storage or shipping of materials, goods or products, or;
- e) The distribution and sale of materials, goods and products to cannabis retail sales stores or to individual customers

Bylaw 19-911 **CANNABIS RETAIL SALES** means a retail store licensed by the Province of Alberta where:

- a) where cannabis is sold for consumption off the premises,
- b) where consumption of cannabis must not occur, and
- c) that may include the ancillary retail sale or rental of merchandise.

CAR WASH means a use, building or structure where facilities are specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.

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

Bylaw 19-911 **CHILD CARE FACILITY** means a development intended to provide care, educational activities and supervision for groups of seven or more children under thirteen (13) years of age during the day or evening, but does not include overnight accommodation, and is intended to be operated for at least twelve (12) consecutive weeks each year. This includes daycares, pre-schools, out-of-school care, and other programs where the primary purpose is the care of children.

Bylaw 19-911 **CLUB** means a building and/or site used for the private meeting and social activities of members of a private organization and which may include space for eating, drinking, and congregating.

Bylaw 19-911 **CLUSTERED COMMUNAL DWELLING** means a third or additional dwellings unit designed as an integral part of an agricultural operation. The proposed dwelling must be located in the same yard site as one of the existing dwellings.

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

CONFINED FEEDING OPERATION means an operation as defined by the Agricultural Operations Practices Act, as amended. The standards and administration regulation of the Agricultural Operations Practices Act shall define the minimum size of a Confined Feeding Operation.

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

- a) any preliminary operation such as excavation, filling or draining, or
- b) altering an existing building by an addition, enlargement, extension or other structural change, or
- c) any work which requires a building permit.

Bylaw 19-911 **CONTRACTOR, GENERAL** means a development used to commercial and industrial service support and construction. Typical uses include, but are not limited to, oilfield support services, laboratories, cleaning and maintenance contractors, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, mobile equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

Bylaw 19-911 **CONTRACTOR, LIMITED** means development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual households and the accessory sales of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four vehicles. No outside storage of materials shall be permitted as part of contractor, limited use.

COUNCIL means the Council of the Municipal District of Smoky River No. 130.

Bylaw 19-911 **CONVENIENCE STORE** means “retail outlet” but where the gross floor area does not exceed 186.0 m² in gross floor area.

CRUDE OIL means crude oil, natural gas liquids, refinery feedstocks, and additives as well as other hydrocarbons (including emulsified oils, synthetic crude oil, mineral oils extracted from bituminous minerals such as oil shale, bituminous sand, etc., and oils from coal liquefaction). Crude oil is a mineral oil consisting of a mixture of hydrocarbons of natural origin and associated impurities, such as sulphur. It exists in the liquid phase under normal surface temperatures and pressure and its physical characteristics (density, viscosity, etc.) are highly variable. It includes field or lease

condensates (separator liquids) which are recovered from associated and non-associated gas where it is commingled with the commercial crude oil stream.

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

Information on the regulation of Aboveground Crude Oil Storage Tanks is available from the Alberta Energy Regulator (AER) through AER Directive 055.

CRUDE OIL, TRANSLOAD FACILITY means a site adjacent to railway trackage/spur line where crude/bitumen oil is transferred from a pipeline / tanker trucks directly into a rail tank car or into above ground storage tanks for loading into rail tanker cars for transportation to oil upgrading facilities.

Bylaw 19-911

DECK means an accessory structure which is an uncovered horizontal structure with a surface height greater than 0.6m (2 ft) above grade at any point, and intended for use as a private outdoor space.

DEVELOPMENT means:

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

DEVELOPMENT OFFICER means a person appointed by resolution of Council, with the powers and duties established in this Bylaw.

DISCRETIONARY USE means a use of land or building for which the Development Officer may, in his/her discretion, approve the issuance of a development permit.

DIRECT INJECTION means the application of liquid manure to a portion of land in accordance with an approved manure management plan, which utilizes cultivator sweeps to inject liquid manure at a minimum of 10.16 centimetres (4 inches) below the surface of the application area. If this results in improper injection, immediate incorporation shall be performed.

DONNELLY A.V.P.A. means the Donnelly Airport Vicinity Protection Area Regulation.

DUGOUT/BORROW PIT means the excavation of land which results in a manmade feature that entraps 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 purpose, excluding storm water management facilities or other features as required by the Subdivision Authority or Development Officer such as but may not be limited to ponds for water supply or fire protection.

DWELLING UNIT means two or more rooms used as, or designed to be used as a residence and containing cooking, eating, living, sleeping and sanitary facilities and with an independent entrance either directly from outside a building or through a common hallway inside a building.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) means a review process required by the municipality to identify and assess the potential impacts of a proposed project or activity, evaluate alternatives, and formulate appropriate mitigation, management and monitoring measures. The process used, and the findings, results and recommendations are presented in the form of an environmental management plan (EMP) of an environmental impact statement (EIS). The EMP will generally include implementation strategies, including recommended policies for guiding future land use management decisions in vicinity of the feature(s) for which the EIA was prepared. Either and EMP or EIS may be required by the Municipality, subject to the complexity of the issue(s) under consideration.

ENVIRONMENTALLY SENSITIVE LANDS means all those areas identified within this plan as areas appropriate for long term protection. The boundaries of such shall be identified by the policies and guidelines contained within the Municipal Development Plan or by the criteria and discretion contained within this bylaw.

EXISTING DEVELOPMENT means a development lawfully existing prior to the date of passing of this Bylaw.

Bylaw 19-911 **FAMILY CARE FACILITY** means a development which provides resident care service in a dwelling unit to six (6) or fewer individuals. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. Family care facilities include boarding homes for children and group homes;

Bylaw 19-911 **FAMILY DAY HOME** means a dwelling unit used for the temporary supervision or care for a maximum of six (6) children 0-12 years old, including the residents' own children. In a family day home a maximum of three (3) children may be under 36 months with a maximum of two (2) children may be under 24 months. These regulations are the same for Before/After School Care or Private Babysitting service.

FARM BUILDING means any improvements, used in the raising or production of crops, livestock or poultry and situated on land used in connection with extensive farming operations, including apiaries.

FARMSTEAD means an existing habitable residence and associated buildings and improvements, including water and sewer servicing, utilities and access, on an unsubdivided quarter section in a rural municipality.

FARMSTEAD SEPARATION means a subdivided lot located in a rural area containing an existing dwelling unit and associated buildings.

Bylaw 19-911 **FLOODPLAIN** means low-lying land next to a watercourse that is subject to periodic inundation of water. A 1:100-year floodplain, which is the result of a flood having a 1 percent chance of being equaled or exceeded in any given year, is used for purposes of development. In the absence of information that identifies the 1:100-year floodplain elevation, a qualified professional must determine the historic high-water level for a water body.

Bylaw 19-911 **FLOODPRONE** means lands not defined as a floodplain, which are low-lying land next to a watercourse that experience a periodic inundation of water. These lands may be adjacent to a floodplain or may exist in an independent location.

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

FULLY SERVICED means having all appropriate municipal services connected, such as water, sewer and power.

HAMLET means:

- a) an area of land subdivided into lots and blocks as a town site, a plan of which is registered in a land titles office, or,
- b) an area designated by Council to be a Hamlet.

Bylaw 19-911 **GOLF COURSE** means a site used for the purposes of playing golf and which may include a clubhouse as an accessory use.

Bylaw 19-911 **HEALTH SERVICES FACILITY** means any facility intended to provide medical or dental services, including dental offices and doctor's clinics. For this Land Use Bylaw, tanning salons are included, and fitness centres are excluded.

HIGH WATER MARK means the upper boundary of a waterbody. A high water mark shall be determined on a site-specific basis considering such factors as vegetation patterns, geomorphologic indicators and/or air photo interpretations.

HOME-BASED BUSINESS (MAJOR) means an occupation, profession, trade, or craft in which remuneration is normally received for any goods or service provided, and is operated on a residential property. A major home based-business may extend to accessory buildings. It may include up to five (5) on-site employees, in addition to the occupants of the on-site residential building. This use does not include intensive industrial types of use that present impacts to the surrounding area, which should be located in an industrial district.

HOME-BASED BUSINESS (MINOR) means an occupation or profession in which remuneration is normally received for any goods or service provided, and is operated within a residential dwelling by residents of that property. It may include one (1) on-site employee, in addition to the occupants of the on-site residential building. A minor home based-business is restricted to business activities and storage within the dwelling, does not generate vehicular traffic in excess of that of a typical residential use, and does not interfere with the rights of the other residents to quiet enjoyment of a residential neighbourhood.

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

INTERNAL SUBDIVISION ROAD means a public roadway, excluding a provincial highway and a municipal road, constructed solely for access or egress and internal circulation within a commercial, industrial, intensive agriculture or residential development of hamlet and includes a service road.

Bylaw 19-911

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

LABOUR INTENSIVE means a use of land, building or structure for industrial purposes that require a large labour force in order to operate.

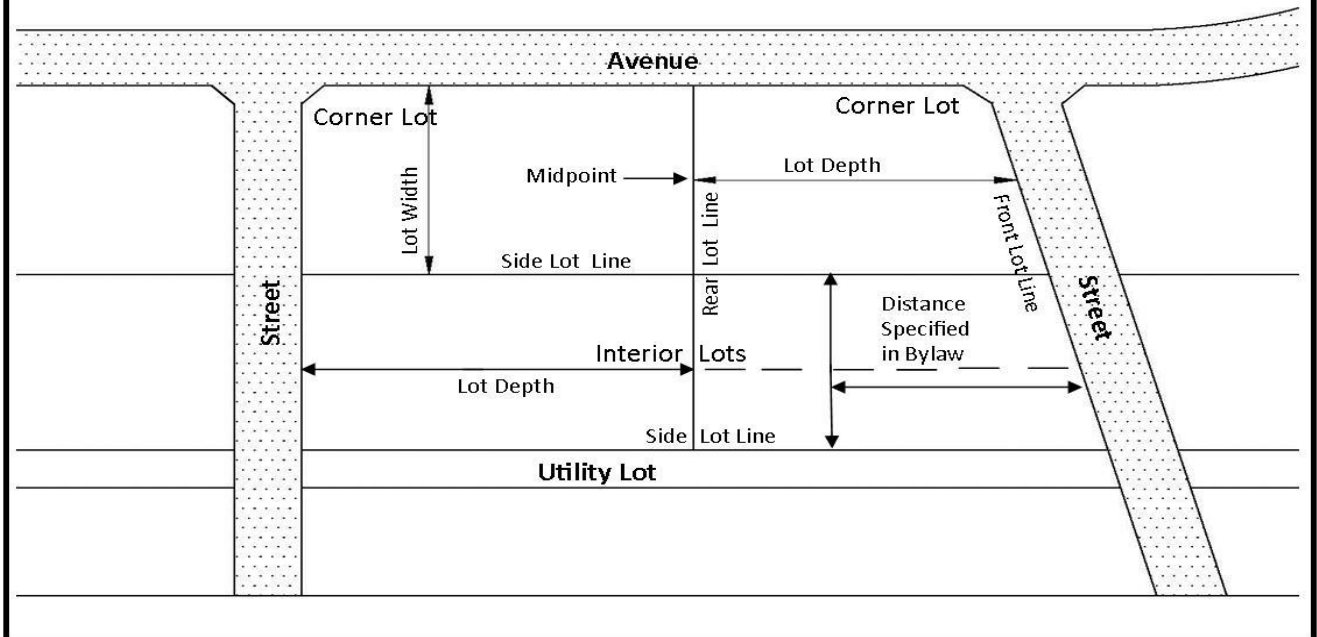
LIVESTOCK means poultry, horses, cattle, sheep, swine, goats, bison, specialty species, and/or fur-bearing animals raised in captivity and game production animals within the meaning of the 'Livestock Industry Diversification Act'.

LOCAL ROAD means a public roadway excluding an internal subdivision road that is under the management of the Municipal District of Smoky River No. 130.

EXPLANATION NOTES

Lot Definitions

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



LOT means:

- a) a quarter section,
- b) a river lot, or a settlement lot shown on an official plan referred to in the Surveys Act which is filed or lodged in a land titles office,
- c) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision, or
- d) a part of a parcel where the boundaries of the parcel are described in a certificate of title by reference to plan of subdivision.

LOT COVERAGE means the percentage of lot area covered by buildings.

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

LOT LINE means the legally defined limit of any lot.

LOT LINE (FRONT) means the boundary separating the lot from the abutting street. In the case of a corner lot, the owner of the site may select one of the street boundaries as the front.

LOT WIDTH means the average horizontal measurement between the side lot lines as determined by the Development Officer.

Bylaw 16-887 **MANUFACTURED HOME** means a development of a transportable dwelling unit that is built off-site. It is designed to be transported on its own wheels or on a chassis and upon arriving at the site for placement is, apart from incidental operations such as installation of foundation supports and connections of utilities, ready for year round occupancy. This definition does not apply to recreational vehicles or industrial camp trailers. A manufactured home may meet any one of the following design criteria:

- Has a roof pitch of less than 1:4;
- The eaves are equal to or less than 30.4 cm (1.0 ft.);
- The length to width ratio of the unit is more than 3:1.

Bylaw 19-911 **MANUFACTURING PLANT** means an industrial site, with buildings and machinery, where workers manufacture goods or operate machines processing one product into another. This may include petro-chemical processing.

Bylaw 16-887 **MODULAR BUILDING** means a development that is built off-site and designed to be transported and assembled on a permanent foundation at the building site. Upon arriving at the site for placement the modular building, apart from incidental operations such as installation of foundation supports and connections of utilities, is ready for year round occupancy. A modular building may include residential, commercial, industrial and institutional buildings. This definition does not apply to manufactured homes, recreational vehicles or industrial camp trailers.

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

Bylaw 16-887 **MOVED IN DWELLING** means a single detached dwelling unit, other than manufactured home, previously constructed and occupied that is to be relocated to that site.

MULTI-FAMILY DWELLING means a building containing more than one dwelling unit.

MUNICIPAL DEVELOPMENT PLAN means the Municipal District of Smoky River No. 130 Municipal Development Plan.

NATURAL RESOURCE EXTRACTION INDUSTRY means an industry engaged in the extraction of natural resources such as timber, clay, limestone, shale, coal, and other minerals including petroleum and natural gas and which may include primary treatment into a raw, marketable form of the resource.

NON-CONFORMING USE means a lawful, specific use:

- a) being made of land or building lawfully under construction at the date that the Land Use Bylaw or any amendment thereof affecting the land or building, becomes effective; and

- b) that on that date, that Land Use Bylaw or any amendment thereof becomes effective, does not, or in the case of building under construction will not comply with the Land Use Bylaw.

NON-LABOUR INTENSIVE means a use of land, building or structure for industrial purposes which require a small labour force in order to operate.

OFFICE, BUSINESS, TRADE OR PROFESSIONAL means a building used as a place of administration for a business, trade or professional.

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

OILFIELD EQUIPMENT STORAGE means a facility that is used to store goods, products or equipment and is usually associated with a commercial and/or industrial operation.

Bylaw 19-911 **OILFIELD SERVICES** means a development used to provide services for field operations in the exploration and ground extraction of fossil fuels.

Bylaw 19-911 **OPEN SPACE** means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options.

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

Bylaw 19-911 **PARK** means any parcel of land which is for use by the general public for recreational activities, sporting, or gathering, and which may be left in a natural state or may include man-made features including area for sporting activities, playgrounds, picnic areas, and/or walking trails.

PARKING LOT means an area of land providing for the parking of motor vehicles.

PERMITTED USE means a use for which the Development Officer shall, upon application, issue a development permit, if the application otherwise conforms with the Bylaw.

PROVINCIAL HIGHWAY means a public roadway designated as a highway under The Public Highways Development Act, R.S.A., 2000.

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

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

PUBLIC ROADWAY means any public street, avenue, arterial or limited access roadway, service road, boulevard, square, secondary road, or local road or any other class of thoroughfare used or intended to be used by the public generally but does not include a numbered highway.

PUBLIC USE means a building, structure or lot used for the provision of public services by the Municipal District of Smoky River No. 130, by any local board or agency of the Municipal District of Smoky River No. 130, by any department, commission or agency of the municipal corporation or the Government of Alberta or Canada, by any railway company authorized under the Railway Act, or by any public utility.

PUBLIC UTILITY means the right of way for one or more of the following:

- a) Communications systems,
- b) Waterworks systems,
- c) Irrigation systems,
- d) Systems for the distribution of gas, whether natural or artificial,
- e) Systems for the distribution of artificial light or electric power,
- f) Heating systems, and
- g) Sewage systems.

QUARTER SECTION means an un-subdivided quarter section as defined by the Subdivision and Development Regulation. That is, a quarter section, settlement lot, lake lot or river lot which has not been subdivided except for public uses, or physically severed parcel created pursuant to the Regulation, or the Act that constitutes more than half of the area that was constituted by that quarter section, settlement lot, lake lot or river lot.

RECREATION (Extensive) means a recreational land use, scattering users and development over a dispersed area of land and includes passive parks, walking trails, hunting, trail riding, snowmobiling, backcountry campsites or a combination of these uses, and similar uses or activities.

RECREATION (Intensive) means a recreational land use localizing users and development and concentration activities and includes beaches, riding stables, race tracks, sports fields, golf courses, campgrounds, recreation resorts, picnic areas and other similar uses.

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RECREATION FACILITY means a building and/or site used for sports or other active recreational activities and may include health and fitness clubs, racquet courts, dance studios, martial arts schools, basketball and volleyball courts, ski hill, race track, rifle range, swimming pool, equestrian facility, skeet and trap facility, outdoor skating rink, curling rink, indoor hockey arenas, football and soccer field, and or other similar sporting fields but not including an outdoor golf course.

RECREATIONAL VEHICLE means a vehicle that provides temporary accommodation for recreation or travel purposes and includes but is not limited to campers, tent trailers, fifth wheel travel trailers and motorhomes.

RESTAURANT means an establishment for the preparation and sale of food for consumption on the premises and may be licensed for the sale of liquor by the Alberta Gaming and Liquor Commission, and may also include take-out food service and entertainment as accessory uses.

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

RETAIL OUTLET means the use of a building or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment, but does not include a grocery store or a retail food store.

ROAD USE AGREEMENT means an agreement between the Municipal District of Smoky River No. 130 and a user that outlines the terms and conditions of road usage by the user to support the operation of the proposed development. This agreement can include, but is not limited to: road restrictions, road development costs, maintenance costs, and damage cost recovery measures.

RURAL INDUSTRY means an industry which may or may not be directly related to agriculture and which involves one or more of the following:

- a) Open storage of materials, goods and equipment;
- b) Primary manufacturing or processing of a finished product from raw materials (site specific industry is an example);
- c) Provision of large scale transportation facilities for freight or passengers, or
- d) Industrial operations, which, due to noise, inherent safety hazards or noxious or toxic emissions, require large tracts of land or a rural location away from concentrations of people.

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

SALES AND SERVICE FOR EQUIPMENT AND VEHICLES means a use where the primary activity is the display and sale of equipment and vehicles and may also include ancillary vehicle or equipment service.

SAW MILL AND/OR PLANER MILL means a mill that is used for the sawing of logs into a usable product.

Bylaw 19-911

SCHOOL means a facility where students are taught but which may or may not be supported by the Province of Alberta and/or a local school board as defined by the Province of Alberta School Act.

SECONDARY SUITE means a second, self-contained dwelling unit that is located:

- a) within a primary dwelling unit, either above or below grade level,
- b) above or otherwise within a garage or similar enclosed parking structure, that is located to the rear of the primary residence but on the same property as the primary residence.

SERVICE STATION means any building, land area or other premises used for the retail dispensing or sale of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and other similar accessories. It may also include an enclosed restaurant facility or convenience store facility as a secondary use to the principal fuel sale use.

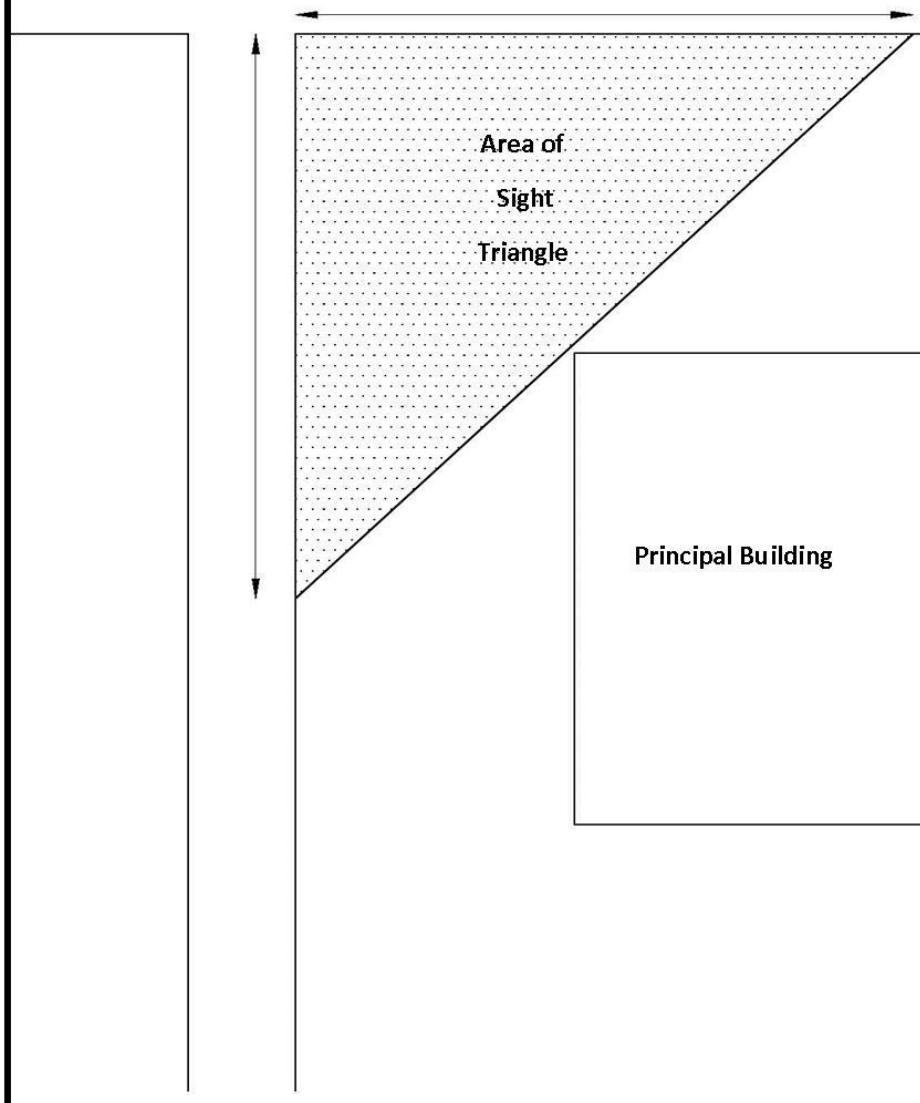
SIGHT TRIANGLE means the triangle formed by a straight line drawn between two points on the exterior boundaries of a site, the required setback distance in meters (feet), from the point where they intersect. Refer to Section 6.7.1 for specific setback distances for the land use districts and to the Explanation Notes for a Sight Triangle.

EXPLANATION NOTES

Sight Triangle

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

A "SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site, the required distance in metres, from the point where they intersect. Refer to Section 6.6.1 for specific setback distances for the different land use districts.



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

SINGLE DETACHED DWELLING means a building, including custom built, modular construction, mobile home or the like, containing a dwelling unit.

SITE means a parcel, or group of parcels intended for a specific development.

Bylaw 19-911 **SOLAR COLLECTOR, LARGE** means facility consisting of active and/or passive solar panels and related facilities for the production of power. This system is connected to the same substation or grid used for the production of electrical power, and is primarily for resale purposes. This system may be developed as a farm, containing multiple solar panels.

Bylaw 19-911 **SOLAR COLLECTOR, SMALL** means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy and is intended to provide energy for on-site purposes only.

Bylaw 19-911 **STAFF HOUSING** means one or more housing units or buildings to accommodate persons who are employed on the same land on which the units or buildings are situated.

STATUTORY means a plan as referred to within the Municipal Government Act.

Bylaw 19-911 **STORAGE YARD** means a facility that is used to store goods, products, vehicles or equipment in an organized manner and is usually associated with a commercial and/or industrial operation.

STORAGE, PROCESSING OR PRODUCTION OF DANGEROUS GOODS means development where refined oil, fuel, or liquid or solid chemical is stored, and includes the storage of dangerous/hazardous substances, as defined by the Dangerous Goods Transportation and Handling Act and the Major Industrial Accidents Council of Canada (MIACC). The development may include facilities for cleaning, blending or packaging of bulk oil, fuel or chemicals, but does not include manufacture of any of these products.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD is a body established by the Municipal District of Smoky River No. 130 Bylaw No. 679 pursuant to the Act.

TOP OF BANK means the upper topographical break that signifies the upper edge of a valley or watercourse.

TEMPORARY USE means a use that occurs from the date of the development permit approval for a length of time as specified in the permit approval by the Development Officer.

TRUCKING OPERATION OR TERMINAL means a parcel of land that is used to store trucks and related equipment.

UNDERSIZED LOT means a lot which does not meet the minimum length, width or area requirements of the land use district in which it is located.

UNSIGHTLY PREMISES means any property or part thereof on which there is litter or rubbish or overgrown weeds, grasses or other vegetation that causes the property or any part of it to look untidy.

UNSUBDIVIDED QUARTER SECTION means a quarter section, settlement lot or river lot which has not been previously subdivided except for a public use such as a church, school, cemetery, public recreation facility, public or quasi-public use.

URBAN MUNICIPALITIES refers to the incorporated municipalities in the Municipal District of Smoky River No. 130 including the Villages of Donnelly and Girouxville and the Towns of Falher and McLennan.

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

WAREHOUSE means the use of a building for the storage and/or sale of merchandise or commodities, and may include an office space and ancillary retail sales.

WATERBODY means:

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

A high water mark shall determine the upper extent of the waterbody for such purposes of calculating setbacks and appropriate distance separations.

WATERCOURSE means:

- a) the bed and shore of a river, stream, creek or other natural body of water, or
- b) a canal, ditch or other man-made feature whether it contains water continuously or intermittently.

The top of bank shall determine the upper extent of the watercourse for such purposes as calculating set back distances and appropriate distance separation.

Bylaw 19-911 **WIND ENERGY CONVERSION SYSTEM, SMALL** means a system consisting of a wind turbine, a tower and associated controls or conversion electronics, which is primarily intended to provide electrical power to the principle use on site. A Wind Energy Conversion System, Small shall consist of a turbine that has a manufacturer's maximum rated output of less than 10 kW or less and is intended to provide energy for on-site purposes only.

Bylaw 19-911 **WIND ENERGY CONVERSION SYSTEM, LARGE** means an aggregation of parts, including the base, supporting structure, tower, generator, rotor, blades, etc., in such configuration as necessary to convert wind energy into mechanical or electrical energy on a large scale. A Wind Energy Conversion System, Large is a freestanding single turbine structure that has manufacturer's maximum rated output of greater than 10kW which is connected to a substation or grid.

WORK CAMP means one or more buildings established to accommodate persons who are employed in agriculture, mining, lumbering, construction, drilling, resource exploitation and any similar industry, and includes land on which the buildings are situated.

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

YARD, EXTERIOR SIDE means a side yard immediately adjoining a street.

YARD, FRONT means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building.

YARD, INTERIOR SIDE means a side yard immediately adjoining a lot.

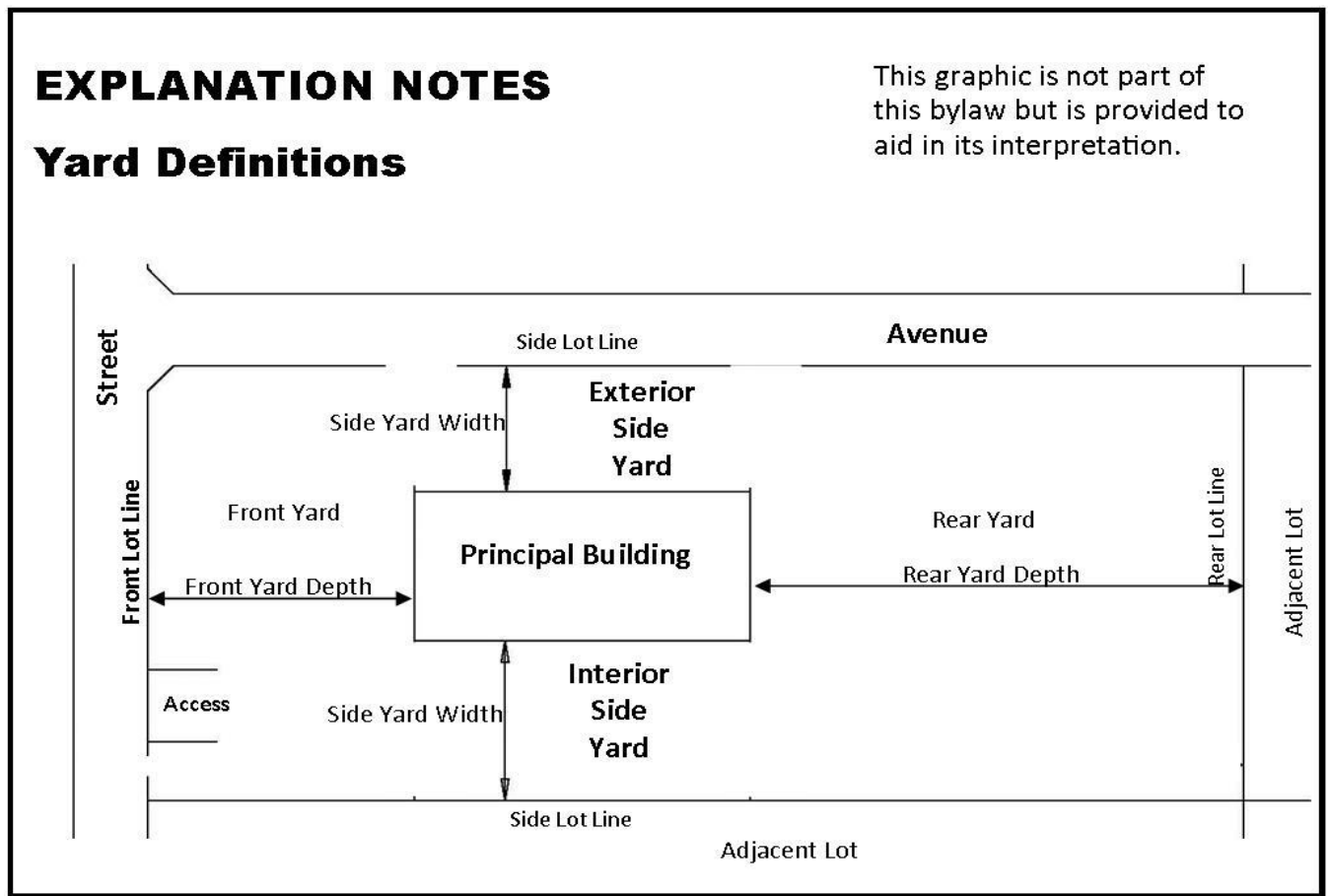
YARD, REAR means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building.

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the principal building.

EXPLANATION NOTES

Yard Definitions

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



SECTION THREE – ADMINISTRATIVE AGENCIES

3.1 DEVELOPMENT AUTHORITY

- 3.1.1 The Development Authority is hereby established by Bylaw pursuant to the Act.
- 3.1.2 The Development Authority shall exercise development powers and duties on behalf of the Municipal District of Smoky River.
- 3.1.3 The Development Authority shall be the Development Officer, or where the context of this Bylaw permits in Direct Control Districts, the Council.
- 3.1.4 The Development Officer is a designated officer, pursuant to Section 624(2) of the Municipal Government Act.

3.2 SUBDIVISION AUTHORITY

- 3.2.1 The Subdivision Authority for the Municipal District shall be established by separate bylaw, as adopted under the provisions of the Act.
- 3.2.2 The Subdivision Authority shall perform such duties as prescribed in the Subdivision Authority Bylaw, in addition to any duties prescribed in this Bylaw, the Act and the Subdivision and Development regulations.

3.3 DEVELOPMENT OFFICER – deleted

Bylaw 19-911

3.4 DUTIES AND POWERS OF DEVELOPMENT OFFICER

- 3.4.1 The Development Officer shall:
- a) advise, assist and provide recommendations to Council where applicable, in regard to the planning of orderly and economic development;
 - b) ensure that any proposed development is in accordance with this Bylaw and is consistent with the Municipal Development Plan, other municipal statutory plans and adopted municipal policies; receive and consider applications for a development permit;
 - c) issue decisions on all development permits;
 - d) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments and resolutions thereto and insure that copies are available to the public at reasonable charge;
 - e) keep a register of all applications for development, including the decisions thereon and the reasons therefore, for a minimum period of seven years;
 - f) determine if a Development Permit expires when, in the opinion of a Development Officer, a development is not substantially commenced within twelve (12) months from the date of issuance, or within such extended period that may be granted by a

Development Officer. The Development Officer shall confirm that all Development Permit conditions have been met, and the construction reflects the approved plans of the development permit, which deems the development permit complete after inspection;

- g) refer to Council for its consideration and comments on any development permit applications or notification regarding a confined feeding operation, and any such matters as Council directs;
- h) refer all development permit applications within a Direct Control District to Council;
- i) refer all development permit applications on any such matters as Council directs; and
- j) refer for comment applications for development permits to those authorities and agencies prescribed within the Subdivision and Development Regulations.

3.4.2 The Development Officer shall decide upon all applications for development permits except for those ones referred to Council.

3.5 VARIANCE POWERS

3.5.1 Pursuant to Section 640 (6) of the Act, the Development Officer may approve a development permit application or may recommend approval on a subdivision application, notwithstanding that the proposal does not comply with this Bylaw if, in the opinion of the Development Officer:

- a) the proposed development would not:
 - i. the proposal does not unduly interfere with the amenities of the neighbourhood, or
 - ii. materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; and
- b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

3.5.2 Subject to 3.5.1 above, the Development Officer may approve an application for a development permit for a permitted use requiring a minor variance to:

- a) 5% of the maximum building height; and
- b) 25% of all other minimum or maximum development standards,
 - i. excepting there shall be no variance to corner lot restrictions (Section 6.7)
 - ii. deleted

Bylaw 19-911

3.5.3 In addition to the considerations provided under 3.5.1, a variance may only be granted if, in the
Bylaw 19-911 opinion of the Development Authority:

- a) The variance requested maintains the intent and purpose of the Municipal Development Plan;
- b) The variance requested maintains the intent and purpose of this Bylaw;
- c) The variance is desirable for the appropriate and orderly development or use of the land; and
- d) The variance, in the opinion of the Development Authority, is truly minor in nature.

3.5.4 All requests for a variance shall be accompanied by a letter from the applicant clearly stating the
Bylaw 19-911 reasons for the variance, outlining the applicable criteria identified in 3.5.3, and the nature of the hardship incurred if the variance is not granted.

3.5.5 Subject to 3.5.1 and 3.5.3 above, in the event that a variance is granted, the Development Officer
Bylaw 19-911 shall specify the nature of the approved variance in the development permit approval.

3.5.6 A variance will not be allowed if the granting of the variance results in the creation of a lot which does not meet the minimum requirements of the Subdivision Regulations.

3.5.7 The Development Officer may allow a minor variance of any required setback except for a roadway along a provincial highway. Setbacks along a provincial highway may be varied under advisement from Alberta Transportation under the Public Highways Development Act.

3.6 FORMS AND NOTICES – Deleted

Bylaw 19-911

3.7 INTER-MUNICIPAL PLANNING AND DEVELOPMENT – Deleted

Bylaw 19-911

SECTION FOUR – DEVELOPMENT PERMITS

4.1 DEVELOPMENTS FOR WHICH DEVELOPMENT PERMITS ARE REQUIRED

- 4.1.1 Except as provided in Section 4.2, a development permit is required for any development in the Municipal District of Smoky River No. 130. It is the applicant's responsibility to obtain all other necessary permits, including but not limited to services such as gas, power, sewer, and water required for the development.

4.2 DEVELOPMENTS FOR WHICH DEVELOPMENT PERMITS ARE NOT REQUIRED

- 4.2.1 A development permit is not required for any of the following developments, provided they comply with all other provisions of this Bylaw:

- a) extensive agriculture;
- b) accessory structures less than 3.66 metres by 3.66 metres (12 feet by 12 feet). Accessory structures must be located in the side or rear yard, have a height of less than 4.57 metres (15 feet), comply with all setback requirements, and be below maximum site coverage.
- c) grain storage structures, excluding any such structures on permanent foundations.
- d) works of maintenance, repair or alteration provided such work is not considered by the Development Officer to be a change of use or change in intensity of the use of the building;
- e) the construction or maintenance of a fence, wall or gate;
- f) a public utility located on public property;
- g) any development undertaken by or on behalf of the Municipal District of Smoky River No. 130 and/or by its agents or contractors;
- h) a rural addressing sign
- i) a home-based business sign that complies with the requirements set out in Section 6.15
- j) an election sign
- k) dugouts;
- l) shelterbelts
- Bylaw 19-911 m) The construction of a deck, provided that the deck is uncovered, and the walking surface is less than 60 cm (2 feet) above grade.
- n) developments that fall under Section 618 of the Municipal Government Act.

4.3 NON-CONFORMING USES

- 4.3.1 The provision of the Act shall apply to development, including uses and buildings that are considered non-conforming under this Bylaw.

4.4 APPLICATIONS FOR DEVELOPMENT PERMITS

4.4.1 An application for a development permit shall be made to the Development Officer in writing on Bylaw 16-888 the prescribed form, and shall be signed by the applicant or their agent.

4.4.2 In addition to the application, the Development Officer may, before an application is considered complete, require the submission of the following:

- a) a building plan showing floor plans, elevations and material specifications;
- b) a detailed site plan showing site dimensions and the exact location and dimensions of all existing and proposed developments, all roads and approaches, water and sewer, water bodies and watercourses, and landscaping;
- c) up-to-date air photographs of the site in its current condition at a scale acceptable to the Development Officer;
- d) information addressing the number of employees expected (in the case of industrial or commercial developments), proposed method of water and sewer servicing, rail or roadway access, construction material, lighting requirements, landscaping requirements or off-street parking requirements;
- e) a Real Property Report to verify the location of an existing building or development that is the subject of the development permit application;
- f) a copy of the Certificate of Title indicating ownership and any encumbrances;
- g) a description of how the form, mass and character of the proposed development will relate to neighbouring development;
- h) Examples of exterior finishing materials;
- i) a detailed landscape plan of the entire site to show grading, tree planting, any tree removals, grassed areas including the location and species of shrubs and trees, playgrounds and parks;
- j) Location of driveways, parking areas and emergency access routing;
- k) an environmental site assessment, including but not limited to:
 - i. a geo-technical or floodplain study prepared by a qualified engineer if, in the opinion of the Development Authority, the site is potentially hazardous or unstable or is located within a floodway or flood fringe area;
 - ii. a biophysical assessment;
 - iii. a Phase One and/or Phase Two environmental site assessment, to determine potential contamination and mitigation;
- l) a traffic impact analysis prepared by a qualified engineer specializing in transportation engineering. Such an analysis shall address, but not be limited to, impact of adjacent public roadways, pedestrian circulation on and off site, vehicular circulation on and off the site, turning radius diagrams for large truck movements and emergency vehicles on and off the site and any other information required by the Development Authority;

- m) A parking study prepared by a qualified professional;
- n) A noise attenuation study prepared by a qualified professional;
- o) A report showing the effects of wind and shadows produced by the proposed development;
- p) Copies of the plan of survey prepared by an Alberta Land Surveyor showing the site to be developed;
- q) Information to assist in assessing any impact the proposed development may have on utilities, municipal services, traffic circulation within the site and on adjacent public roadways, land uses, tax base, community facilities, and other matters;
- r) Elevations of any signs proposed;
- Bylaw 19-911 s) deleted
- t) The Development Authority may require additional copies of plans, specifications and information and, that information be provided in a digital format.

4.4.3
Bylaw 19-911 The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include, but is not limited to, floor plans, elevations and sections of any proposed buildings; drainage, grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located. In addition, such additional information may include assessment by a registered professional engineer of any potential flooding or subsidence hazard that may, in the sole opinion of the Development Authority, affect the subject site.

4.4.4 Each application shall be accompanied by a non-refundable processing fee, the amount of which shall be established by a resolution of Council.

4.4.5
Bylaw 19-911 Upon receipt of a Development Permit application, the Development Authority must review the application for completeness within 20 days of the application being received. The Development Authority shall provide the applicant either:

- a) A complete certificate, if in the opinion of the Development Authority, the application contains the information necessary to review the application;
- b) An incomplete certificate if in the opinion of the Development Authority, the application is incomplete. An incomplete certificate shall specify:
 - i. the additional information that the Development Authority will require in order for the application to be considered complete;
 - ii. the deadline for submission of the additional information or at such other later date as agreed between the applicant and the Development Authority; and
 - iii. any other information identified as being necessary by the Development Authority

- c) Applications that have been issued an incomplete certificate, will be
 - i. Issued a complete certificate once the Development Authority receives the necessary information.
 - ii. deemed refused if an applicant fails to submit all the outstanding items indicated as being outstanding in the incomplete certificate by the deadline set in the incomplete certificate, If an application is deemed refused the Development Authority shall issue a Development Permit refusal. The refusal must give reasons for the refusal.
- d) Despite the issuance of a complete certificate or incomplete certificate, the Development Authority may request additional information from the applicant if, in the course of reviewing the application, the Development Authority determines that additional information is necessary to review the application.

4.4.6
Bylaw 19-911

An application for a development permit shall, at the option of the applicant, be deemed to be refused if a decision on the application is not made by the Development Authority within forty (40) days after receipt of the complete application by the Development Authority. The person claiming to be affected by the deemed refusal may appeal in writing as provided for in Part 4 of this Bylaw as though he has received a refusal at the end of the forty (40) day period. The Development Authority and the applicant, may in a written agreement extend the 40 day period in which the Development Authority is to make a decision on the application.

4.4.7
Bylaw 19-911

Upon receipt of an application for subdivision, the Subdivision Authority must review the application for completeness within twenty (20) days of the application being received. The Subdivision Authority shall provide the applicant either:

- a) A complete certificate, if in the opinion of the Subdivision Authority, the application contains the information necessary to review the application;
- b) An incomplete certificate if in the opinion of the Subdivision Authority, the application is incomplete. An incomplete certificate shall specify:
 - i. the additional information that the Subdivision Authority will require in order for the application to be considered complete;
 - ii. the deadline for submission of the additional information or such other later date as agreed between the applicant and the Subdivision Authority; and
 - iii. any other information identified as being necessary by the Subdivision Authority
- c) Applications that have been issued an incomplete certificate, will be
 - i. Issued a complete certificate once the Subdivision Authority receives the necessary information.
 - ii. deemed refused if an applicant fails to submit all the outstanding items indicated as being outstanding in the incomplete certificate by the deadline set in the incomplete certificate. If an application is deemed refused the Subdivision Authority shall issue a notice to the applicant that the subdivision application has been refused. The refusal must give reasons for the refusal.

- d) Despite the issuance of a complete certificate or incomplete certificate, the Subdivision Authority may request additional information from the applicant if, in the course of reviewing the application, the Subdivision Authority determines that additional information is necessary to review the application.

4.4.8

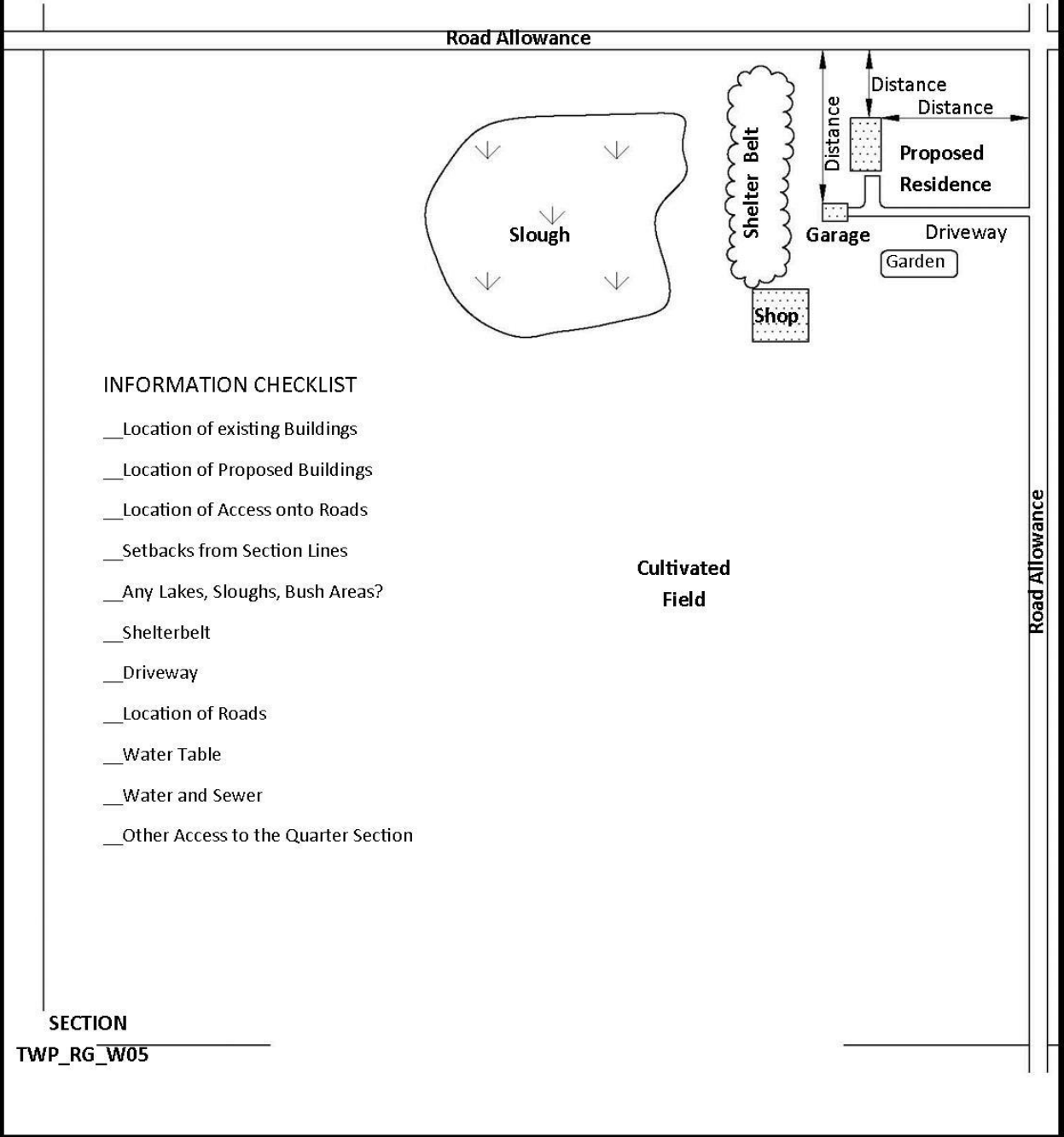
Bylaw 19-911

An application for a subdivision shall, at the option of the applicant, be deemed to be refused if a decision on the application is not made by the Subdivision Authority within forty (40) days after receipt of the complete application by the Subdivision Authority. The person claiming to be affected by the deemed refusal may appeal in writing as provided for in Part 4 of this Bylaw as though he has received a refusal at the end of the forty (40) day period. The Development Authority and the applicant, may in a written agreement extend the 40 day period in which the Development Authority is to make a decision on the application.

EXPLANATION NOTES

A Typical Site Plan for Rural Development Permit Applications

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



INFORMATION CHECKLIST

- Location of existing Buildings
- Location of Proposed Buildings
- Location of Access onto Roads
- Setbacks from Section Lines
- Any Lakes, Sloughs, Bush Areas?
- Shelterbelt
- Driveway
- Location of Roads
- Water Table
- Water and Sewer
- Other Access to the Quarter Section

4.5 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

4.5.1 A development permit application for a use, which is not listed as a “Permitted Use” or a “Discretionary Use” in the subject land use district, shall be refused.

4.5.2 Notwithstanding Sub-Section 4.5.1, if the proposed use of land or building is not provided for in any land use district, in this Bylaw, the Development Officer may determine that such a use is similar in character and purpose to a use listed under that land use district and may issue a development permit, or recommend approval on a subdivision application.

4.5.3 Permitted Uses

In making a decision for a use listed under “Permitted Uses”, the Development Officer:

- a) shall approve the application upon the use conforming with all aspects of the Bylaw; or
- b) may approve the application if the use does not conform with the Bylaw, subject to conditions necessary to ensure conformity; or
- c) may refuse the permit if the application does not conform with the Bylaw.

4.5.4 Discretionary Uses

In making a decision on an application for a use listed under “Discretionary Uses”, the Development Officer may:

- a) approve, either permanently or for a limited period of time, a development permit application which meets the requirements of this Bylaw, with or without such conditions as may be deemed necessary, based on the merits of the application, including any approved statutory plan or approved policy affecting the site;
- b) refuse a development permit application on its merits even though it meets the requirements of this Bylaw;
- c) refuse a development permit application which does not meet the requirements of this Bylaw; or
- d) add such conditions as are necessary to ensure compliance with this Bylaw.

4.5.5 Environmental Site Assessment Reports

Bylaw 19-911 The Development Officer may require an Environmental Site Assessment Report as supporting material to an application for a Development Permit or to a Land Use Redesignation Application, where in the opinion of the Development Officer there may be a risk of any pre-existing contamination on or near the Site; or the proposed Development may create an environmental risk to other lands.

Bylaw 19-911 If an environmental assessment, study or report of any kind is required as part of a provincial or federal approval process for a Development, a Development Authority may require the Applicant to provide a copy of the environmental assessment, study or report and may take its content into consideration in making a decision on a Development Permit application or in making a recommendation with respect to a Land Use Redesignation Application.

If a Development Officer concludes, based on the content of an Environmental Site Assessment Report or any environmental assessment or study or report required by a provincial or federal regulatory authority, that a proposed Development could have a negative impact on the environment, then regardless of *whether the Development is a Permitted Use or a Discretionary Use* the Development Officer may:

- b) Approve the issuance of a Development Permit upon such conditions as the Development Officer deems advisable to mitigate negative impact on the environment associated with the Development; or
- c) Refuse to approve the issuance of a Development Permit if the Development Officer is of the opinion that there are no reasonable conditions of approval that could adequately mitigate negative impact on the environment associated with the Development.
 - i. When an application for a development permit is refused, a written notice of the decision will be mailed to the applicant or his agent, stating the reasons for refusal.

A proposed Development does not conform to this Bylaw if, in the opinion of a Development Officer, there are no reasonable conditions of approval that could adequately mitigate negative impact on the environment associated with the Development.

4.5.5 The Development Officer may refer a development permit application to any agency in order to receive comment and advice.

4.5.6 The Priority of Agriculture:

The Municipal District of Smoky River No. 130 is an agricultural community, and one, which strongly desires the retention and maintenance of the agricultural sector. The Municipal District wishes to see all landowners respect the farming operations and to act accordingly. It should be realized by everyone that the first priority use for all lands capable of agricultural production should be for farming. All residential uses of the Municipal District must recognize that the normal sights, sounds, and smells of agricultural operations are part of the character of the rural municipality.

The Municipal District intends to protect the agricultural base. While it is recognized that some agricultural land will be used for other purposes and that some land uses will affect farming operations, every attempt will be made to keep these losses to a minimum.

4.6 CONDITIONS OF A DEVELOPMENT PERMIT

4.6.1 The Development Officer may impose with respect to a permitted or discretionary use, any conditions necessary to ensure compliance with the Bylaw.

4.6.2 As a condition of development approval, an applicant may be required to enter into an agreement with the Municipal District of Smoky River No. 130, with regard to any or all of the following:

- a) the construction and/or upgrading of any public roadways required to give access to the development;
- b) the installation of utilities necessary to serve the development, including but not limited to:
 - i. water servicing (a quality and quantity suitable for domestic use and fire protection)
 - ii. sewer servicing (a sewage disposal system to Provincial standards);
- c) the construction of off-street or other parking facilities, or the construction of loading or unloading facilities;
- d) the construction of
 - i. a pedestrian walkway system to serve the development, or
 - ii. pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
- e) the mitigation of any nuisance or hazard factors associated with the development;
- f) landscaping and buffering requirements such as fences, berms, vegetation cover;
- h) signage;
- j) emergency management provisions;
- k) storm water management;
- l) environmental protection measures;
- o) finished construction grade of the development;
- g) an off-site levy;
- h) a performance bond or letter of credit;
- i) hold harmless conditions; or
- j) other conditions considered necessary, depending on the nature of the proposed development.

4.6.3 Where the subdivision of land is involved in a proposed development, no development permit will be issued until all terms of subdivision approval have either been fulfilled, or addressed under a developer's agreement.

4.6.4 As a condition of development approval, an applicant may be required to enter into a Road Use Agreement with the Municipal District of Smoky River No. 130.

4.7 LETTERS OF COMPLIANCE

4.7.1 Where any development has taken place in conformance with a development permit, and the conditions, if any, attached to the permit have been fulfilled, a Development Officer may issue a Letter of Compliance stating that the development conforms to the requirements of this Bylaw.

A real property report completed by a qualified land surveyor within the last three years will be required prior to issuing the Letter of Compliance. If the real property report was completed on said property more than three years ago and no changes have occurred on the property, the development officer may use that report, provided a statutory declaration stating that no changes have occurred is provided.

4.7.2 A Letter of Compliance is subject to a fee based on policy set by Council.

4.8 PAYMENT OF TAXES

4.8.1 As a condition of development permit approval, the Development Officer may require the applicant to make the necessary arrangements to ensure that all outstanding property taxes are paid in full at the time of the development permit approval or arrangements are to be made to the satisfaction of the Municipal District.

4.9 TIME LIMITS

4.9.1 The Development Officer shall consider and decide on an application for a development permit within forty (40) days of receipt of the application in its complete and final form.

4.9.2 The application shall, at the option of the applicant, be deemed refused when a decision is not made within forty (40) days of receipt of the application in its complete and final form.

4.9.3 If a decision is not made within the forty (40) day time period specified in 4.9.1 above, the applicant may enter into an agreement with the Development Officer to extend the forty (40) day period.

4.9.4 A development permit automatically takes effect twenty-one (21) days after the decision of approval. If an appeal is lodged with the Subdivision and Development Appeal Board, the development permit approval is suspended until the appeal has been determined.
Bylaw 19-911

4.9.5 A development permit becomes void after twelve (12) months from the date of approval if the development has not commenced. The Development Officer may approve an extension not exceeding three (3) months.

4.10 RE-APPLICATION FOR A DEVELOPMENT PERMIT

4.10.1 When an application for a development permit has been refused, no further applications will be received by the Development Officer, for the same or similar use on that parcel of land, for a period of six (6) months after the date of refusal.

4.11 PUBLIC NOTIFICATION

- 4.11.1 When a development permit application is approved, the Development Officer shall:
- a) place a notice in the newspaper circulating in the municipality stating the location and type of use; or
 - b) post a notice of the decision conspicuously on the property for which the application has been made; and
 - c) mail a notice of the decision to the applicant or his agent, and at the discretion of the Development Officer, all adjacent property owners or occupants and any other parties deemed affected.
- 4.11.2 When an application for a development permit is refused, a written notice of the decision will be mailed to the applicant or his agent, stating the reasons for refusal.
- 4.11.3 Notice of the decision of the Development Officer is deemed to have been given on the date of publication of the notice in the newspaper, or in the case of a refusal, on the date the applicant or his agent receives notice.

4.12 CONTRAVENTION, ENFORCEMENT AND PENALTIES

- 4.12.1 No person shall make use of land in a manner contrary to the provisions of the Act, this Bylaw or a development permit issued under this Bylaw.
- 4.12.2 Where the Development Officer finds a development which is not in accordance with the Act, this Bylaw or the terms and conditions of the development permit, the Development Officer may, in writing, order the registered owner or the person in possession of the land or the person responsible for the contravention of any or all of them to:
- a) stop the development or the use of land or buildings in whole or in part as directed by the notice; or
 - b) demolish, remove or replace the development; or
 - c) take such measures specified in the notice so that the development or use of the land or buildings is in accordance with the Act and its regulations, a development permit, subdivision approval or this Bylaw as the case may be, within the time specified by the notice.
- 4.12.3 If a person fails or refuses to comply with a stop order, or an order of the Subdivision and Development Appeal Board or Council or person appointed by it, the Development Officer or person appointed by Council may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- 4.12.4 When Council, or person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.

- 4.12.5 For the purpose of entering and inspecting land or buildings as described in the Act, the Development Officer is hereby declared to be designated officer.
- 4.12.6 Under the Act a person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence, and is liable upon summary conviction to a fine or imprisonment.
- 4.12.7 A Development Officer may suspend or revoke a development permit, if the permit or any conditions attached to the permit have not been complied with.

4.13 METHOD OF APPEALS

- 4.13.1 The procedures for appealing a decision on a development permit are governed by the Act and the Subdivision and Development Appeal Board Bylaw, attached to this Bylaw as Schedule C.
- 4.13.2 A decision on a development permit application may be appealed by serving either in person or
Bylaw 19-911 by registered mail, a written notice of appeal to the Clerk of the Subdivision and Development Appeal Board within twenty-one (21) days of the date on the Notice of Decision. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

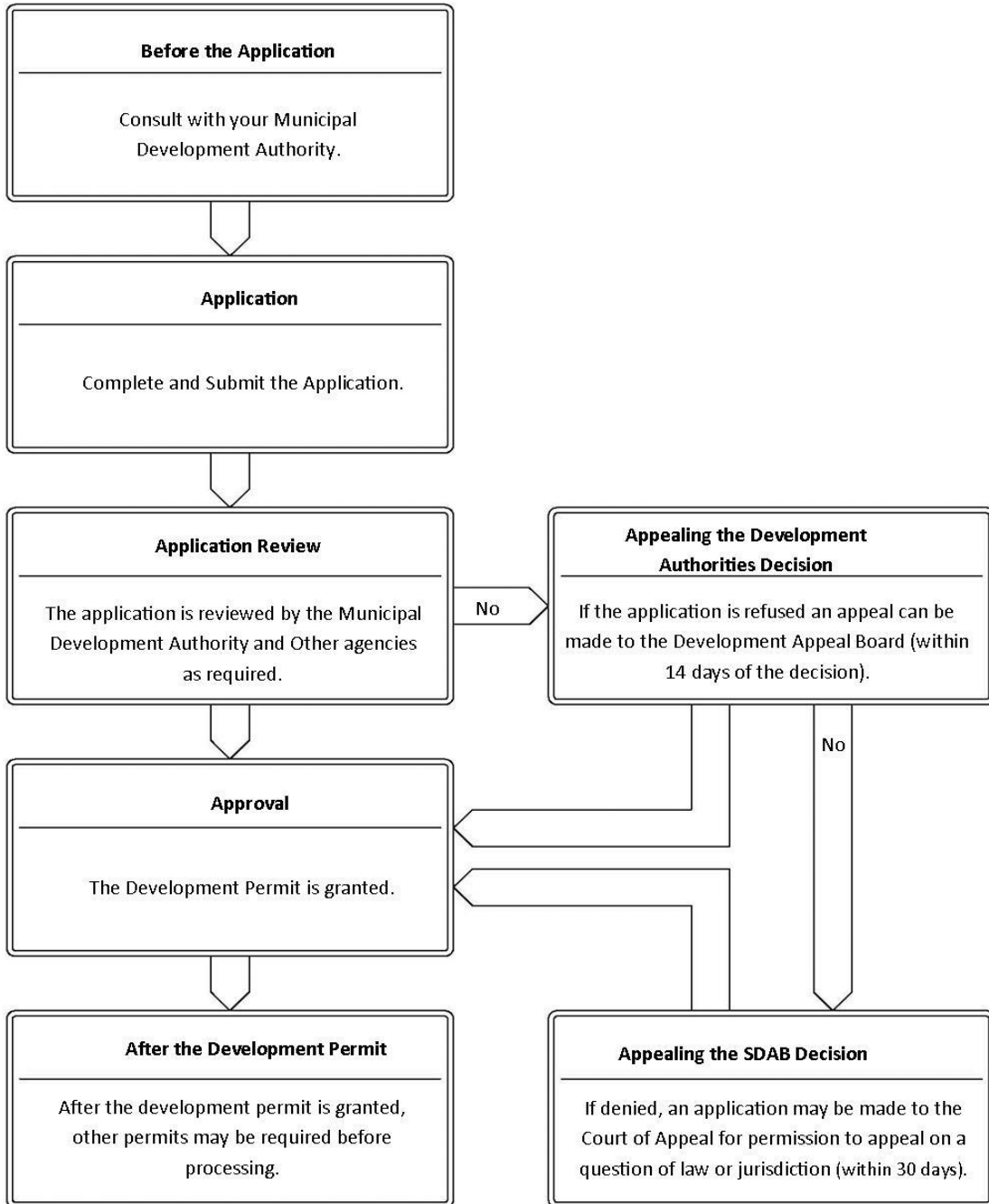
4.14 THE APPEAL PROCESS

- 4.14.1 The Secretary to the Subdivision and Development Appeal Board shall ensure that a notice of appeal is sent to all persons required to be notified under the provisions of the Subdivision and Development Appeal Board Bylaw.
- 4.14.2 When notice has been served on the Secretary to the Subdivision and Development Appeal Board with respect to the decision to approve a development permit application, the development permit application shall not be effective before:
- a) the decision on the permit has been upheld by the Subdivision and Development Appeal Board; or
 - b) the Secretary to the Subdivision and Development Appeal Board has received written notification from the applicant that the appeal has been abandoned.
- 4.14.3 If the decision to refuse a development permit is reversed by the Subdivision and Development Appeal Board, the Board shall direct the Development Officer to issue a development permit in accordance with the decision of the Board.
- 4.14.4 If the decision to approve a development permit is reversed by the Subdivision and Development Appeal Board, the Board shall direct the Development Officer to issue a development permit in accordance with the terms of the decision of the Board.
- 4.14.5 If the decision to approve a development permit application is varied by the Subdivision and Development Appeal Board, the Board shall direct the Development Officer to issue a development permit in accordance with the terms of the decision of the Board.

EXPLANATION NOTES

Development Process

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



SECTION FIVE – LAND USE BYLAW AMENDMENTS

5.1 CONTENTS OF A BYLAW AMENDMENT APPLICATION

5.1.1 All amendments to this Bylaw shall be made in writing to the Development Officer on the prescribed form, and shall be signed by the applicant or his agent. The Development Officer may require any of the following information to accompany an application to amend this Bylaw.

- a) the certificate of title for the lands affected or other documentation satisfactory to the Development Officer stating an interest in the subject land, or written consent from the owner;
- b) a statement of reasons for requesting the amendment;
- Bylaw 19-911 c) if the amendment requires a land use redesignation, a properly dimensioned map indicating the proposed/affected site. All drawings must be completed and drawn on standard drafting material to the satisfaction of the Development Officer;
- d) where the applicant is an agent acting on the behalf of the owner, a letter indicating the agent’s authority to make an application; and
- e) any additional information required by the Development Officer or Council.

5.1.1 A non-refundable application fee, for the purposes of processing the application, is to accompany each application. This fee will be established by a resolution of Council from time to time.

5.1.2 The Development Officer may refuse to process an application if the information required has not been supplied, or if in his opinion it is of inadequate quality to properly evaluate the application.

5.2 PROCESS FOR AMENDING THIS BYLAW

5.2.1 When a complete application is received it shall be referred to:

- a) the Municipal District administration for the drafting of a proposed Land Use Bylaw amendment.
- b) Council for the first reading and to establish a date for a public hearing to be held prior to the second reading.

5.2.2 The Development Officer may refer an amendment application to any agency in order to receive comment and advice.

5.3 PUBLIC NOTIFICATION

5.3.1 Notice of the Land Use Bylaw Amendment application shall be published in two issues of the local newspaper, this notice shall contain:

- a) the legal description of the land;
- b) the purpose of the proposed amending Bylaw;
- c) the one or more places that a copy of the proposed amending Bylaw may be inspected by the public during reasonable hours;
- d) the one or more dates, places, and times that Council will hold a public meeting on the proposed amending Bylaw;
- e) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing; and
- f) an outline of the procedures by which the public hearing will be conducted.

5.4 PUBLIC HEARING

5.4.1 At the public hearing, Council shall hear:

- a) any person or groups of persons or the person acting on their behalf who:
 - i. has complied with the procedures outlined by Council, and
 - ii. claims to be affected by the proposed Bylaw
- b) any other person who wishes to make representations and whom Council agrees to hear.

5.4.2 Council, after considering any representations made to it concerning the proposed Bylaw, any area structure plan and area redevelopment plan affecting the application and the provision of this Bylaw may:

- a) make such changes as it considers necessary to the proposed amendment, and proceed to pass the proposed amendment, or
- b) defeat the proposed amendment.

5.4.3 Council on its own initiative may undertake an amendment to this Bylaw.

5.4.4 If an amendment has been refused pursuant to this Bylaw, the submissions of another application for a Bylaw amendment on the same parcel of land for the same or similar use shall not be accepted by the Development Officer until six (6) months after the date of the refusal.

5.4.5 Council may waive the 6 month period and hear a new application for amendment, if at their discretion the reasons for the refusal have been adequately addressed or the circumstances of the application have materially changed.

SECTION SIX – GENERAL REGULATIONS

6.1 ACCESSORY BUILDINGS AND USES

- 6.1.1 For the purpose of calculating yard setbacks and site coverage requirements as provided in the Bylaw, when an accessory building is attached to the principal building on a site by a roof, an open or enclosed structure, a floor, or a foundation, it is to be considered a part of the principal building and not as an accessory building.
- 6.1.2 No side yard is required for any accessory building in a residential district or an industrial district where a mutual wall is erected on a common property line and is constructed of brick, stone or equivalent fire resistant material; there will be no overhang of eaves; and all drainage is confined to the site. A party wall agreement satisfactory to the Development Officer shall be signed by both owners and registered against both properties at the Land Titles Office.
- 6.1.3 The total combined area of all accessory buildings shall not exceed twenty (20) percent of the site area, unless otherwise agreed by the Development Officer, having regard to the potential impact upon neighbouring properties.
- 6.1.4 An accessory building shall not exceed 4.57 metres (15 feet) in height, unless otherwise approved by the Development Officer, having regard to the impact of the development on the occupiers of neighbouring properties or the general appearance of the neighbourhood.
- 6.1.5 All accessory buildings shall be set back at least 0.31 metre (1 foot) from all lot lines, including building overhangs.
- 6.1.6 Accessory buildings shall not encroach onto adjacent properties.
- 6.1.7 No accessory building or structure shall be located in a front yard.
- 6.1.8 No accessory building or structure shall be built, placed or located over an easement.
- 6.1.9 When a site abuts a lane 6.0 m (19.7 ft) or less in width, the Development Officer may require a rear yard setback greater than the prescribed minimum.
- 6.1.10 All fabric structures shall:
- a) be properly maintained and anchored;
 - b) meet the minimum required setbacks for accessory buildings; and
 - c) not exceed the maximum site coverage as specified in the district regulations.
- 6.1.11 Decks, balconies, sunrooms and the like shall not be constructed on top of an accessory building unless the setbacks of the accessory building comply with the allowable setbacks for the principal building in that district.
- Bylaw 19-911

6.1.12 No person shall construct or utilize an accessory building except in compliance with this section.
Bylaw 19-911

6.1.13 Accessory buildings shall be constructed with exterior finish materials that compliment those of
Bylaw 19-911 the principal building.

6.2 BUILDING SETBACKS

6.2.1 Setbacks will be calculated from the foundation wall of the building or structure.

6.3 CAR WASHING, TRUCK STOP AND TRUCK WASHING ESTABLISHMENTS

6.3.1 Car washing, truck stop and truck washing establishments shall only be permitted if the Development Authority is satisfied that such developments shall not adversely affect the functioning of surrounding roads, traffic circulation or adjacent uses.

6.3.2 The car washing, truck stop and truck washing establishments shall:

- a) provide queuing space for eight (8) vehicles prior to their entry into any part of the cleaning process;
- b) provide sufficient space for turning and maneuvering of vehicles; and
- c) not interfere with other vehicular or pedestrian movements.

6.3.3 Developments shall conform to provincial regulations and legislation. Development permit applications may be referred to Alberta Environment and Sustainable Resource Development for information and advice.

6.4 COMMUNICATION TOWERS AND FACILITIES

6.4.1 In all cases, the process outlined in this section does not usurp any federal decision making authority, nor does it confer a right of veto to the Municipal District in the location of telecommunication facilities.

6.4.2 Industry Canada is responsible for regulating telecommunication in Canada and for authorizing the location of telecommunication facilities. In making its decision regarding facilities, Industry Canada considers the following:

- a) The input provided by the municipality;
- b) Compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
- c) Health Canada's guidelines respecting limits of exposure to radio frequency fields;
- d) Environment Canada may require an environmental assessment in order to comply with the Canadian Environmental Assessment Act.

6.4.3 The Development Authority shall provide recommendations to Industry Canada with respect to proposed telecommunication facilities, and will encourage the following:

- a) Telecommunication facilities should be located in a manner that minimizes the impact on the natural environment and residential communities while recognizing the unique location requirements for siting these facilities.
- b) Unless demonstrated to be impractical, transmission antennae shall be mounted on existing structures (including buildings or towers) or within transportation or utility corridors.
- c) Co-location opportunities should be explored.
- d) Facilities and equipment should be camouflaged and have the appearance and aesthetic of the buildings in the affected land use district. Use of appropriate vegetation and screening is encouraged.
- e) Facilities and equipment should demonstrate that consideration has been given to minimize the risks to birds
- f) All communication towers, facilities and visible accessory equipment should meet the minimum setback requirements of the district in which it is located. Guy wires and other supporting structures should be set back a minimum of 15.24 metres (50 feet) from any lot line.
- g) No communication towers shall be located within the Donnelly Airport Vicinity Protection Area
- h) Communication towers and facilities should be appropriately fenced to the satisfaction of the Development Officer to prevent access to the base of the tower and any other supporting structures.
- i) The use of any portion of a communication tower or facility for erecting signs, other than signs for warning or equipment information, is prohibited.
- j) When communication towers and facilities become obsolete, they shall be immediately removed and the development site reclaimed.

6.4.4 Applicants must submit a development permit application and the applicable fee to the Development Authority.

6.4.5 The applicant shall place a notice in two consecutive issues of the local newspaper that includes the following information:

- a) A description of the proposed installation, including physical details of the structure;
- b) Its location and address;
- c) The carrier;
- d) The date, time, location of a public open house, if required;
- e) The applicant's contact information;
- f) An invitation to provide public comments to the applicant within thirty (30) days of the notice.

6.4.6 Notices shall be sent by the applicant to property owners within a radius of six times the height of the proposed telecommunication facility.

6.5 CONFINED FEEDING OPERATIONS

6.5.1 For the purpose of administering and directing the siting of Confined Feeding Operations in partnership with provincial authorities, Council shall refer to the provisions and guidelines contained within the Municipal District of Smoky River No. 130 Municipal Development Plan.

The MD shall not support an application for a new or expanded Confined Feeding Operation that does not reflect the direction and intent of the Municipal Development Plan. Further, any application for a development permit that is contrary to the provisions contained within the MDP policy framework shall be refused.

6.6 CONSTRUCTION NEAR HAZARDOUS SITES

6.6.1 All development near a sour gas facility shall be in accordance with Alberta Energy Regulator.

6.7 CORNER LOTS

6.7.1 All corner lots are subject, but not limited to, the following restrictions:

- a) No person shall place or maintain in or upon that portion of a lot or site within a sight triangle, a building, fence, wall, tree, hedge, sign, or other structure over 1 metre (3.28 feet) in height, if such objects or structures, in the opinion of the Development Officer, interfere with traffic safety;
- b) All corner lots shall comply with a sight triangle, with the setbacks set out below:

| Road Type | Distance |
|----------------------------|---------------------------------------|
| Local Roads | 30.48 metres (100 feet) |
| Hamlet Roads | 4.57 metres (15 feet) |
| Internal Subdivision Roads | 7.62 metres (25 feet) |
| Highways | As required by Alberta Transportation |

6.8 CROWN LAND

6.8.1 Proposed developments on Crown Land requiring a development permit are subject to the appropriate disposition first being obtained from the Public Lands Division. This disposition might be in the form of a lease, license, or disposition issued by Public Lands showing the applicant has an interest in the land.

6.9 DEVELOPMENT NEAR AIRPORTS

- 6.9.1 Subdivision and/or development proposals located within the Donnelly Airport Vicinity Protection Area boundary, in whole or in part, shall be required to conform to the provisions of the Donnelly Airport Vicinity Protection Area Regulation.
- 6.9.2 The Donnelly Airport Vicinity Protection Area Regulation shall be included as Schedule A of this Bylaw.

6.10 DUGOUTS/BORROW PITS

- 6.10.1 Dugouts shall be set back a minimum distance as follows:
- a) From any property line: 15.24 metres (50 feet)
 - b) From a road allowance: 30.48 metres (100 feet)

6.11 ENVIRONMENTAL SENSITIVE LANDS

6.11.1 When reviewing development permit applications on lands which may be considered to be environmentally sensitive, include lakeshore lands, rivers, wetlands, critical wildlife habitat, natural areas, reserves, parks, floodplain area, floodprone areas, The Municipal District Council, the Development Officer or the Subdivision and Development Appeal Board may require and consider the following as part of a development permit application, an application to amend this Bylaw, an application for subdivision approval, an application to amend a statutory plan, or an appeal:

- a) An environmental report or development impact assessment prepared by a qualified third-party, including but not limited to:
 - i. a geo-technical study, prepared by a registered professional engineer recognized by the Association of Professional Engineers, Geologists, and Geophysicists of Alberta as one specializing in geo-technical engineering, addressing the proposed development. The geo-technical study will establish building setbacks from property lines based on the land characteristics of the subject property;
 - ii. a certificate from a registered professional engineer recognized by the Association of Professional Engineers, Geologists, and Geophysicists of Alberta as one specializing in geo-technical engineering certifying that the design of the proposed development was undertaken with full knowledge of the soil and slope conditions of the subject property;
 - iii. a certificate from a registered professional engineer recognized by the Association of Professional Engineers, Geologists, and Geophysicists of Alberta as one specializing in geo-technical engineering when the proposed development includes cut and/or fill sections on slopes, including the addition of fill to the subject property.
 - iv. Elevation of the site as prepared by a qualified surveyor or engineer.
 - v. Proposed elevation of main floor of residential buildings as prepared by a qualified surveyor or engineer.

- vi. A statement and/or analysis, which demonstrates the suitability of the development to the site as compared to other locations on the parcel.
- b) Comments and recommendations from Alberta Environment and Sustainable Resource Development or other appropriate provincial agencies.

6.11.2 Bylaw 19-911 The Development Officer may set conditions of approval for a Development Permit Application on land which is considered environmentally sensitive, and/or floodprone.

6.11.3 Developments shall be setback the following minimum distances from the top of the bank of the watercourses and water bodies which have the following valley depths:

| DEPTH OF VALLEY | SETBACK |
|---|--|
| Less than 7.62 m (25 ft) | At the discretion of the Development Officer |
| Greater than 7.62 m (25 ft) and less than 15.24 m (50 ft) | 22.86 m (75 ft) |
| Greater than 15.24 m (50 ft) and less than 30.48 m (100 ft) | 45.72 m (150 ft) |
| Greater than 30.48 m (100 ft) | 60.96 m (200 feet) |

6.11.4 Bylaw 19-911 Minimum setback requirements from water bodies and watercourses shall be based upon access requirements to the shoreline and developability of the site and an Environmental Site Assessment prepared by a qualified professional. At the discretion of the Development Officer, the required setback for watercourses and water bodies may be varied after recommendations from a registered professional engineer, and Alberta Environment and Sustainable Resource Development.

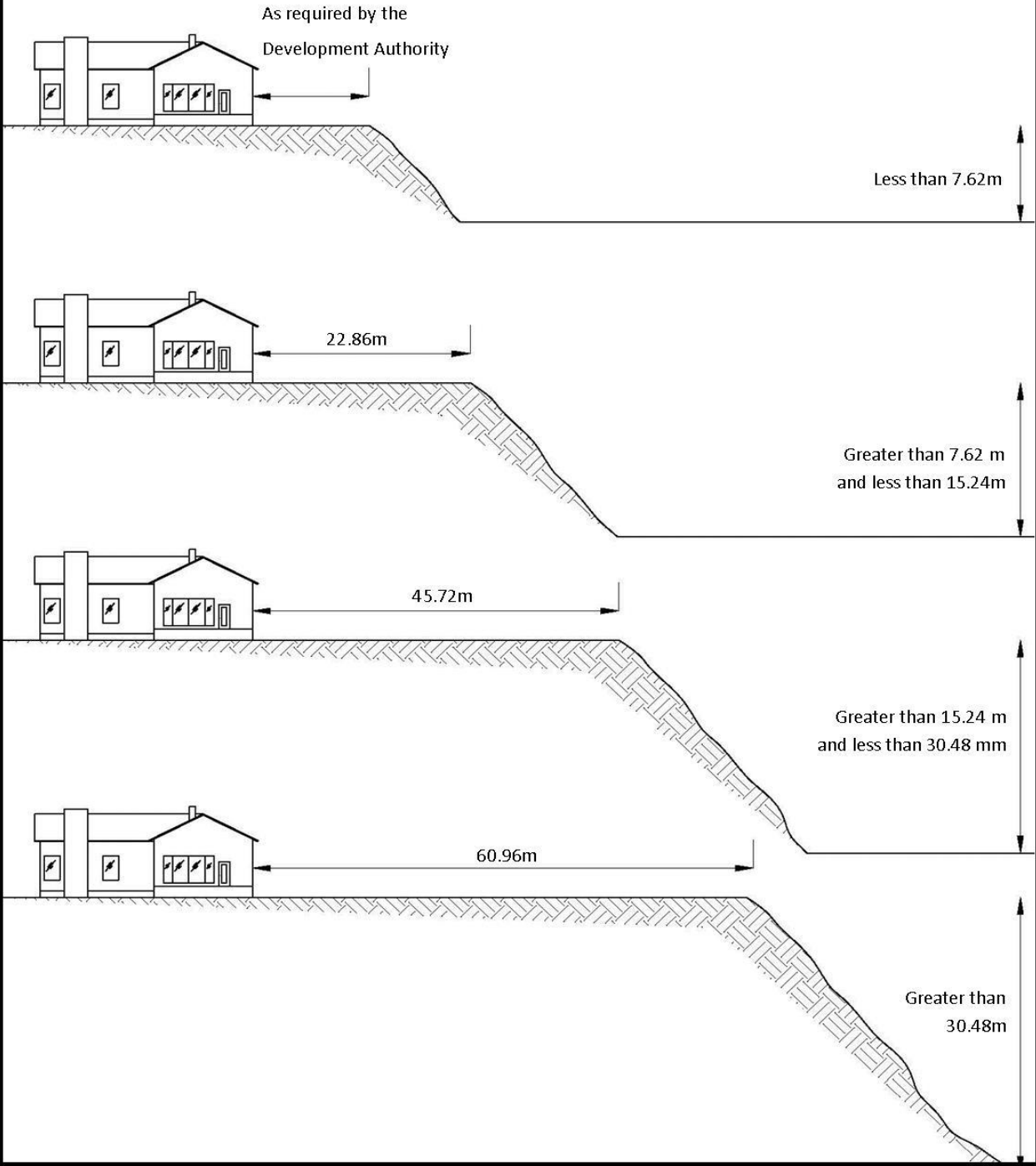
6.11.5 Notwithstanding that a proposed development conforms in all respects with this Bylaw, where a development application occurs on lands which are or may be subject to flooding, erosion or subsidence, the Development Officer shall not issue a development permit unless the applicant can demonstrate that preventative engineering and construction measures can be used to make the site suitable for the proposed development.

6.11.6 The Municipal District shall have the right to enter upon private land to carry out such improvements and repairs to the subject property to maintain the stability of the subject property which, if not corrected, could adversely affect other private and/or public lands and such right-of-entry shall be contained in an easement registered against the certificate of title for the subject property.

EXPLANATION NOTES

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

Development Near Water Bodies and Watercourses



6.12 EXTERIOR LIGHTING

- 6.12.1 All development in the Municipal District of Smoky River No. 130 will strive to preserve the night environment through the reduction of light pollution by the provision of quality outdoor lighting, while ensuring safety and security.
- 6.12.2 The following lighting fixtures, uses or buildings are exempt from the exterior lighting regulations:
- a) lighting fixtures with a lumen output of 2,000 lumens or less (a typical 100 watt incandescent light produces about 1,500 to 1,700 lumens);
 - b) all lighting required by provincial or federal agencies or departments, or installed by the Municipality on a public roadway;
 - c) lighting used for security purposes controlled by a sensor, or as required for emergency lighting within the Alberta Building Code;
 - d) temporary lighting used during construction, agricultural activities, civic activities, holiday displays, or an emergency; and
 - e) lighting placed underwater to illuminate outdoor swimming pools or water features.
- 6.12.3 Exterior lighting fixtures shall be located and arranged to minimize light trespass on adjacent properties, and shall be full cut-off or fully shielded fixtures.
- 6.12.4 Exterior lighting shall not interfere with the effectiveness of traffic control devices or the vision of motorists, while maintaining a safe and secure on-site illumination level, and shall not be flashing, strobing, or revolving.
- 6.12.5 A lighting plan may be required for a development permit application within the Commercial, Industrial, Commercial-Industrial, Donnelly Corner Highway Commercial and Industrial District, Hamlet and Recreation Districts, for multi-dwelling unit developments or for any other development, at the discretion of the Development Officer.
- 6.12.6 A lighting plan shall contain the following information:
- a) a description of the type, luminous output and number of each light fixture to be used;
 - b) a description of the method of mounting and height of each fixture at mounting; and
 - c) a site plan showing the location of all light fixtures.

6.13 HEIGHT OF BUILDINGS

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

6.14 HOME-BASED BUSINESSES

- 6.14.1 Home-based businesses shall be limited to those uses which are approved by the Development Officer. Those uses shall not interfere with the amenities of the neighbourhood.
- 6.14.2 Home-based businesses (**minor**) shall be incidental and subordinate to the principal residential use and shall be restricted to the dwelling unit. In addition, such home-based businesses shall not:
- a) employ any person other than the occupants of the on-site dwelling unit;
 - b) occupy an area greater than 30.0 square metres (323 square feet);
 - c) require alterations to the principal building unless approved by the Development Officer as part of a development permit;
 - d) create a nuisance by way of dust, noise, smell, smoke, or traffic generation;
 - e) have outside storage of materials, goods, or equipment on or off the site; or
 - f) display any form of commercial advertising, wares, or products discernible from the outside of the building, but may display one sign. This sign shall be unlighted and will not exceed 903.22 square centimetres (140 square inches) in a window or affixed to the exterior of the building.
- 6.14.3 Home-based businesses (**major**) shall be incidental and subordinate to the residential use and shall be restricted to the residential yard site. In addition, such home-based businesses shall:
- a) not employ any more than five (5) people other than the occupants of the principal on-site residential building;
 - b) not store or maintain any goods, materials, or equipment not directly related to the operation;
 - c) not create a nuisance by way of dust, noise, smell, smoke, or traffic generation;
 - d) be confined to a limited area not to exceed 1.21 hectares (3 acres) in size; and
 - e) limit on-site advertising to one unlighted sign not to exceed 1.02 square metres (11 square feet).
 - f) require a road use agreement between the Municipal District and the business operator.
- 6.14.4
Bylaw 19-911 Home-based businesses that grow to exceed the description home-based business (major) should apply for a land use redesignation or relocate the business to appropriately zoned land within the Municipal District.
- 6.14.5
Bylaw 19-911 The Development Authority has the discretion to refuse a Home Based Business permit application if the proposed use would be better suited in a commercial or industrial district.

6.15 KENNELS

- 6.15.1 The Development Officer may, when issuing a development permit, determine the maximum number of dogs that may be kept at any one time by the operator of a private or commercial kennel. In determining the maximum number of dogs, the Development Officer shall take into account:
- a) the size of the property;
 - b) the use of adjacent properties;
 - c) the setback distances to any property line or residential dwelling on an adjacent property; and
 - d) noise attenuation measures.
- 6.15.2 In determining the number of dogs, pups less than six (6) months of age shall not normally be included.
- 6.15.3 The setback distances specified in the district in which a kennel is located shall apply to all structures or facilities used in the kenneling operation, regardless of size or function of the structure or facility. The Development Officer may vary the required setback distance if deemed necessary.
- 6.15.4 No buildings, pens, rooms, exercise runs or holding stalls used to accommodate the dogs shall be allowed within 300.0 metres (984.25 feet) of an existing dwelling located on an adjacent lot.
- 6.15.5 All dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building and visually separated from the reception area of a commercial kennel, unless otherwise approved by the Development Officer.
- 6.15.6 The Development Officer may require visual screening of the kennel, which may include fencing, landscaping and berming.
- 6.15.7 Pens, rooms, exercise runs, and holding stalls shall be adequately soundproofed, if deemed necessary by the Development Officer.
- 6.15.8 The Development Officer may require dogs to be kept indoors between the hours of 7:00 p.m. and 8:00 a.m., except when on leashed walks.
- 6.15.9 Where kennels are to be located near known wildlife corridors or habitat areas, there shall be strict measures incorporated into the design of the development and operating procedures to ensure that dogs are securely restrained at all times.
- 6.15.10 Kennels shall be operated in accordance with provincial health regulations and, in particular, feces and similar wastes shall be disposed of in a manner acceptable to the public health authority.

6.15.11 A development permit issued for a kennel may be issued for a period up to five (5) years, and is subject to immediate revocation if the kennel is not developed or operated in accordance with the conditions of approval or if the kennel is deemed by the Development Officer to be having an adverse effect on the amenities of the area or nearby properties.

6.16 LANDSCAPING AND SCREENING

6.16.1 All new residential and non-residential development shall provide landscaping in compliance with this bylaw.

6.16.2 The provisions of this section do not apply to:

- a) Accessory Buildings
- b) Construction or alteration of an existing single detached dwelling
- c) Development in the Agricultural District

6.16.3 Any portion of a site not occupied by buildings, pedestrian pathways, storage or parking areas shall be landscaped.

6.16.4 Existing trees and large shrubs on a site shall be preserved, protected or replaced where possible.

6.16.5 Plant materials shall be hardy to the region and to the location of the site in which they are planted.

6.16.6 Any area required to be landscaped may, at the discretion of the Development Officer, be left in its natural state or landscaped with a combination of hard and soft landscaping materials.

6.16.7 New plantings shall be a minimum of:

- a) Coniferous trees: 1.20 metres (3.94 feet) in height
- b) Deciduous trees: 50 millimetres (1.97 inches) in calliper
- c) Shrubs: 0.5 meters (1.64 feet) height or spread

6.16.8 A landscaping plan must be submitted as part of each development permit application, where changes are proposed to the parcel or building. Where a landscaping plan is required, no landscaping work shall commence until the landscaping plan is approved by the Development Officer and shall include the following:

- a) boundaries and dimensions of the site;
- b) adjacent land uses;
- c) location and name of adjacent roads, lanes, driveways entrances, sidewalks and trails;
- d) footprint and dimensions of all buildings;
- e) location of any utility right-of-ways;
- f) pedestrian circulation and open space systems;

- g) location and description of any existing or proposed physical features such as fences, berms, retaining walls, outdoor furniture, decorative paving, water features;
- h) location and description of any hard landscaping materials, such as rocks or mulching;
- i) location and description of any existing or proposed plant materials, identifying plant common and botanical names, quantity and size at planting; and
- j) site area proposed to be landscaped and percent of site coverage.

6.16.9 Where landscaping is required, the finished grade of the landscaping must be compatible with neighbouring properties, to ensure effective drainage on site.

6.16.10 At the discretion of the Development Officer, a landscaping plan may be required to be stamped by a registered Landscape Architect.

6.16.11 The Development Officer may require as a condition of a development permit or development agreement that the developer provides a landscaping security deposit, and that the security deposit shall only be returned in full to the developer upon completion of the landscaping according to the approved plan, to the satisfaction of the Development Officer.

6.16.12 The owner of the property, or any successors or assignees, shall be responsible for landscaping and proper maintenance for the life of the development. In the event that planting materials in an approved landscaping plan fail to survive, the Development Officer may require or approve alternate planting materials.

6.17 LIVESTOCK IN RESIDENTIAL DISTRICTS

6.17.1 No person shall keep, or permit to be kept in any part of the yard in any Hamlet District:

- a) Animals, with the exception of fowl, equivalent to 0.5 of an animal unit, as defined by the table in 6.17.3 and dogs, cats and such other usual domestic pets as are kept, providing that these pets are kept under the condition that they do not act as a nuisance or reduce the amenities of the area; and
- b) Any pets or domestic animals on a commercial basis, except for an approved pet store or Kennel.

6.17.2 In a Country Residential District, the following shall apply:

- a) Livestock, with the exception of fowl, shall not be permitted on a parcel with an area of less than 0.40 hectares (1 acre).
- b) One (1) animal unit of fowl shall be permitted on a parcel with an area of less than 0.40 hectares (1 acre).
- c) Livestock shall be limited to no more than one (1) animal unit per 0.40 hectares (1 acre), to a maximum of six animal units per parcel as defined by the table in 6.18.3.

6.17.3

| Type of Livestock | Number of animals equivalent to one animal unit |
|----------------------------------|---|
| Cow (plus calf under 6 months) | 1 |
| Horse (plus colt under 6 months) | 1 |
| Sheep/Goats/Pigs | 2 |
| Fowl (Chicken, Ducks, Geese) | 12 |

6.17.4

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

6.17.5

Adequate measures if required by Alberta Agriculture and Rural Development under the Agricultural Operation Practices Act (AOPA) and/or the local Health Authority, for the disposal of animal wastes shall be provided to the satisfaction of the Development Authority.

6.17.6

Other species of animal not specifically included in the 6.17.3 may be considered at the discretion of the Development Officer.

6.18 LOCATION OF PRESSURE VALVE STORAGE FACILITIES

6.18.1

Upon receipt of a development permit application for a development which includes a pressure vessel container with a storage capacity exceeding 45,461 litres (10,000 gallons), the Development Officer will require the applicant to include:

- a) A site plan detailing the location of each pressure vessel;
- b) An approved emergency response plan, detailing procedures in the event of a pressure vessel rupture or explosion;
 - i. If the storage vessel is enclosed within a security fence, there must be at least two escape exits located at opposite ends of the vessel. An exit route with a minimum width of 1 metre leading to exits in the fence must be kept clear at all time and,
 - ii. If the storage vessel is located in a fenced yard, there must be at least two escape exits located at opposite ends of the yard or near opposite ends. The main gate may function as one of these exits.
- c) Where applicable, a contact person and the location of the nearest emergency response team provided by the product vendor.

6.18.2

The minimum distances from occupancies for pressure vessel storage facilities for materials such as anhydrous ammonia, propane, oxygen, etc. with a water capacity exceeding 45,460 litres (10,000 gallons) should be:

- a) 1.61 kilometres (1 miles) of the designated boundaries of any settlement, hamlet or town as established through the Municipal District of Smoky River No. 130 Land Use Bylaw; or
- b) 0.80 kilometres (0.5 miles) of an existing residence.

- 6.18.3 All pressure vessel containers shall be constructed, located, and inspected in accordance with the provisions of the Alberta Safety Codes Act, and its regulations.
- 6.18.4 Upon receipt of an application for a Development Permit which includes a pressure vessel with a water capacity exceeding 45,460 litres (10,000 gallons), the Development Officer shall refer the development proposal to the applicable fire department fire chief for his/her comments and recommendations.
- 6.18.5 Upon receipt of a Development Permit Application for a development which includes a pressure vessel container with a water capacity exceeding 45,460 litres (10,000 gallons), the Development Officer shall consider:
- a) The material to be stored in the pressure vessel(s);
 - b) The ability of the local fire department to respond to an accident involving the proposed development; and
 - c) The truck route through the community which will be used to service the proposed development.

6.19 MANUFACTURED HOMES

Bylaw 16-887

6.19.1 Development Permits for a Manufactured home units shall have:

Bylaw 19-911

- a) Third party certification from an accredited inspection agency including the Canadian Standard Association (CSA), Intertek or Quality Auditing Institute (QAI).
- b) Alberta Municipal Affairs Label.
- c) Model number.
- d) Manufactured home unit serial number.

6.19.2 Before a development permit is issued for a manufactured home, the Development Authority should receive verification that the home fully complies with 6.19.1(a) and 6.19.1(b). If the required documentation is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.

Bylaw 19-911

6.19.3 Should an inspection by an Alberta Safety Codes Officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA A277 standard, all required upgrades should be made within the time specified by the Development Authority.

6.19.3 In addition to the requirements of subsection (1), (2) and (3), above, a manufactured home should meet the following aesthetic regulations:

Bylaw 19-911

- a) The height of the main floor above grade should be consistent with the height of the main floor of dwellings in the immediate area.

- b) Exterior finishing materials used on the roof and exterior walls should be consistent with the materials used on dwellings in the immediate and general area and be in good condition.
 - c) The roof should be peaked.
 - d) The eaves should be consistent with the overhang or eaves of dwellings in the immediate area.
- Bylaw 16-887
- e) The undercarriage of a manufactured home should be completely screened from view by skirting or by such other means satisfactory to the Development Officer.
 - f) The design of each manufactured home should ensure the side or end of the building facing the street contains a front door, and/or windows in quantity and size to provide a strong visual connection between the building and the street.
 - g) Every manufactured home should be placed on a full perimeter foundation unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be utilized.
 - h) All accessory structures, additions, porches, and skirting should:
 - (i) be of a quality and appearance equivalent to that manufactured home;
 - (ii) be considered as part of the main building; and
 - (iii) be erected only after obtaining a development permit.
- 6.19.4 The hitch and wheels should be removed from the manufactured home, or should be enclosed, such that the hitch and wheels are not visible, to the satisfaction of the Development Authority.
- 6.19.5 The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.
- 6.19.6 The completion of the foundation or skirting material and any required aesthetic upgrades to the manufactured home must be completed according to the condition(s) of the development permit and within the time specified by the Development Authority.
- 6.19.7
Bylaw 19-911 Used manufactured homes over the age of 5 years, which meet the requirements of 6.19.1, under consideration or relocation on a parcel may be considered if they meet the following criteria:
- a) enclosed by a peaked roof;
 - b) be of sound construction and condition, with intact exterior finishes and additions in good repair in conformance with the Alberta Safety Codes and Alberta Building Code Act; and
 - c) be architecturally similar to existing dwellings in the vicinity of the proposed development.
- 6.19.8 Manufactured homes should be located in areas free from shifting due to frost and readily accessible for hook-up to services.

- 6.19.9 If oil is being used for heating purposes, an oil receptacle shall be concealed and enclosed with external screening compatible with the manufactured home. A fuel tank is to be located above ground and shall be a minimum of 3.05 metres (10 feet) from any manufactured home. A fuel oil tank is to be in conformance with regulations from Petroleum Tank Management Association of Alberta.
- 6.19.10 With the exception of driveways, no accessory building or use shall be located in the front yard of any residential district.

6.20 MOVED-IN BUILDINGS

- 6.20.1 Any building to be moved in or placed on a parcel within any district established by this Bylaw, other than a farm building in an Agricultural District, must be approved by the Development Officer.
- 6.20.2 Application to “move in a building” shall be made to the Development Authority and shall include:
- a) a colored photograph of the building,
 - b) a statement of the present location of the building,
 - c) a notification of the relocation route, and
 - d) a complete site plan showing all buildings located or to be located on the property.
- 6.20.3 The moved-in building shall conform to the Alberta Safety Codes Act.
- 6.20.4 When reviewing Development Permit applications for moved-in buildings, the Development Officer may consider the impact of the proposed moved-in building on the value of adjoining properties according to Section 617 of the Municipal Government Act, R.S.A. 2000. The Development Officer may request an appraisal of the property(s) that would demonstrate the financial impact on adjoining properties.
- 6.20.5 The moved-in building shall, in the opinion of the Development Officer, be compatible with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.
- 6.20.6 The Development Officer may require the applicant to provide an acceptable security equal to the estimated amount of repairs, to ensure completion of any renovations set out as a condition of approval of a Permit.

6.21 NUMBER OF DWELLING UNITS PERMITTED ON A LOT

- 6.21.1 No person in the Municipal District shall construct or cause to be constructed more than one (1) dwelling unit per lot , unless otherwise permitted by this Bylaw.
- 6.21.2 Notwithstanding 6.21.1 no person in the Municipal District shall construct or cause to be constructed more than two (2) dwelling units per lot in the Agricultural (A) District, unless otherwise permitted by this Bylaw.
- Bylaw 19-911

6.21.3 Sub-section 6.21.1 and 6.21.2 does not apply to:
Bylaw 19-911

- a) Clustered communal dwelling;
- b) duplex dwellings;
- c) semi-detached dwellings;
- d) multi-family dwellings; or
- e) additional dwelling units required to accommodate farm labour.

6.21.4 When determining whether or not to allow for an additional discretionary dwelling unit on a lot
beyond 6.21.1 and 6.21.2, the Development Officer shall consider the following:

- a) the suitability of the site for the proposed development;
- b) access to and from the site;
- c) the provision of proper, on-site water and sewer servicing;
- d) existing and future surrounding land uses; and
- e) existing and future subdivision of residential properties.

6.21.5 The Development Officer may attach, as a condition to the issuance of a development permit, a time period for the approval of the placement of an additional dwelling unit on a lot.

6.22 OBJECTS PROHIBITED OR RESTRICTED

6.22.1 No person shall be allowed to park or retain on any lot a vehicle which is in a dismantled, derelict or dilapidated condition, a vehicle which has all or part of its superstructure removed, or a motor vehicle used for stock car races, except:

- a) in an Agriculture District, such vehicles shall not be within 40.0 metres (131.23 feet) of a public road unless it is suitably screened to the satisfaction of the Development Officer;
- b) in all other districts, such vehicles shall be suitably housed within a building; or
- c) as otherwise approved in a development permit.

6.22.2 In Hamlet Residential and Country Residential Districts, no person shall be allowed to keep or maintain in public view:

- a) any excavation, storage or piling up of materials required during a construction stage that remains longer than necessary; or
- b) any unsightly object which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district.

6.23 OFF-STREET LOADING REQUIREMENTS

- 6.23.1 A loading space shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the site without backing to or from adjacent streets.
- 6.23.2 The Development Officer, having regard to the types of vehicles that are likely to use the loading space, may change minimum loading space dimensions.
- 6.23.3 Loading space requirements for uses other than those set out in this Section shall be determined by the Development Officer, having regard to similar uses for which specific loading facility requirements are set.

6.24 OIL FIELD EQUIPMENT STORAGE

- 6.24.1 No permanent buildings or structures will be allowed in conjunction with the temporary storage of equipment.
- 6.24.2 Sites should be located with good access to major transportation routes.
- 6.24.3 Entrances and exits to the site shall be located so as to minimize negative effects on the road network and shall be sited to the satisfaction of the Development Officer.
- 6.24.4 Sites shall be visually screened and landscaped along all public roads to the satisfaction of the Development Officer, with reference to section 6.16 of this bylaw.
- 6.24.5 Any development within 0.8 kilometers of a provincially controlled highway will require a road side development permit from Alberta Transportation.

6.25 PARKING AND LOADING REQUIREMENTS

- 6.25.1 The minimum on-site parking and loading requirements of this Bylaw shall be met for all developments, whether a new building, an enlargement or addition to an existing building, or a change in use.
- 6.25.2 Frequent or long-term parking along a local road shall not be permitted unless by an agreement between the Municipal District and land owner.
- 6.25.3 Where an off-street parking lot abuts a road, park or residential district, a landscaped strip with minimum width of 1.0 metre (3.28 feet), shall be provided around that portion of the perimeter. The landscaping may include a combination of trees, shrubs, grass and other hard and soft landscaping materials.

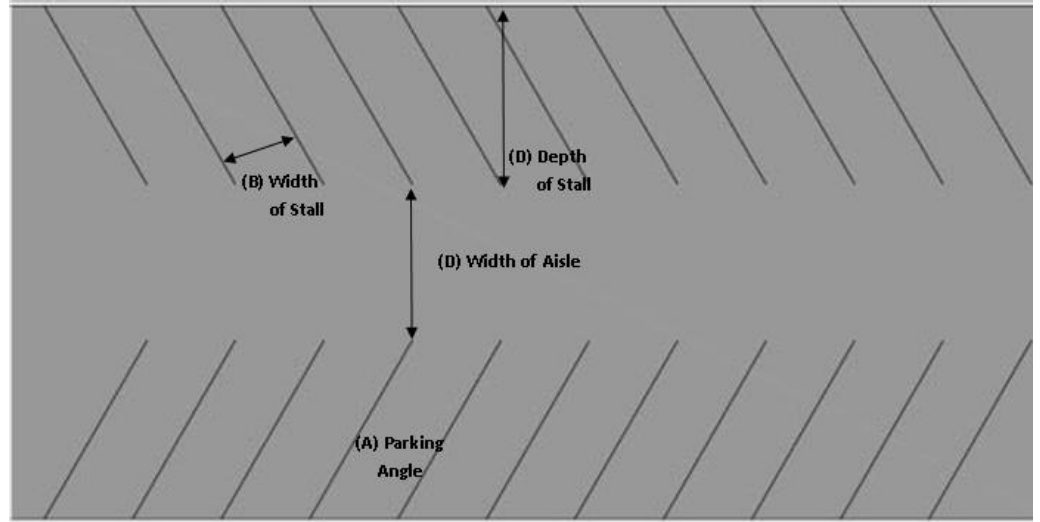
6.25.4

Size of parking spaces and aisles shall be provided as required by the Development Officer with consideration to the following standards:

- a) Except as provided in (b) below, each required off-street parking space shall be a minimum of 2.59 metres (8.5 feet) in width and a minimum of 5.48 metres (18.0 feet) in length, exclusive of access driveways or aisles, ramps, or columns. Such spaces shall have a vertical clearance of at least 1.98 metres (6.5 feet). For parallel parking, the length of the parking spaces shall be increased to 7.01 metres (23.0 feet), except that an end space with an open end shall be a minimum of 5.48 metres (18.0 feet).
- b) For parking spaces other than parallel parking spaces, up to 15% of the required parking spaces may be of a length shorter than that required under a) above, to a minimum of 4.60 metres (15.1 feet).
- c) Aisles shall be a minimum of 7.01 metres (23.0 feet) wide for 90 degree parking; 5.48 metres (18.0 feet) wide for 60 degree parking; and 3.66 metres (12.0 feet) wide for 45 degree and parallel parking.

Parking Stall Design Standards

| PARKING ANGLE (IN DEGREES) (a) | MINIMUM STALL WIDTH (b) | MINIMUM STALL LENGTH (c) | MINIMUM AISLE WIDTH (d) |
|---|------------------------------------|---|------------------------------------|
| 0 (Parallel) | 2.59 m (8.5 ft) | 7.01 m (23.0 ft) (or 5.48 m (18.0 ft) for open end spaces) | 3.66 m (12.0 ft) |
| 45 | 2.59 m (8.5 ft) | 5.48 m (18.0 ft) (or 4.60 m (15.1 ft) for a maximum of 15% of total stalls provided) | 3.66 m (12.0 ft) |
| 60 | 2.59 m (8.5 ft) | 5.48 m (18.0 ft) (or 4.60 m (15.1 ft) for a maximum of 15% of total stalls provided) | 5.48 m (18.0 ft) |
| 90 | 2.59 m (8.5 ft) | 5.48 m (18.0 ft) (or 4.60 m (15.1 ft) for a maximum of 15% of total stalls provided) | 7.10 m (23.0 ft) |



6.25.5 The number of off-street parking spaces and loading facilities provided shall be at the discretion of the Development Officer, with consideration given to the following:

- a) Anticipated traffic volumes generated by the development.
- b) Types of vehicles expected to serve the development.

6.25.6 The Development Officer may approve a developer of non-residential sites to share parking stalls in order to fulfill parking requirements where:

- a) in the opinion of the Development Officer, the parking requirements of users on the sites will vary in a consistent manner according to time of day or days of the week so that the needs of each development can be met at any given time;
- b) the shared parking stalls are within 120.0 metres (393.70 feet) of each site; and
- c) a registrable and binding agreement securing the shared use of the parking lot is executed between the owner of the site in which the parking is provided and the owner of the site in which the parking is required.

6.25.7 Parking stalls and loading spaces shall be designed and constructed, to the satisfaction of the Development Officer:

- a) to clearly demarcate stalls and spaces, and be regularly maintained;
- b) to be contained entirely on the site and not cause interference with pedestrian or vehicular movement on adjacent sites, roads or sidewalks;
- c) to be graded to ensure that drainage is confined to the site and disposed of in a satisfactory manner; and where deemed necessary by the Development Officer, an oil-grit separator shall be installed to remove contaminants that may otherwise enter the ground water or Municipal storm water drainage system;
- d) with the appropriate curbs, curb cuts or concrete bumpers where required; and
- e) in accordance with the minimum parking stall and aisle dimensions

6.26 PROVINCIALY CONTROLLED HIGHWAYS

- 6.26.1 All development along provincially controlled highways requires a Roadside Development Permit from Alberta Transportation.
- 6.26.2 The Development Authority may require higher standards than Alberta Transportation for development along highways.

6.27 RAILWAY SETBACKS

6.27.1 No person shall construct any buildings, improvements, or structures in any land use district unless the building or structure is set back from the adjacent railway as follows, (as outlined in the Guidelines for New Development in Proximity to Railway Operations prepared for the Federation of Canadian Municipalities and the Railway Association of Canada):

| Railway Operation | Setback Requirement |
|-----------------------|---------------------|
| 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) |

6.28 ROADWAY ACCESS

6.28.1 Access to Roadways:

- a) Access to a local road will not be approved within 500 feet (152.4 m.) of another access on the same side of the road, or a bridge, or a horizontal curve exceeding two degrees.
- b) Access to any roadway will be restricted where the gradient exceeds 3 percent.

Regulations regarding access may be relaxed by the Development Officer on the advice of the Municipal Engineer.

6.29 ROADWAY SETBACKS

6.29.1 No person shall construct any buildings, improvements, or structures in any land use district unless the building or structure is set back from the adjacent roadway right of way as follows:

- a) Provincial-Highway: as required by Alberta Transportation
- b) Local Road: 30.48 metres (100 feet)
- c) Internal Subdivision Road: 7.62 metres (25 feet)

6.29.2 Pursuant to the Public Highways Development Act, developments occurring adjacent or within 0.8 kilometres to Provincial Highways will require a roadside development permit from Alberta Transportation.

6.30 RURAL SUBDIVISION STANDARDS

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

6.31 SECONDARY SUITES

- 6.31.1 The maximum floor area of a secondary suite shall be as follows:
- a) for a secondary suite located completely below the first storey of a single detached dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;
 - b) for a secondary suite developed at grade, or completely/partially above grade, the floor area (excluding the area covered by stairways) shall not exceed the lesser of the following: 92.9 m² (1000.0 ft²) or 50% of the total floor area of the first storey of the associated principal dwelling.
- 6.31.2 The minimum floor area for a secondary suite shall be 30.0 m² (322.9 ft²).
- 6.31.3 The separate entrance to the secondary suite shall be accessed either from a common indoor landing or directly from the side or rear of the building.
- 6.31.4 Only one secondary suite per parcel shall be permitted.
- 6.31.5 A secondary suite shall require one additional on-site parking stall.
- 6.31.6 A secondary suite must have a private outdoor amenity space that is a minimum area of 7.62 square metres (25 square feet), with no dimension less than 1.5 metres. A private amenity space may be provided in the form of a landscaped area, balcony, deck or patio.
- 6.31.7 A secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.
- 6.31.8 An attached secondary suite shall only be allowed within the principal building or its accessory building.
- 6.31.9 A secondary suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

6.32 SEWAGE SYSTEM SETBACKS

- 6.32.1 All private sewage disposal systems shall be constructed, located, and inspected in accordance with the provisions of the Alberta Safety Codes Act and its regulations, including the Alberta Private Sewage Systems Standard of Practice.

6.33 SHIPPING CONTAINERS (SEA CANS)

- 6.33.1 All shipping containers shall meet the minimum required setbacks for accessory buildings and shall be located in the side or rear yard.
- 6.33.2 Shipping containers shall not be placed on a lot or parcel in a manner that the containers exceed the maximum height restrictions specified in the district regulations.
- 6.33.3 All shipping containers shall be properly maintained or screened from public view, to the satisfaction of the Development Officer.

6.34 SIGNS

- 6.34.1 Unless specifically exempt from the requirement to obtain a development permit pursuant to Section 4.2.1, all signs placed or erected on land or any building or structure require a development permit.
- 6.34.2 In determining the relative merits of a development permit application for a sign, the Development Officer shall consider both the sign structure and the appearance of the copy area of the sign, including any wording or images. Applicants are advised to consider both elements in making their application.
- 6.34.3 Rural addressing sign placement and style shall conform to Municipal District of Smoky No. 130 policy.
- 6.34.4 No sign shall be placed on, affixed to or overhang any Municipal property or road right-of-way without the prior written consent of the Municipality or appropriate public body. The placement, installation and removal of election signs shall be in accordance with provincial policy.
- 6.34.5 Election signs on municipal property shall be in conformance with the Alberta Elections Act. Election signs must be removed within one week of the election date.
- 6.34.6 Except for directional signs, no signage shall be located on a site for a business or activity that is not on the site in which the business or activity is located.
- 6.34.7 Signs which are proposed to be illuminated shall be lit by top-mounted lights pointed downwards or internally illuminated. Lighted signs shall not cause light trespass onto or adversely affect neighbouring properties.
- 6.34.8 No sign shall be erected so as to obstruct free and clear vision of vehicular traffic, or be located, or display a light intensity or color where it may interfere with, or be confused with any authorized traffic sign, signal or device and in doing so create a traffic hazard.

- 6.34.9 Animated signs and electronic variable message signs are prohibited.
- 6.34.10 To ensure safe vehicle and pedestrian movement, no sign which is higher than 1.0 metres (3.28 feet) in sign height or lower than 4.0 metres (13.12 feet) in sign height shall be located within the sight line triangle.
- 6.34.11 All signs shall be kept in a safe, clean and well-maintained condition. The Development Officer may require the cleaning, removal or renovation of a sign determined to be otherwise.
- 6.34.12 The quality, design and character of a sign shall be to the satisfaction of the Development Officer which shall have due regard for the amenities of the district in which the sign is proposed to be located. Signs shall not adversely affect the use or enjoyment of neighbouring properties.
- 6.34.13 Signs shall not cover architectural detailing of a building, including but not limited to windows, cornices, arches, sills or mouldings.
- 6.34.14 Where a sign does not conform to any of the identified sign types defined in this Bylaw, the Development Officer shall consider a development permit application for a sign on its merits.
- 6.34.15 Awning and canopy signs
- a) Awning and canopy signs shall be clear, legible, visually attractive and compatible with the building it is attached to and with the surrounding streetscape.
 - b) Awnings and canopies attached to a building that are used for signs shall:
 - i. only extend 75% of the length of the building or bay to which it is attached;
 - ii. be a maximum of 1.5 metres (4.92 feet) vertical distance from the bottom to the top of the awning or canopy; and
 - iii. have a minimum clearance of 2.8 metres (9.19 feet) above grade.
 - c) Freestanding canopies, or canopies that are intended to cover a motor vehicle used for signs shall:
 - i. be a maximum of 1.0 metres (3.28 feet) vertical distance from the bottom to the top of the awning or canopy;
 - ii. have a minimum clearance of 4.2 metres (13.78 feet) and shall not exceed 5.2 metres (17.06 feet) in height above grade;
 - iii. be located a distance of 0.6 metres (1.97 feet) from a site boundary.
 - d) Awning and canopy signs are encouraged to be lit by top-mounted lights, but internally illuminated signs may be permitted to enhance visibility where required.
- 6.34.16 Fascia signs
- a) Fascia signs shall:
 - i. not project more than 0.4 metres (1.31 feet) from the building face; and

- ii. not exceed a copy area greater than 15% of the face of the building or bay to which the sign is attached.
- b) Fascia signs may be permitted to be located below the floor level of the second and third storeys of a building.
- c) Fascia signs are encouraged to be lit by top-mounted lights, but internally illuminated fascia signs may be permitted to enhance visibility where required.

6.34.17 Fence signs

- a) A fence used for a sign shall be in good condition and properly maintained. An applicant may be required by the Development Officer to provide evidence of the fence condition upon application for a development permit.
- b) Fence signs shall not exceed the height above grade of the fence to which it is attached, and shall be securely fastened.
- c) A fence sign shall not exceed 2.0 square metres (21.53 square feet) in sign area.

6.34.18 Freestanding signs

- a) One freestanding sign shall be permitted per lot frontage, which is encouraged to be no larger or higher than necessary for viewing by the travelling public, but in no case shall exceed:
 - i. a maximum sign area of 6.0 square metres (64.58 square feet) on each sign face; and
 - ii. a maximum sign height of 3.0 metres (9.84 feet) above grade, excepting a maximum sign height of 6.0 metres (19.69 feet) above grade in a Commercial District adjacent to a provincial highway.
- b) A freestanding sign which identifies a condominium or subdivision development shall be a maximum of 3.0 square metres (32.29 square feet) in sign area and 1.2 metres (3.93 feet) in sign height above grade.
- c) A support structure for a freestanding sign shall be set back a minimum of 0.6 metres (1.97 feet) from any property line and no part of the sign shall encroach on to or overhang an adjacent property or road right-of-way.
- d) Freestanding signs shall be designed in a manner that is compatible with and enhances the character of the building or the surrounding streetscape.
- e) Freestanding signs are encouraged to be lit from top-mounted lights, but internally illuminated freestanding signs may be permitted to enhance visibility where required.
- f) The electrical supply to a lighted freestanding sign shall be located underground.
- g) For a service station, the Development Officer may allow a maximum of 3 additional freestanding signs containing advertising sign messages to be located on a site. Each sign shall be a maximum of 1.5 square metres (16.14 square feet) in sign area and 2.0 metres (6.56 feet) in sign height above grade.

- 6.34.19 Portable signs
- a) Excepting portable signs erected by the Municipality as informational signs, or signs approved by the Development Officer to be erected as a temporary sign, no person shall place, erect, or use a portable sign within the Municipal District of Smoky River No 130.
 - b) Portable signs shall not contain advertising sign messages.
- 6.34.20 Projecting signs
- a) Projecting signs shall only contain identification messages.
 - b) No more than 2 projecting signs shall be permitted per site, or where a building contains multiple businesses, not more than 1 projecting sign shall be permitted per bay.
 - c) Projecting signs shall:
 - i. have a maximum sign area no greater than 1.0 square metres (10.76 square feet);
 - ii. have a vertical clearance of not less than 2.8 metres (9.19 feet) above grade;
 - iii. not project greater than 1.5 metres (4.92 feet) from the building face; and
 - iv. be spaced at a minimum horizontal distance of 5.0 metres (16.40 feet).
 - d) Supports and structures for a projecting sign which are visible shall be of a style and character that is complimentary to the building to which it is attached.
- 6.34.21 Roof signs
- a) The vertical height of a roof sign shall not exceed 3.0 metres (9.84 feet) in height, and together with the building to which the roof sign is attached, shall not exceed the maximum height limit specified in the land use district in which it is located.
 - b) Roof signs may only be allowed where due consideration has been taken for public safety and aesthetics of the sign, in the opinion of the Development Officer.
 - c) Roof signs shall not be used in conjunction with fascia signs.
- 6.34.22 Temporary signs
- a) Temporary signs may be permitted at the discretion of the Development Officer, which shall take into consideration the sign message and intent, and the use of the site.

- 6.34.23 Wall signs
- a) Wall signs may be permitted to be painted, fastened to or engraved into the surface of a building, wall or surface of any structure at the discretion of the Development Officer, which shall take into consideration:
 - i. the use of the site;
 - ii. the height and setback of the building or structure;
 - iii. the proposed size, design, appearance, illumination and visibility of the sign; and
 - iv. the potential impact of such sign on adjacent properties.

6.35 SUBDIVISION OF AGRICULTURAL LAND

- 6.35.1 For the purpose of this Bylaw, better agricultural land means land that is rated at 28% or greater by the Rural Farmland Assessment or Class 1 to 4, inclusive, under the Canada Land Inventory rating system.
- 6.35.2 The subdivision of better agricultural land shall not be permitted unless the proposed subdivision is for:
- a) extensive agriculture;
 - b) a parcel of land that is severed from the balance of the quarter-section and cannot be reasonably farmed;
 - c) a farmstead separation;
 - d) a single parcel out for residential development
 - e) a public use and/or public utility; or
 - f) a non-agricultural development, which in the opinion of the Municipal District, cannot be reasonably located on poorer agricultural land.
 - g) a direct control district
- 6.35.3 The size of a parcel that is subdivided from land that is considered to be better agricultural land shall be kept to the minimum size required to support the proposed development and proper servicing.
- 6.35.4 Notwithstanding 6.35.2, the subdivision of better agricultural land for multi-parcel country residential development may be permitted subject to a concept plan, approved by Council.
- 6.35.5 The subdivision of marginal agricultural land for multi-parcel country residential development may be permitted, subject to the provision of a concept plan.

6.36 TOP SOIL REMOVAL

- 6.36.1 A Development Permit is required for the removal or stockpile of top soil for non-agricultural purposes.
- 6.36.2 A Development Permit shall only be granted, where it is shown to the satisfaction of the Development Officer, that the land or adjacent land will not be adversely affected by the removal of the top soil.
- 6.36.3 An application for the removal of top soil may require an environmental impact assessment and, it may be referred to Alberta Environment and Sustainable Resource Development and/or Alberta Agriculture and Rural Development for comment.

6.37 TRAIL DEVELOPMENT

- 6.37.1 Notwithstanding sub-section 4.2.1 of this Bylaw, a Development Permit shall be required for all trail development.
- a) A Development Permit shall only be granted where it is shown to the satisfaction of the Development Officer that the application requirements, provisions for trail development, the Land Use Bylaw and any other applicable legislation have been met.
 - b) Prior to reaching a decision, the Development Officer may refer any application for trail development to the Mackenzie Municipal Services Agency, Alberta Sustainable Resource Development – Lands Division, Alberta Tourism, Parks and Recreation, Alberta Transportation, and/or any other applicable body to receive qualified feedback and/or comments.
- 6.37.2 All Development Permit Applications for trail development require that the following information must be provided:
- a) The classification of the proposed trail according to the Alberta Recreation Corridor and Trails Classification System.
 - b) Construction Plan including: parking areas and security, type of trail including surfacing materials (grass, gravel, asphalt), construction timeline, legal description of trail, construction materials and standards, costs and funding.
 - c) The type and number of user(s) the trail will accommodate. For example: walking, skiing, motorized vehicles (skidoos, quads), horses, etc. and the safety measures to be taken to accommodate more than one type of user.
 - d) Long Term Trail Management Plan – minimum ten (10) year plan, which must include:
 - i. Information about proponent, contact names, address, phone and fax numbers
 - ii. A site map (showing all properties that the trail crosses, environmentally sensitive areas, cultural and heritage sites, existing structure, proposed facilities, topography, and the location of intersections with roads)
 - iii. A brief description of the location of the trail and its purpose
 - iv. The location, height, and maintenance of fences if applicable

- v. The potential impacts of the projected levels of trail use (both now and in the future) on adjoining private property owners, agricultural operations, public lands, and communities
- vi. Site preservation and revegetation techniques that will be used to protect trailside vegetation
- vii. Safety considerations
- viii. Erosion mitigation techniques
- ix. Permitted uses of the trail
 - x. Access points and emergency access
 - xi. Grooming (e.g. ski trails)
 - xii. The rules to be applied to trail users
 - xiii. The group which has jurisdiction over this trail
 - xiv. Maintenance responsibilities, schedule, and funding
 - xv. Brush control
 - xvi. Garbage clean-up/removal
 - xvii. Weed control measures
 - xviii. Signage use and placement
 - xix. Ownership of trail (titled or leased)
 - xx. Fire control plan
 - xxi. User control plan
 - xxii. Construction standards
 - xxiii. Safety inspection plan and/or schedule
 - xxiv. A list of all trail facilities including garbage receptacles, toilets, rest areas, and all other proposed trail facilities
 - xxv. Landscaping provisions
 - xxvi. Temporary trail closure procedures (fire hazard conditions)
 - xxvii. Sound attenuation methods where applicable

- e) Where a trail development is proposed on privately owned lands written support from property owners adjacent or near the trail and a statement of the number of property owners opposed to the trail and the reason for their opposition.
- f) Where a trail development is proposed on public and privately owned lands, approval from Alberta Sustainable Resource Development – Lands Division and Alberta Tourism, Parks and Recreation, and written support from property owners adjacent to or near the trail, and a statement of the number of property owners opposed to the trail and the reasons for their opposition.

- g) The Development Officer may, at his/her discretion, waive any of the above requirements if deemed not applicable and/or unnecessary by the Development Officer, and a decision can be properly made on the application without that information.

6.37.3 The Municipal District of Smoky River No. 130 may require a performance bond, letter of credit, or some other form of security, in order to guarantee that reclamation of the trail will be completed in the event that the owner is unable to maintain the trail in an operable condition.

6.37.4 The Development Officer shall, in reaching a decision on an application for a trail development, consider the following:

- a) Information provided in the long-term trail management plan with specific regards to:
 - i. Public safety
 - ii. Maintenance and delegation of responsibilities
 - iii. Compatibility of the trail development with the surrounding land uses
 - iv. Compatibility of use(s) of the trail development with the surrounding land uses.
- b) The circumstance and planning merits of the application including, but not limited to:
 - i. The impact on properties in the vicinity of such nuisance factors as smoke, airborne emissions, odours and noise.
 - ii. Environmental management and considerations including but not limited to erosion control and weed control,
 - iii. The design, character and appearance of the proposed development and in particular whether it is compatible with and complementary to the surrounding properties,
 - iv. The servicing requirements of the proposed development.

6.37.5 Provisions for Trail Development

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

6.38 UTILITIES

- 6.38.1 If a development is to be serviced by a private sewer and/or water system, the necessary water and sewer safety code permits must be obtained.
- 6.38.2 If a development is to be served by public or shared sewer and water systems, a sewer back up system must be installed that meets the Safety Codes Act.

6.39 VEHICULAR-ORIENTED USES

- 6.39.1 Vehicle-oriented uses shall include drive-in food services, gas bars, services stations, drive-through vehicular services and other developments providing drive-in services in which patrons generally remain inside their vehicles.
- 6.39.2 Vehicle-oriented uses shall be located only where the Development Officer is satisfied that the development will not adversely affect the functioning of surrounding public roadways.
- 6.39.3 Queuing space shall be provided as follows:
- a) for drive-in food services, and other development having a service window, a minimum of six (6) inbound queuing spaces shall be provided for vehicles approaching the service window; and
 - b) queuing lanes shall provide sufficient space for turning and maneuvering, and be maintained by the registered owner or lessee at their sole cost/expense.

6.40 WATER CANAL SYSTEM

- 6.40.1 Proposed developments in the area of the Water Canal System, as outlined in Schedule D – Land Use District Maps of this Bylaw:
- a) shall be assessed with respect to potential impacts on the water canal system;
 - b) shall not have a negative effect on the quality of water in the water canal system, including areas that drain into the system;
 - c) may require a professional engineer’s report concerning potential impacts on the water canal system resulting from development occurring in the area of the water canal system; and
 - d) may be referred to appropriate Provincial Government departments for comments and recommendations.

- 6.40.2 Development near the water canal system shall require an appropriate setback from the water canal, as determined by the Development Officer based on the following criteria:
- a) nature of the proposed land use;
 - b) location in relation to the water canal and associated drainage areas; and
 - c) comments received in regards to the proposal; and
 - d) proximity to the flood plain area.
- 6.40.3 As part of the review of development proposals, the Municipal District shall consult with its neighbouring urban municipalities in terms of the operation and maintenance of the water canal system.

6.41 WELL SITE SETBACKS

- 6.41.1 The development of permanent buildings or structures near oil and gas infrastructure shall be in accordance with the Municipal District of Smoky River No. 130 *Road Way Setbacks for Lease, Lease Roads and Equipment Policy* and provincial setback requirements.
- Bylaw 19-911

6.42 WIND ENERGY CONVERSION SYSTEMS, SMALL

- 6.42.1 The maximum height of a wind energy conversion system, small shall be at the discretion of the Development Officer, which shall take into consideration the lot area and dimensions, system location, system specifications, and potential impact on neighbouring properties.
- Bylaw 19-911
- 6.42.2 The minimum setbacks of a wind energy conversion system, small shall be equal to the distance of the total system height to any property line. This distance may be relaxed at the discretion of the Development Officer if it deems that due to the design, characteristics and location, the wind energy conversion system, small will not have any adverse impacts on neighbouring properties.
- Bylaw 19-911
- 6.42.3 To ensure public safety, the Development Officer may require that a security fence not less than 1.8 metres (5.90 feet) in height be erected, or safety mechanism or procedures be employed to prevent access to the base or top of the tower.
- 6.42.4 All power lines connecting the small wind energy conversion system to a substation, grid or other facility to which power is provided shall be underground, unless an overhead installation is approved by the Development Officer.
- 6.42.5 A small wind energy conversion system shall be finished in a non-reflective matte and in a color which minimizes the visual impact of such system.
- 6.42.6 No signage, advertising or accessory installations shall be placed on a small wind energy conversion system.
- 6.42.7 When a small wind energy conversion system becomes obsolete, it shall be immediately removed and the development site reclaimed.

6.42.8 The system, device or structure must meet all applicable provincial codes, regulations and standards including the building code and any other municipal requirements.
Bylaw 19-911

6.43 WIND ENERGY CONVERSION SYSTEMS, LARGE

Bylaw 19-911

6.43.1 For the purpose of this section, the following definitions apply:

- a) **BLADE** means an element of a Wind Energy Conversion System, Large rotor that forms an aerodynamic surface to extract energy from the wind.
- b) **BLADE CLEARANCE** means the minimum distance from grade to the bottom of the rotor's arc.
- c) **GRADE FOR WIND ENERGY CONVERSION SYSTEM** means the elevation of the finished ground surface at the completion of the building or structure, excluding minor variances.
- d) **HORIZONTAL AXIS ROTOR** means a Wind Energy Conversion System, Large where the rotor is mounted on an axis parallel to the earth's surface.
- e) **ROTORS ARC** means the total path traveled by a Wind Energy Conversion System, Large's blade.
- f) **TOTAL TOWER HEIGHT** means the height of the tower from grade to the furthest vertical extension of the rotor.
- g) **TOWER** means the structure that supports the rotor or other energy collection device of the Wind Energy Conversion System, Large above the ground.
- h) **VERTICAL AXIS ROTOR** means a Wind Energy Conversion System, Large where the rotor is mounted on an axis perpendicular to the earth's surface.

6.43.3 Development Standards for a Wind Energy Conversion System, Large:

- a) Minimum Setbacks:
 - i. A Wind Energy Conversion System, Large shall be located so that the outside of the Rotor's Arc is a minimum of 7.6 m (25 ft.) from the vertical projection of the parcel boundary.
 - ii. A Wind Energy Conversion System, Large shall be located a distance of at least 0.8 km (0.5 m), not belonging to the owner of the land on which the Wind Energy Conversion System, Large is located.
 - iii. All other buildings: as per the respective district requirements.
 - iv. Road allowances: as per the respective district requirements.
- b) Minimum Blade Clearance is 7.6 m (25 ft.).
- c) Tower access shall be protected by means acceptable to the Development Authority and may include such things as a locked fence and anti-climbing devices.
- d) Subject to the requirements of any other federal or provincial regulation the Wind Energy Conversion System, Large shall have a non-reflective, matte finish in a colour satisfactory to the Development Authority.

- e) All power lines on the Wind Energy Conversion System, Large site shall be underground unless otherwise approved by the Development Authority.
- f) Underground or overhead transmission lines running parallel to a road right-of-way shall be setback a minimum of 30 meters from any road right-of-way.
- g) The depth of underground transmission lines must be a minimum of 2.137 meters (7ft) below the bottom of the ditch for all road crossing agreements.
- h) Signage indicating underground transmission lines must be approved and installed for all road crossing locations.
- i) A road crossing profile for underground transmission lines must be submitted upon completion of construction.
- j) The applicant must enter into a road use agreement and road crossing agreements prior to initial construction and for any future upgrades and/or maintenance.

6.43.4 Approval Process for a Wind Energy Conversion System, Large:

- a) All development permit applications for a Wind Energy Conversion System, Large shall be accompanied by:
 - i. A scaled site plan showing existing features and development, the location of the proposed Wind Energy Conversion System, Large, related facilities, and access roads;
 - ii. A visual representation of the proposed Wind Energy Conversion System, Large including scaled elevations and digital representations;
 - iii. An Environmental Impact Assessment (EIA), shall be required by the Development Authority to address things such as visual impacts, noise, and nuisance;
 - iv. A Decommissioning Plan outlining how the Wind Energy Conversion System, Large site will be reclaimed after it discontinues producing power; and
 - v. A weed control plan must be developed to the satisfaction of the Development Authority.
 - vi. Any other information that the Development Authority determines is pertinent to the decision making process.
- b) Prior to making a decision on a development permit application, the Development Authority may require the applicant to provide an opportunity for the general public to view and comment on the proposal. At the discretion of the Development Authority, the consultation may consist of a public meeting and/or mail-outs to residents / landowners.
- c) In addition to public consultation, the Development Authority may refer the application to any agency or stakeholder it determines may be affected by the proposal.

6.43.5 The system, device or structure must meet all applicable provincial codes, regulations and standards including the building code and any other municipal requirements.

6.43.6 No signage, advertising or accessory installations shall be placed on a wind energy conversion system, large.

- 6.43.7 As built plans of structures and transmission lines must be submitted to the municipality upon completion of construction, or within 1 year of commencing construction.
- 6.43.8 No component of a tower structure or transmission lines can be located within the road right of way.
- 6.43.9 All applicants and/or owners must be a member of Alberta One Call.
- 6.43.10 The Development Authority must have regard for Sections 6.19 and 6.20 of the Municipal Government Act.

6.44 MODULAR BUILDINGS

Bylaw 16-887

- 6.44.1 Any development for a modular building is considered discretionary.
- 6.44.2 Before a development permit is issued for a modular building, the Development Authority should receive verification that the building fully complies with the CSA A277 Procedure for Factory Certification of Buildings Standard. If the CSA A277 sticker or the Alberta Municipal Affairs sticker is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer.
- 6.44.3 Should an inspection by an Alberta Safety Codes Officer be required, and should the inspection indicate that upgrades to the modular building into compliance with the CSA A277 standard, all required upgrades should be made within the time specified by the Development Officer.
- 6.44.4 Modular homes should be securely fastened and placed on a permanent foundation.
- 6.44.5 A modular single-detached dwelling placed in the hamlets of Guy and Jean Côté should have a front door and a minimum of one window facing the street to provide a strong visual connection between the building and the street.
- 6.44.6 The quality of the completed modular construction should be consistent with the quality of the other structures in the area.

6.45 USES PERMITTED IN ALL LAND USE DESIGNATIONS

Bylaw 19-911

- 6.45.1 The following Uses are permitted in all Land Use Designations:
- a) Public utility;
 - b) Road;
 - c) Highway; and
 - d) Park.

6.46 CANNABIS PRODUCTION AND DISTRIBUTION FACILITY

Bylaw 19-911

- 6.46.1 Cannabis facilities must have a licence issued by the Health Canada.
- 6.46.2 The following regulations apply to cannabis facilities:
- a) An ancillary building or structure used for security purposes may be located on the parcel containing the use as an accessory building which meets the regulations of this Land Use Bylaw.
 - b) Facilities must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of a ventilation system.

- c) Facilities must not be within 100 metres of a residential district measured from the building containing the use to the nearest property line of a parcel designated as a residential district.

- 6.46.3 An application for a Development Permit for Cannabis Production and Distribution Facility requires a Development Permit shall be made to the Development Authority and shall include reports prepared by the appropriate professionals for the following:
- a) the incineration of waste products and air borne emission, including smell;
 - b) the quantity and characteristics of liquid and waste material discharged by the facility; and
 - c) the method and location of collection and disposal of liquid and waste material.
 - d) Additional information as required by the Development Authority.
- 6.46.4 The operator of a Cannabis Production and Distribution Facility must ensure that nuisances, including odour, are addressed to the satisfaction of the Development Authority.

6.47 CANNABIS RETAIL SALES

Bylaw 19-911

- 6.47.1 Cannabis stores and where all cannabis that is offered for sale or sold must be from a federally approved and licensed facility.
- 6.47.2 Cannabis stores must be licensed by the Alberta Government.
- 6.47.3 Cannabis stores must be a stand-alone use, which means it cannot be combined with another use, such as a convenience store. However, cannabis stores can occur in a multi-tenant building or as part of a mixed-use development.
- 6.47.4 The operator of a Cannabis Retail Sales must ensure that nuisances, including odour, are addressed to the satisfaction of the Development Authority.
- 6.47.5 Cannabis stores shall not be located within 100 metres of any other Cannabis Store, when measured from the closest point of a parcel of land containing a Cannabis Store to the closest point of another parcel of land containing a Cannabis Store with the following exceptions:
- a) A proposed cannabis store is at the same location as an existing retail store that currently sells cannabis-related paraphernalia as its main merchandise,
 - b) There is only one other cannabis store within the minimum separation distance,
 - c) A proposed cannabis store is located on a different street or on the opposite side of the same street as the existing cannabis store,
 - d) A major road, expressway or river separates the proposed cannabis store from the existing cannabis store,
 - e) A proposed cannabis store is located in an enclosed shopping centre, or

- f) An existing approved cannabis store proposes to relocate to a new location within 100 metres of its original location, provided that it does not move within the separation distance of a different cannabis store.

6.47.6 Cannabis stores shall not abut a Liquor Store.

6.47.7 Cannabis stores shall not be located within 100 metres of the following:

- a) A building containing a public school, private school, or a boundary of the parcel of land which the facility is located, or
- b) All properties which are designated as School Reserve or municipal and school reserve on the certificate of title.
- c) A provincial health care facility, or a boundary of the parcel of land on which the facility is located, or
- d) Emergency shelter.

6.48 SOLAR COLLECTOR, SMALL

Bylaw 19-911

6.48.1 A solar collector, small may be located on the roof or wall of a building or structure.

6.48.2 A solar collector, small mounted on a roof with a pitch of less than 4:12, may project:

- a) A maximum of 0.5 m from the surface of a roof, when the solar collector is located 5.0 m or less from a side lot line, measured directly due south from any point along the side lot line; and
- b) In all other cases, maximum of 1.3 m from the surface of a roof.

6.48.3 A solar collector, small mounted on a roof with a pitch of 4:12 or greater, may project a maximum of 1.3 m from the surface of a roof.

6.48.4 A solar collector, small mounted on a roof must not extend beyond the outermost edge of the roof.

6.48.5 A solar collector, small that is mounted on a wall:

- a) Must be located a minimum of 2.4 m above grade; and
- b) May project a maximum of:
 - i. 1.5m from the surface of that wall, when the wall is facing a rear lot line; and
 - ii. In all other cases, 0.6 m from the surface of that wall.

6.48.6 A solar collector, small mounted on a structure must meet yard setback and district height regulations.

6.49 SOLAR COLLECTOR, LARGE

Bylaw 19-911

6.49.1 Development Standards for a solar collector, large:

- a) Minimum setbacks:
 - i. A solar collector, large shall be located a distance of at least 0.8 km (0.5 m), from any land or building not belonging to the owner of the land on which the solar collector, large is located.
 - ii. All other buildings: as per the respective district requirements.
 - iii. Road allowances: as per the respective district requirements.
- b) Solar collector, large access shall be protected by means acceptable to the Development Authority and may include such things as a locked fence.
- c) All power lines on the solar collector, large site shall be underground unless otherwise approved by the Development Authority.

6.49.2 Approval Process for a solar collector, large:

- a) All development permit applications for a Wind solar collector, large shall be accompanied by:
 - i. A scaled site plan showing existing features and development, the location of the proposed solar collector, large, related facilities, and access roads;
 - ii. A visual representation of the proposed solar collector, large including scaled elevations and digital representations;
 - iii. An Environmental Impact Assessment (EIA), shall be required by the Development Authority to address things such as visual impacts, and nuisance;
 - iv. A Decommissioning Plan outlining how the solar collector, large site will be reclaimed after it discontinues producing power; and
 - v. A weed control plan must be developed to the satisfaction of the Development Authority
 - vi. Any other information that the Development Authority determines is pertinent to the decision making process.
- b) Prior to making a decision on a development permit application, the may require the applicant to provide an opportunity for the general public to view and comment on the proposal. At the discretion of the Development Authority, the consultation may consist of a public meeting and/or mail-outs to residents / landowners.
- c) In addition to public consultation, the Development Authority may refer the application to any agency or stakeholder it determines may be affected by the proposal.

6.49.3 The system, device or structure must meet all applicable provincial codes, regulations and standards including the building code and any other municipal requirements.

6.49.4 No signage, advertising or accessory installations shall be placed on a solar collector, large.

6.50 CHILD CARE FACILITIES AND FAMILY DAY HOMES

Bylaw 19-911

6.50.1 Child Care Facilities:

- a) Shall follow the Child Care Licensing Regulations that may provide programming for the social, creative, educational and physical development of children;
- b) Shall have privacy screening or other buffering techniques designed to limit impact on other uses or the surrounding residential properties;
- c) In any Residential District:
 - i. Shall not change the principal character or external appearance of the dwelling in which it is located;
 - ii. Shall have an outdoor play area designed and secured according to Provincial regulations and must be shown on the plan submitted for a development permit; and
 - iii. Shall provide parking according to the regulations outlined in *Part 10 Parking & Loading Facilities* of this Bylaw. In addition, a drop-off area shall be provided at the rate of one (1) drop-off space for every five (5) children, or at the discretion of the Development Authority.

6.50.2 A Family Day Home/ After School Care:

- a) shall not be located in a dwelling unit containing another Home Business; and
- b) require privacy screening that prevents visual intrusion into any outdoor play areas.

SECTION SEVEN – ESTABLISHMENT OF DISTRICTS, BOUNDARIES AND OVERLAYS

7.1 DISTRICT CLASSIFICATION

7.1.1 For the purpose of this Bylaw, the area encompassed by the Municipal District of Smoky River No. 130 is divided into the following districts, as depicted on Schedule “D” – Land Use Bylaw District Map forming part of this Bylaw:

| | |
|--------|--|
| A | Agriculture District |
| C-1 | Commercial District |
| CM-1 | Commercial Industrial District |
| DC | Direct Control District |
| DC-HWY | Donnelly Corner Highway Commercial and Industrial District |
| H | Hamlet District |
| M-1 | Industrial District |
| MCR | Multi-Parcel Country Residential District |
| REC | Recreation District |

Schedules C and D and any maps attached thereto form part and parcel of this Bylaw.

7.2 OVERLAY CLASSIFICATION

7.2.1 Overlays provide a means to alter or specify regulations for Permitted and Discretionary Uses in otherwise appropriate districts in order to achieve the local planning objectives in specially designated areas throughout the Municipal District of Smoky River No. 130.

7.2.2 The regulations provided in the Overlay shall be substituted for the specified regulations of the underlying district. Where there appears to be a conflict between the provisions of the Overlay and those of the underlying district, the provisions of the overlay shall take precedence and effect.

7.2.3 Notwithstanding 7.2.2, the provisions of Donnelly A.V.P.A. shall take precedence over the provisions of any other Overlay.

7.3 INTERPRETATION OF DISTRICT BOUNDARIES

7.3.1 Boundaries between districts shall be determined as follows:

- a) where a district boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
- b) where a district boundary is indicated as following the lot lines, the boundary shall follow such lot lines;
- c) where a railroad right-of-way, electrical transmission line right-of-way or watercourse is included on any schedule and serves as a boundary between two or more different districts, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between districts unless specifically indicated otherwise;
- d) where a district boundary is indicated as following the limits of Municipal District of Smoky River No. 130, the limits shall be the boundary; or
- e) where the above provisions do not apply, Council may determine the boundary.

SECTION EIGHT – AGRICULTURE (A) DISTRICT

8.1 PURPOSE

The purpose of this district is to recognize uses that are compatible with the agricultural community while minimizing the loss of agricultural land to non-agricultural purposes.

8.2 USES IN THE AGRICULTURE (A) DISTRICT

In this district, no person shall use any lot or erect, alter or use any building for any purpose except for one or more of the following uses.

8.2.1 Permitted Uses

- Accessory building or use
- Agriculture (extensive)
- Bylaw 19-911 ➤ Dugout/borrow pit
- Farm building
- Home-based business (minor)
- Public utility
- Sign
- Single detached dwelling

8.2.2 Discretionary Uses

- Aggregate extraction
- Agriculture (intensive)
- Agriculture industry
- Airstrips
- Bylaw 19-911 ➤ Brewery, winery and distillery
- Bulk product sales and/or storage
- Bylaw 19-911 ➤ Cannabis production and distribution facility
- Cemetery
- Bylaw 19-911 ➤ Clustered communal dwelling
- Community hall
- Bylaw 19-911 ➤ Contractor, general
- Bylaw 19-911 ➤ Contractor, limited
- Bylaw 19-911 ➤ Family care facility
- Bylaw 19-911 ➤ Family day home
- Home-based business (major)
- Kennel
- Moved in dwelling
- Multi-family dwelling
- Natural resource extraction industries
- Oilfield equipment storage
- Public use
- Recreation (extensive)

- Religious use facility
- School
- Secondary suite
- Bylaw 19-911 ➤ Solar collector, large
- Bylaw 19-911 ➤ Solar collector, small
- Veterinary clinic
- Wind energy conversion system, small
- Bylaw 19-911 ➤ Wind energy conversion system, large
- Work Camp (Temporary)

8.3 REQUIREMENTS

In addition to the General Provisions set out in Section 6, the following provisions shall apply to all developments in district.

8.3.1 Lot Area

- a) Farmstead separation and second parcel out: Minimum: 1.21 hectares (3 acres)
Maximum: 4.05 hectares (10 acres)
or, at the discretion of the Development Officer based on the need to accommodate related farm buildings, improvements or site conditions, natural features or existing development require a larger or smaller lot.
- b) Extensive agriculture: Minimum: 1 quarter section or at the discretion of the Development Officer based on the following criteria:
 - i. The parcel is physically severed
 - ii. The parcel can be economically viable as an agricultural unit
- c) All other uses: At the discretion of the Development Officer.

8.3.2 Density (Maximum)

- a) Residential uses Three (3) parcels per quarter section or river lot, with the balance of the quarter section being one of the parcels.
- b) All other uses: At the discretion of the Development Officer.

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

8.3.3 Yard Setbacks (Minimum)

- a) Residential Uses
 - Front Yard: See Section 6.29
 - Rear Yard: 15.24 metres (50 feet)

| | | |
|----|---------------------|--|
| | Interior Side Yard: | 15.24 metres (50 feet) |
| | Exterior Side Yard: | See Section 6.7 |
| b) | All other uses | |
| | Front Yard: | See Section 6.29 |
| | Rear Yard: | At the discretion of the Development Officer |
| | Interior Side Yard: | At the discretion of the Development Officer |
| | Exterior Side Yard: | See Section 6.7 |

8.3.4 Additional Requirements

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

SECTION NINE –COMMERCIAL (C-1) DISTRICT

9.1 PURPOSE

The purpose of this district is to provide for commercial uses outside the Hamlet Districts that are intended to offer services to residents and visitors of the Municipal District.

9.2 USES IN THE COMMERCIAL (C-1) DISTRICT

In this district, no person shall use any lot or erect, alter or use any building for any purpose except for one or more of the following uses.

9.2.1 Permitted Uses

- Accessory buildings and uses
- Artisan Shop
- Convenience store
- Hotel
- Motel
- Public utility
- Restaurant
- Retail outlet
- Sign

9.2.2 Discretionary Uses

- Accessory dwelling unit
- Bylaw 19-911 ➤ Brewery, winery, distillery
- Bylaw 19-911 ➤ Brewpub
- Bulk product sales and/or storage
- Bylaw 19-911 ➤ Cannabis retail store
- Bylaw 19-911 ➤ Car wash
- Oilfield service
- Sales and service for equipment and vehicles
- Saw mill and/or planer mill
- Service station
- Bylaw 19-911 ➤ Solar collector, small
- Bylaw 19-911 ➤ Storage yard
- Trucking operation or terminal
- Warehouse
- Wind energy conversion system, small

9.3 REQUIREMENTS

In addition to the General Provisions set out in Section 6, the following provisions shall apply to developments in this district.

9.3.1 Hotels, Motels, Restaurants, Retail Outlets :

- a) Parcel Size (minimum): 2,090.31 square metres (22,500 square feet)
Lot Width: (minimum): 45.762 metres (150 feet)
Lot Depth: (minimum): 45.72 metres (150 feet)
- b) Yard Setbacks
Front Yard: See Section 6.29
Interior Side Yard: 3.5 metres (11.5 feet)
Exterior Side Yard: See Section 6.7
Rear Yard: 7.62 metres (25 feet)

9.3.2 All other uses:

- a) Parcel Size (minimum): At the discretion of the Development Officer.
- b) Yard Setbacks
Front Yard: See Section 6.29
Interior Side Yard: 3.5 metres (11.5 feet)
Exterior Side Yard: See Section 6.7
Rear Yard: 7.62 metres (25 feet)

9.3.3 In cases where fire or other hazards, noise, dust or noxious emissions are associated with a proposal, setbacks may be increased in proportion to the expected nuisance.

9.3.4 Additional Requirements

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

SECTION TEN – COMMERCIAL INDUSTRIAL (CM-1) DISTRICT

10.1 PURPOSE

The purpose of this district is to accommodate sales and services to business and industry in the Municipal District and neighbouring municipalities. This district may provide a buffer between people-oriented and large scale industrial development.

10.2 USES IN THE COMMERCIAL (CM-1) DISTRICT

In this district, no person shall use any lot or erect, alter or use any building for any purpose except for one or more of the following uses.

10.2.1 Permitted Uses

- Accessory buildings and uses
- Dwelling unit accessory to a commercial or industrial use
- Oilfield service
- Public utility
- Sales and service for equipment and vehicles
- Sign
- Trucking operation or terminal

10.2.2 Discretionary Uses

- Auto wreckers and salvage yard
- Bylaw 19-911 ➤ Brewery, winery and distillery
- Bylaw 19-911 ➤ Brewpub
- Bulk product sales and/or storage
- Bylaw 19-911 ➤ Cannabis retail store
- Bylaw 19-911 ➤ Cannabis production and distribution facility
- Open or covered storage of goods, equipment, vehicles or machinery
- Saw mill and/or planer mill
- Service station and/or car wash
- Bylaw 19-911 ➤ Solar collector, small
- Warehouse
- Wind energy conversion system, small

10.3 REQUIREMENTS

In addition to the General Provisions set out in Section 6, the following provisions shall apply to developments in this district.

10.3.1

- a) Parcel Size: At the discretion of the Development Officer.
- b) Parcel Density: At the discretion of the Development Officer.
- c) Yard Setbacks
 - Front Yard: See Section 6.29
 - Interior Side Yard: 15.24 metres (50 feet)
 - Exterior Side Yard: See Section 6.7
 - Rear Yard: 15.24 metres (50 feet)

10.3.3

In cases where fire or other hazards, noise, dust or noxious emissions are associated with a proposal, setbacks may be increased in proportion to the expected nuisance.

10.3.4

Additional Requirements

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

SECTION ELEVEN – INDUSTRIAL (M-1) DISTRICT

11.1 PURPOSE

The purpose of this district is to provide for industrial uses adjacent to major roads and minimize the impact of industrial uses on better agricultural land.

11.2 USES IN THE INDUSTRIAL (M-1) DISTRICT

In this district, no person shall use any lot or erect, alter or use any building for any purpose except for one or more of the following uses.

11.2.1 Permitted Uses

- Accessory building and use
- Public utility
- Sign

11.2.2 Discretionary Uses

- Bylaw 19-911 ➤ Accessory dwelling unit
- Agricultural industry
- Auto wrecker
- Bylaw 19-911 ➤ Brewery, winery and distillery
- Bulk product sales and/or storage
- Bylaw 19-911 ➤ Cannabis production and distribution facility
- Bylaw 19-911 ➤ Car wash
- Manufacturing plant
- Natural resource extraction industry
- Oil and gas processing plant
- Oilfield service
- Sales and service for equipment and vehicles
- Bylaw 19-911 ➤ Salvage yard
- Saw mill and planer mill
- Service station
- Bylaw 19-911 ➤ Solar collector, small
- Storage, processing or production of dangerous goods
- Bylaw 19-911 ➤ Storage yard
- Trucking operation or terminal
- Warehouse
- Wind energy conversion system, small
- Bylaw 19-911 ➤ Wind energy conversion system, large

11.3 REQUIREMENTS

11.3.1 In addition to the General Provisions set out in Section 6, the following provisions shall apply to developments in this district.

- a) Parcel Size (minimum): 2,787,09 square metres (30,000 square feet)
Lot Width (minimum): 60.96 metres (200 feet)
Lot Depth (minimum): 45.72 metres (150 feet)

- b) Yard Setbacks
 - Front Yard: See Section 6.29
 - Interior Side Yard: 15.24 metres (50 feet)
 - Exterior Side Yard: See Section 6.7
 - Rear Yard: 15.24 metres (50 feet)

11.3.2 In cases where fire or other hazards, noise, dust or noxious emissions are associated with a proposal, setbacks may be increased in proportion to the expected nuisance.

11.3.3 Uses which involve the outside storage of goods, machinery, vehicles, building materials, waste materials and other similar objects shall be screened from adjacent sites and roads, through the use of fences, berms, landscaping or a combination thereof, to the satisfaction of the Development Officer.

11.3.4 Additional Requirements

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

SECTION TWELVE – MULTI-PARCEL COUNTRY RESIDENTIAL (MCR) DISTRICT

12.1 PURPOSE

The purpose of this district is to accommodate multi-parcel country residential development, with coterminous boundaries, that will be compatible with the agricultural community on marginal agricultural land.

12.2 USES IN THE MULTI-PARCEL COUNTRY RESIDENTIAL (MCR) DISTRICT

In this district, no person shall use any/or erect, alter or use any building for any purpose except for one or more of the following uses.

12.2.1 Permitted Uses

- Accessory building or use
- Home-based business (minor)
- Public utility
- Sign
- Single detached dwelling

12.2.2 Discretionary Uses

- Bylaw 19-911 ➤ Agriculture (extensive)
- Bylaw 19-911 ➤ Family care facility
- Bylaw 19-911 ➤ Family day home
- Bylaw 19-911 ➤ Home-based business (major)
- Kennel
- Moved in dwelling
- Public use
- Bylaw 19-911 ➤ Solar collector, small
- Wind energy conversion system, small

12.3 REQUIREMENTS

12.3.1 In addition to the General Provisions set out in Section 6, the following provisions shall apply to developments in this district.

- a) Parcel Size
 - Minimum: 1.2 hectares (3 acres)
 - Maximum: 4 hectares (10 acres)

or, at the discretion of the Development Officer if site conditions, natural features or existing development require a larger or smaller lot.

- b) Yard Setbacks
 - Front Yard: See Section 6.29
 - Interior Side Yard: 7.62 metres (25 feet)
 - Exterior Side Yard: See Section 6.7
 - Rear Yard: 7.62 metres (25 feet)

Multi-parcel country residential subdivisions may be permitted in areas that are not classified as better agricultural land in the Municipal Development Plan area.

12.3.2 Density

Maximum of eight (8) lots not including the balance of the quarter section.

12.3.3 Notwithstanding the above parcel size and density requirements, parcel size and density requirements may be relaxed if in accordance with an approved Area Structure Plan.

12.3.4 Additional Requirements

- a) Multi-parcel country residential subdivision proposals shall require the completion of an area structure plan that provides for:
 - a. potable water supply and adequate quantity for the entire development;
 - b. acceptable on-site sewage disposal;
 - c. soil capability for adequate building sites on all lots, including drainage and soil capability to support foundations; and
 - d. other requirements that may be necessary as determined by the municipality.

- b) In making a decision the Development Officer may consider such matters as:
 - a. Provision, operations and maintenance of sewer and water facilities
 - b. Provision, operations and maintenance of roads;
 - c. Provision of power and heat;
 - d. Collection and disposal of refuse;
 - e. Fire and Police protection;
 - f. Development of parks and recreational areas; and
 - g. Availability of school accommodation and school busing.

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

SECTION THIRTEEN – HAMLET (H) DISTRICT

13.1 PURPOSE

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

13.2 USES IN THE HAMLET (H) DISTRICT

In this district, no person shall use any lot or erect, alter or use any building for any purpose except for one (1) or more of the following uses.

13.2.1 Permitted Uses

- Bylaw 15-880
2015/11/04
- Accessory building and use
 - Home-based business (minor)
 - Public use
 - Public utility
 - Single detached dwelling

13.2.2 Discretionary Uses

- Agricultural industry
- Artisan shop
- Auto wrecker
- Bylaw 19-911 ➤ Brewery, winery and distillery
- Bylaw 19-911 ➤ Brewpub
- Bulk product sales and/or storage
- Bylaw 19-911 ➤ Cannabis Retail Sales
- Bylaw 19-911 ➤ Car Wash
- Bylaw 19-911 ➤ Child care facility
- Bylaw 19-911 ➤ Contracting, general
- Bylaw 19-911 ➤ Contracting, limited
- Bylaw 15-880 ➤ Community Hall
- Convenience store
- Bylaw 19-911 ➤ Family care facility
- Bylaw 19-911 ➤ Family day home
- Hotel
- Home-based business (major)
- Motel
- Moved in dwelling
- Multi-family dwelling
- Bylaw 19-911 ➤ Office, Business Trade or Professional
- Parking lot
- Bylaw 15-880 ➤ Public park and/or playground
- Recreation (intensive)
- Religious use facility
- Bylaw 19-911 ➤ Automotive service and/or paint shop

- Bylaw 15-880 ➤ Retail Outlet
- Restaurant
- Bylaw 19-911 ➤ Salvage Yard
- School
- Sign
- Service station
- Bylaw 19-911 ➤ Sollar Collector, small
- Bylaw 19-911 ➤ Storage Yard
- Trucking operation or terminal
- Veterinary clinic
- Wind energy conversion system, small
- Bylaw 15-880 ➤ Work camp (temporary)

13.3 REQUIREMENTS

In addition to the General Provisions set out in Section 6, the following provisions shall apply to developments in this district.

13.3.1 Lot Area

- a) Residential Uses (minimum): 696.77 square metres (7500 square feet)
- b) Other Uses: At the discretion of the Development Officer.

13.3.2 Lot Width

- a) Residential (minimum): 15.24 metres (50 feet)
- b) Other Uses: At the discretion of the Development Officer.

13.3.3 Yard Setbacks

- a) Residential Uses:

| | |
|-------------------------------|------------------------|
| Front Yard (minimum): | 7.62 metres (25 feet) |
| Interior Side Yard (minimum): | 1.52 metres (5 feet) |
| External Side Yard (minimum): | 3.05 metres (10 feet) |
| Rear Yard (minimum): | 7.62 metres (25 feet) |

In the case of accessory buildings or structures, setbacks may be relaxed by the Development Officer.

- b) All Other Uses:

If adjacent to a residential use, a minimum side yard of 10 feet (3.1 m.) will be required.

Where a firewall is provide for non-residential uses, no side yard setbacks are required.

The Development Officer will increase setbacks if there is the potential for incompatibility between proposed and existing uses.

- 13.3.4 The Development Officer will exercise discretion in issuing permits in the Hamlet District based on the capability of the street system to accommodate traffic and the compatibility of uses with regard to any potential hazard or nuisance.
- 13.3.5 The Development Officer may decide on such other requirements as are necessary, having due regard to the Municipal Development Plan, the nature of a proposed development and the purpose of this District.

SECTION FOURTEEN – DIRECT CONTROL (DC) DISTRICT

14.1 PURPOSE

14.1.1 The general purpose of this district is to regulate, direct and control the development of specialized areas, land uses and complex development proposals within the Municipal District. The Development Officer for all proposals within this district shall be the Council of the Municipal District of Smoky River No. 130.

14.1.2 All subdivision and development proposals and approvals within this district shall be at the discretion of Council upon evaluation of a completed subdivision/development application as defined within this bylaw.

14.2 SITE PROVISIONS

14.2.1 Consideration and satisfaction of the following matters and any others deemed necessary, as detailed in a subdivision or development permit application shall be given prior to considering a development approval:

- a) proposed land use
- b) area of site (parcel size shall be sufficient to accommodate use and private servicing)
- c) setbacks
- d) parking (all parking shall be accommodated on site)
- e) water servicing (development must supply, by private means, a quality and quantity suitable for domestic use and fire protection)
- f) sewer servicing (development must supply, by private means, a sewage disposal system to Provincial standards)
- g) landscaping and buffering (all development shall be landscaped and buffered to the satisfaction of Council)
- h) signage
- i) traffic impact and access arrangements (access shall be provided to ensure safe truck turning movements and to a standard satisfactory to Council)
- j) emergency management provisions
- k) storm water management
- l) environmental protection measures

SECTION FIFTEEN – DONNELLY CORNER HIGHWAY COMMERCIAL AND INDUSTRIAL DISTRICT (DC-HWY) DISTRICT

15.1 PURPOSE

The purpose of this district is to allow a mix of commercial uses to serve the traveling public, primarily oriented towards the highway, and industrial uses to serve industry within the MD, at the intersection of Highway 2 and Highway 49.

15.2 USES IN THE DONNELLY CORNER HIGHWAY COMMERCIAL AND INDUSTRIAL DISTRICT (DC-HWY) DISTRICT

In this district, no person shall use any lot or erect, alter or use any building for any purpose except for one or more of the following uses.

15.2.1 Permitted Uses

- None

15.2.2 Discretionary Uses

- Accessory building and use
- Accessory dwelling unit
- Artisan shop
- Auto wrecker and salvage yard
- Bylaw 19-911 ➤ Brewery, winery and distillery
- Bylaw 19-911 ➤ Brewpub
- Bulk product sales and/or storage
- Business, trade and professional office
- Bylaw 19-911 ➤ Car wash
- Bylaw 19-911 ➤ Child care facility
- Commercial contracting
- Convenience store
- Hotel
- Motel
- Open or covered storage of goods, vehicles, equipment or machinery
- Parking lots
- Recreation (intensive)
- Repair and/or auto body shop
- Restaurant
- Bylaw 19-911 ➤ Retail Outlet
- Sign
- Service station
- Trucking operation or terminal
- Public park and/or playground
- Public use

- Public utility
- Veterinary clinic
- Bylaw 19-911 ➤ Solar collector, small
- Wind energy conversion system, small

15.3 REQUIREMENTS

In addition to the General Provisions set out in Section 6, the following provisions shall apply to developments in this district.

15.3.1 Lot Area
At the discretion of the Development Officer.

15.3.2 Lot Width (minimum)
At the discretion of the Development Officer.

15.3.3 Setbacks (minimum)

| | |
|-------------------------------|------------------------|
| Front Yard: | 7.62 metres (25 feet) |
| Interior Side Yard: | 1.52 metres (5 feet) |
| External Side Yard: | 3.05 metres (10 feet) |
| Rear Yard: | 7.62 metres (25 feet) |
| Adjacent to Residential Area: | 15.24 metres (50 feet) |

15.3.4 Building Height

No commercial development shall exceed 4 stories.

15.3.5 Landscaping

- a) A minimum of 30% of the total site area shall be landscaped with a minimum of one tree per 20.0 square metres (215.28 square feet).
- b) A 3.05 metre (10 foot) wide strip adjacent to the front property line shall be landscaped and designed in particular for the purpose of screening parking areas.

15.3.6 Parking

A maximum of 25% of parking stalls may be located at the front of the development.

A minimum of 1.8 metres (5.9 feet) wide landscaped separation or island shall be used to break up groups of 12 surface parking stalls or more.

15.3.7 Additional Requirements

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

15.4 DESIGN GUIDELINES

The intent of the design guidelines is to supplement the land use district regulations and guide the Development Officer in making decisions on a development permit application. It is not necessarily required that an application contain all of these elements; the Development Officer may exercise its discretion with regard to the degree to which an application meets the intent of the guidelines.

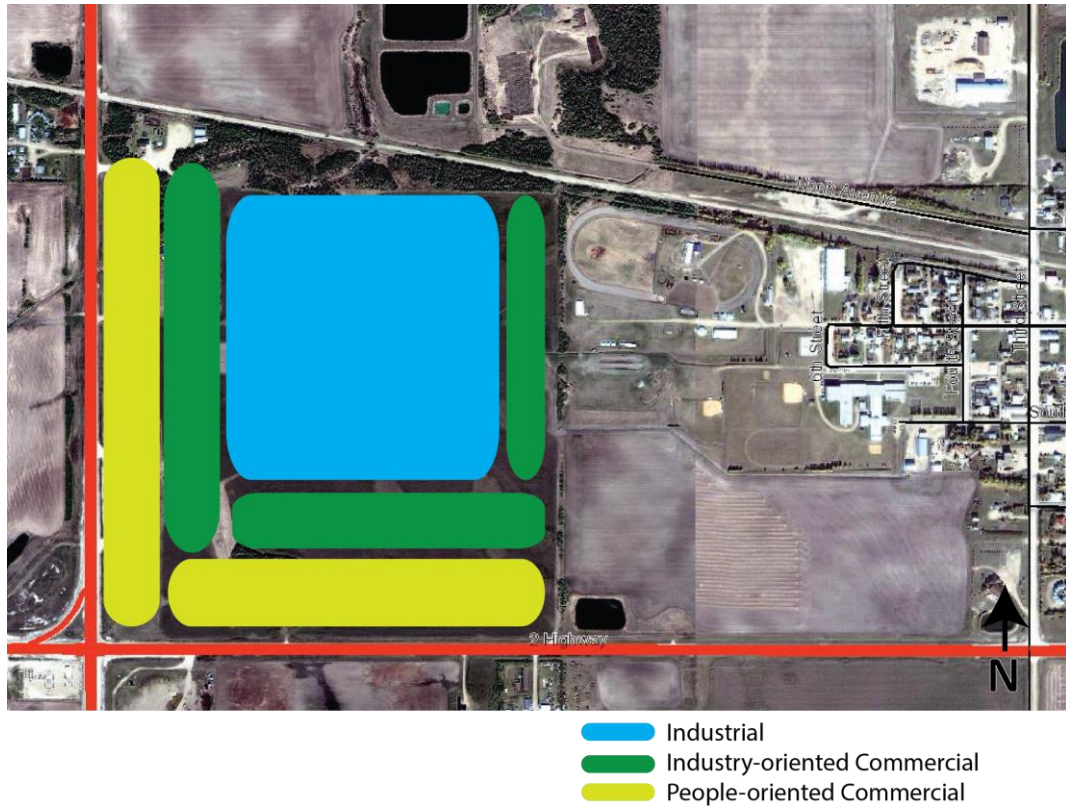
The purpose of the guidelines is to ensure that all developments in the Donnelly Corner development, which sits at the junction of Highway 2 and Highway 49, have an increased sensitivity to high quality design, particularly commercial developments that will serve the public and have greater visibility from the highways.

15.4.1 General Urban Design and Land Use

Objective: To ensure that the developments create a people-friendly environment.

Standards:

- A variety of building types and sizes should be designed to avoid a larger single building mass by breaking up the overall massing into smaller but related units.
- Developments should complement adjacent sites so as to produce a comprehensive approach to design.
- People-oriented developments should be located near the highway to achieve maximum exposure. These developments should be buffered from industrial developments by industrial and business operations where no nuisance is created or apparent beyond the site.



15.4.2 Building Massing

Objective: To achieve a design that displays a variety of forms, that are not repetitive or overbearing and are sensitive to the surroundings and future adjacent residential development.

Standards:

- Buildings which front onto the public roadway or highway should have special attention given to create visual interest, such as upper levels that are stepped back and higher quality architectural detail added to the façade.

15.4.3 Building Articulation

Objective: To avoid large areas of flat and monotonous wall and roof areas, especially on major building frontages.

Standards:

- Building walls should be articulated by using regular breaks and setbacks.
- Roof lines should vary in height.

15.4.4 Building Detailing

Objective: To achieve a high quality of building detail through the use of attractive building materials, window and door treatments, entry features, and enclosure of mechanical equipment.

Standards:

- Main entries should be given a special design treatment.
- All rooftop mechanical units, vents, and flues should be screened from view by enclosures that are an integral part of the design.

15.4.5 Colours

Objective: To achieve harmony with the environment and throughout the development through the careful selection of colours.

Standards:

- Development colour schemes should complement adjacent sites to provide visual interest.
- The overall color schemes of buildings should strike a balance between plain and lively. Strong colours should be used to highlight features.

15.4.7 Pedestrian Walkways

Objective: To provide a continuous pedestrian pathway system throughout the district, for free and safe access for employees and commercial service users and local residents throughout the area.

Standards:

- All developments should provide for a continuous pathway system within each development and to adjacent commercial sites.
- Pedestrian routes should be differentiated from other surfaces through the use of suitable materials, such as pavers, flagstone, shale, stamped concrete or aggregate concrete.
- Pedestrian pathways should be designed to provide the most direct route within and through the development.

15.4.8 Outdoor Activity Areas

Objective: To ensure that the placement of activity areas provides a pleasantly landscaped environment to walk and enjoy the outdoors.

Standards:

- Amenity areas should be pleasantly landscaped and screened from parking and vehicle traffic to provide for year-round enjoyment.
- Amenity areas should be configured to take advantage of sunlight and limit the impact of wind.

SECTION SIXTEEN – RECREATION (R) DISTRICT

16.1 PURPOSE

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

16.2 USES IN THE RECREATION (R) DISTRICT

In this district, no person shall use any lot or erect, alter or use any building for any purpose except for one or more of the following uses.

16.2.1 Permitted Uses

- Accessory building or uses
- Campground
- Park

16.2.2 Discretionary Uses

- Bylaw 19-911 ➤ Child care facility
- Bylaw 19-911 ➤ Club
- Bylaw 19-911 ➤ Golf course
- Bylaw 19-911 ➤ Health Services facility
- Bylaw 19-911 ➤ Open Space
- Bylaw 19-911 ➤ Park
- Bylaw 19-911 ➤ Recreational facility
- Bylaw 19-911 ➤ Signs
- Bylaw 19-911 ➤ Solar collector, small
- Bylaw 19-911 ➤ Staff accommodation
- Bylaw 19-911 ➤ Wind energy conversion system, small

16.3 REQUIREMENTS

16.3.1 Lot Area
At the discretion of the Development Officer.

16.3.2 Lot Width
At the discretion of the Development Officer.

16.3.3 Yard Setbacks

| | |
|-------------------------------|---|
| Front Yard (minimum): | See Section 6.29 |
| Interior Side Yard (minimum): | At the discretion of the Development Officer. |
| External Side Yard (minimum): | See Section 6.7 |
| Rear Yard: | At the discretion of the Development Officer. |

16.3.4 Additional Requirements

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

SECTION SEVENTEEN - ENVIRONMENTAL SENSITIVE LANDS OVERLAY

17.1 PURPOSE

The purpose of this Overlay is to enable the Development Authority to require additional information and set additional regulations for Permitted and Discretionary Uses in otherwise appropriate districts in order to achieve environmentally responsible development.

17.2 APPLICATION

This Overlay applies to all lands shown in as Environmentally Sensitive Lands on Map 1: Land Use Bylaw Districts.

All uses within the lands shown in as Environmentally Sensitive Lands shall be considered on a discretionary basis.

SECTION EIGHTEEN – ADOPTION OF BYLAW


18.1 REPEAL OF EXISTING LAND USE BYLAW

18.1.1 The Municipal District of Smoky River No. 130, Land Use Bylaw No. 709 and all subsequent amendments are hereby rescinded.

18.2 EFFECTIVE DATE

18.2.1 The adoption of this Bylaw No. 865 comes into effect upon the date of its third reading by Council.

READ A FIRST TIME; the 9th day of APRIL, 2014.



Robert Brochu, Reeve



Lucien Turcotte, Chief Administrative Officer

READ A SECOND TIME; the 11th day of JUNE, 2014




Robert Brochu, Reeve



Lucien Turcotte, Chief Administrative Officer

READ THE THIRD TIME AND FINALLY PASSED; the 11th day of JUNE, 2014.



Robert Brochu, Reeve



Lucien Turcotte, Chief Administrative Officer

SCHEDULE "A"

DONNELLY AIRPORT VICINITY PROTECTION AREA (AVPA)

DONNELLY AIRPORT VICINITY PROTECTION AREA REGULATION

Table of Contents

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Schedules

1. Definitions (1)

In this Regulation,

- a) “airport” means the Donnelly Airport within the protection area;
- b) “airport runway” means the area of land within the airport that is used or intended to be used for the take-off and landing of aircraft;
- c) “airport zoning reference point elevation” means the airport zoning reference point elevation of the runway as described in Schedule A-4;
- d) “basic strip” means a basic strip as described in Schedule A-4;
- e) “department” means Alberta Municipal Affairs;
- f) “development” includes proposed development;
- g) “land use bylaw” means the Land Use Bylaw of the Municipal District of Smoky River No. 130;
- h) “municipal corporation” means the Municipal District of Smoky River No. 130;
- i) “NEF” means noise exposure forecast;
- j) “NEF Contour” means a numbered contour as shown in Schedule A-2;
- k) “outer surface” means the outer surface as described in Schedule A-4;
- l) “protection area” means the Donnelly Airport Vicinity Protection Area as described in Schedule 1 and shown in Schedule A-2;
- m) “take-off/approach surface” means a take-off and approach surface as described in Schedule A-4;
- n) “transitional surface” means a transitional surface as described in Schedule A-4;

- (2) For the purposes of this Regulation, “accessory land use, structure or development” means a land use, structure or development that is subordinate or incidental to the major land use, structure or development, as the case may be.
- (3) For the purposes of this Regulation, a reference to a land use, structure or development may include an accessory land use, structure or development, as the case may be.

2. General Provisions

- (1) This Regulation applies to a development wholly or partly within the boundary of the protection area.
- (2) All developments within the protection area under the jurisdiction of the Municipal District of Smoky River No. 130 require a development permit except for those that comply with the height limitations in Section 6 and the following:
 - a) works of maintenance, repair or alteration provided the works do not include structural alterations, major works of renovation, a change of use or a change in intensity of use of the building;
 - b) a fence, wall or gate;
 - c) a public utility located on public property;
 - d) signs,
 - e) minor home-based business.
- (3) The Development Officer for the municipal corporation shall administer the Regulation.
- (4) The Development Officer may issue a development permit for a development if the development conforms with this Regulation and the Land Use Bylaw of the municipal corporation.
- (5) A decision of the Subdivision and Development Appeal Board shall conform to this Regulation.
- (6) The Development Officer and the Subdivision and Development Appeal Board are not precluded by this Regulation from attaching to a development permit, in accordance with the Land Use Bylaw of the municipal corporation, any conditions that do not conflict with this Regulation.

3. Establishment of Protection Area

- (1) The area described in Schedule A-1 is established as the Donnelly Airport Vicinity Protection Area
- (2) If any discrepancy exists between the description of the protection area in Schedule A-1 and the location of the protection area as shown in Schedule A-2, the description in Schedule A-1 prevails.

4. Land Use

- (1) For the purposes of this section and Schedule A-3, the protection area is divided into the following land use districts, namely,
 - a) The Airport Property District, designated A-P, and
 - b) The Airport Rural District, designated A-R,
(as shown of Schedule A-2)
- (2) For the purposes of this section, one land use is substantially similar to another if, in the opinion of the Development Officer,
 - a) its intended use is the same as that of the other,
 - b) it is no more sensitive to external noise than the other,
 - c) it does not attract birds,
 - d) it does not generate a large amount of smoke or dust, and
 - e) it does not exceed the height limitations in Section 6.
- (3) The Development Officer may issue a development permit for a development that involves a land use that is designated “P” in Table 1 of Schedule A-3 or is substantially similar to such a land use.
- (4) The Development Officer may issue a development permit that involves a land use that is designated “C” followed by a number in Table 1 of Schedule A-3 or is substantially similar to such a land use, and the appropriate conditions specified in Table 2 of Schedule A-3 is deemed to be part of the land use for the purposes of this Regulation.
- (5) The Development Officer shall not issue a development permit for a development that involves a land use that:
 - a) is designated “NA” in Table 1 of Schedule A-3 or is substantially similar to such a land use; or
 - b) is neither listed in Table 1 of Schedule A-3 nor authorized under Sub-section (3) or (4).
- (6) If the Development Officer is uncertain whether a land use is substantially similar to another land use for the purposes of Sub-section (3), (4), or (5), the Development Officer may send a copy of the development permit application to the Department for comment.
- (7) If a development permit application is made for a development that involves a land use that, in the opinion of the Development Officer, may attract birds or generate large amounts of smoke or dust or both, the Development Officer may send a copy of the application to the Department for comment.

5. Accessory Land Use

- (1) If a development permit application is made for a development that involves an accessory land use, structure or development that, in the opinion of the Development Officer:
 - a) is more sensitive to external noise than the major land use, structure or development,
 - b) attracts birds, or
 - c) generates a large amount of smoke or dust or both,the Development Officer may send a copy of the development permit application to the Department for comment.

6. Height Limitations

- (1) The Development Officer may issue a development permit for a development if no point of the development will exceed the height of any of the following surfaces:
 - a) the take-off/approach surfaces; and/or
 - b) the transitional surfaces;
- (2) For the purposes of this section;
 - a) if the development is a railway, the highest point of the development shall be deemed to be 6 metres higher than the actual height of the rails, and
 - b) if the development is a highway or public roadway, the highest point of the development shall be deemed to be 4.5 metres higher than the actual height of the part of the highway or public roadway on which vehicles travel.
- (3) If a development permit application is made for a development whose highest point will penetrate the outer surface, the Development Officer may send a copy of the application to the Department for comment.

7. Electronic Facilities

- (1) If a development permit application is made for a development whose highest point will penetrate the outer surface, the Development Officer may send a copy of the application to the Department for comment.
- (2) The Development Officer may send a copy of the development permit application to the Department for comment if;
 - a) the application is made for a development located wholly or partly within the contour lines shown in Schedule A-5, and
 - b) the Development Officer is satisfied that the highest point of the development will exceed the maximum height limitations indicated in Schedule A-6.
- (3) In Sub-section 7(1), “electronic facilities restricted area” means the restricted area around each electronic facility as shown in Schedule A-6.

- (4) For the purposes of Sub-section 7(2)(b);
 - a) if the location of a development lies between two (2) numbered contours shown in Schedule A-6, the maximum height limitations applicable to the development is the height limitation represented by the lower of the two (2) numbered contours, and
 - b) if the location of a development lies between a numbered contour and the boundary of the protection area shown in Schedule A-6, the maximum height limitation applicable to the development is the height limitation represented by the numbered contour.

8. Referral for Comment If a copy of an application is sent to the Department for comment, the Development Officer or the Subdivision and Development Appeal Board may consider the response, if any.

9. Amendment Pursuant to the provisions of the Municipal Government Act, the Council for the Municipal District of Smoky River No. 130 may amend this Regulation.

10. Application This Regulation does not apply to:

- a) a development in respect of which a development permit application was submitted before the date on which this Regulation comes into force, or
- b) a development exempted from requiring a development permit before the date on which this Regulation comes into force.

SCHEDULE A-1

DONNELLY AIRPORT VICINITY PROTECTION AREA

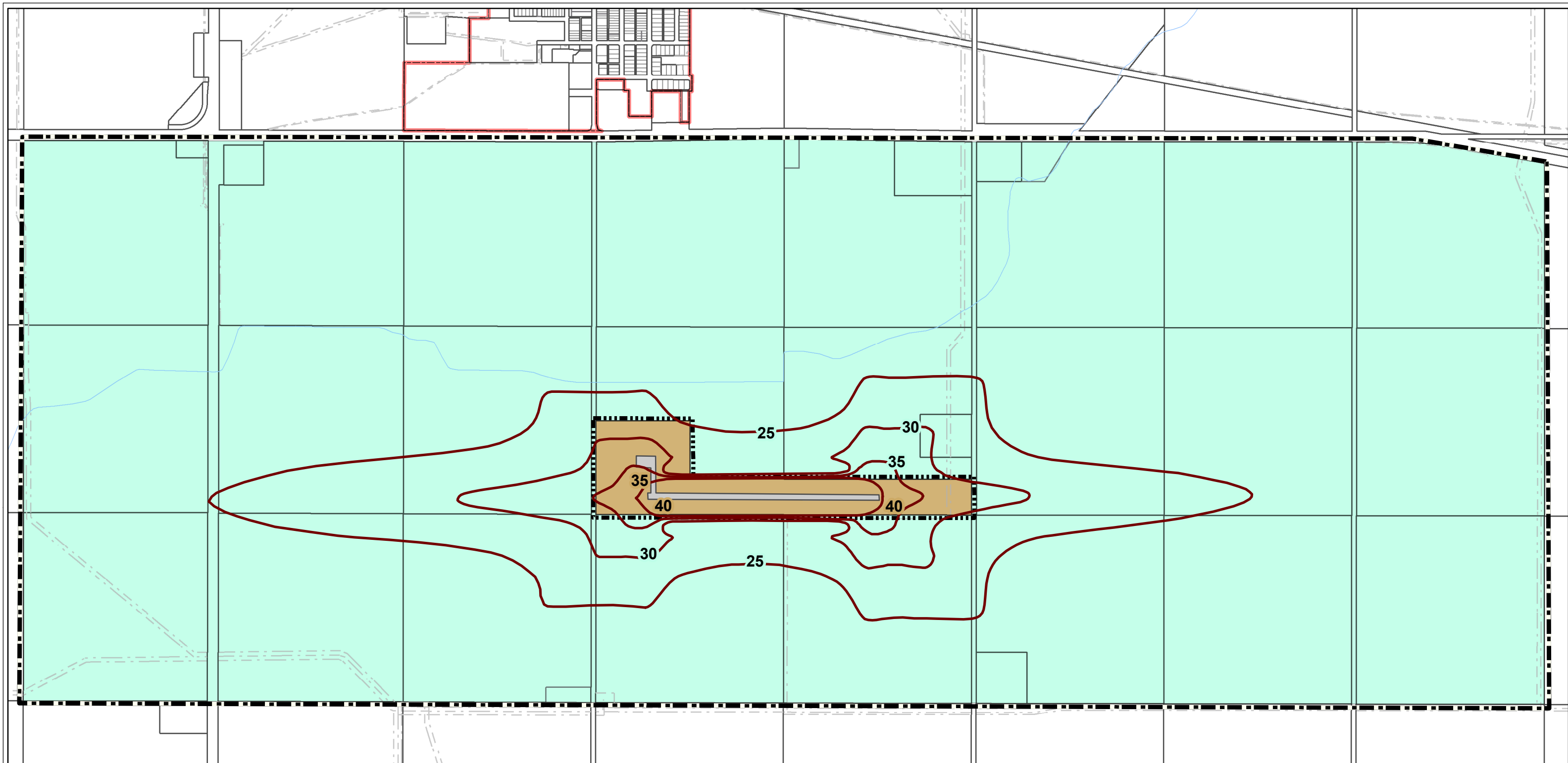
The Donnelly Airport Vicinity Protection Area of the land described below:

In township 77, range 20, west of the 5th meridian:

north-west quarter of section 28;
north half of section 29;
north half of section 30;
section 31;
section 32;
south-west quarter of section 33;
all that portion of land in the northwest quarter of section 33 that lies to the south of Highway 2 (road plan 1902 LZ)








In township 77, range 21, west of the 5th meridian:

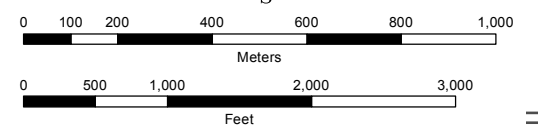
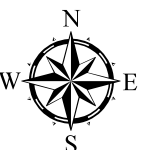
north half of section 25;
north-east quarter section 26;
east half of section 35;
section 36.



Municipal District of Smoky River No. 130
Land Use Bylaw No. 865

Airport Vicinity Protection Area - Land Use Districts
Schedule A-2

-  Airport Property District (A-P)
-  Airport Rural District (A-R)
-  NEF Contours
-  Airport Property Boundary
-  AVPA Boundary
-  Runway and Apron
-  Donnelly Village Boundary



NOTE: This map has been consolidated for convenience only. The Official Bylaw and amendments thereto should be consulted for all purposes of interpretation and application.



SCHEDULE A-3

LAND USE IN RELATION TO NOISE EXPOSURE FORECAST AREAS

(1) In this Schedule:

- a) “C” followed by a number, where it appears in one of the NEF Area columns in Table 1 opposite a particular land use, means that the land use is subject to the conditions set out in Table 2 bearing the same letter and number;
- b) “NA”, where it appears in one of the NEF area columns in Table 1 opposite a particular land use, means that the land use is not allowed in that NEF area;
- c) “NEF 25 – Area” means the NEF Area that lies between the 25 NEF Contour and the boundary of the protection area;
- d) “NEF 25 – 30 Area” means the NEF Area that lies between the 25 NEF Contour and the 30 NEF Contour;
- e) “NEF 30 – 35 Area” means the NEF Area that lies between the 30 NEF Contour and the 35 NEF Contour;
- f) “NEF 35 – 40 Area” means the NEF Area that lies between the 35 NEF Contour and the 40 NEF Contour;
- g) “NEF 40+ Area” means the NEF Area enclosed by the 40 NEF Contour;
- h) “P”, where it appears in one of the NEF Area columns in Table 1 opposite a particular land use, means that the land use in that NEF Area is unconditionally permitted by this Regulation;
- i) “residential replacement or infill” means a new residential development that does not exceed the intensity of use designated for the site in the Land Use Bylaw of the municipal corporation before coming into force of this Regulation, and
 - a) that will replace a residential development that has been demolished or destroyed, or
 - b) is to be built on a lot that, before coming into force of this Regulation, is
 - i. registered under the Land Titles Act, and
 - ii. designated for residential development in a statutory plan

(2) Developments existing before the coming into force of this Regulation shall be deemed to comply with the exterior acoustic insulation requirements set out in this Schedule.

SCHEDULE A-3

TABLE 1: LAND USE IN RELATION TO NOISE EXPOSURE FORECAST AREAS

The performance criteria utilized to determine permitted and conditional land uses are as follows:

- (1) uses that involve continuous human occupancy (e.g. residential use)
 - conditional approval (C1) above the 25 NEF Contour
 - not permitted above the 30 NEF Contour
- (2) uses that involve continuous human occupancy but comprise residential replacement or infill
 - conditional approval (C1) above the 25 NEF Contour
- (3) uses that involve temporary medium term human occupancy where the majority of people occupy the space for an 8-hour work period (employee oriented) (e.g. commercial/office uses, restaurants and hotels)
 - conditional approval (C1) above the 30 NEF Contour
 - not permitted above the 40 NEF Contour
- (4) uses that involve temporary short term human occupancy where the majority of people occupy the space temporarily (customer oriented) (e.g. drive-in restaurants, vehicle and equipment sales)
 - not permitted above the 40 NEF Contour
- (5) uses that involve the indoor assembly of people (e.g. clubs, fraternal organizations)
 - conditional approval (C1) above the 30 NEF Contour
 - not permitted above the 40 NEF Contour
- (6) uses that involve outdoor recreation
 - conditional approval (C3) above the 30 NEF Contour
- (7) uses that involve outdoor accommodations (e.g. camping, R.V. trailer park)
 - not permitted above the 35 NEF Contour
- (8) uses that may attract birds or produce large quantities of smoke, dust or both
 - referral required (C2)
- (9) uses that, because of their nature, are not adversely affected by external noise due to limited or no human occupancy or sufficient internal noise generation
 - permitted
- (10) uses that may be adversely affected by external noise but do not involve human occupancy (e.g. kennel, fur farm)
 - referral required (C2) above the 25 NEF Contour
- (11) other uses require specific determination of noise compatibility
 - referral required (C2)

AIRPORT PROPERTY DISTRICT (A-P)

| Land Use | Performance Criteria | Noise Exposure Forecast Areas | | | | |
|-----------------------|----------------------|-------------------------------|----------------|----------------|----------------|--------------|
| | | NEF 25- Area | NEF 25-30 Area | NEF 30-35 Area | NEF 35-40 Area | NEF 40+ Area |
| Airport related use | 9 | P | P | P | P | P |
| Extensive agriculture | 9 | P | P | P | P | P |

AIRPORT RURAL DISTRICT (A-R)

The Airport Rural District (A-R) refers to the area within the AVPA boundary that reflects the rural municipal corporation's land use districts.

| Land Use continued | Performance Criteria | Noise Exposure Forecast Areas | | | | |
|---|----------------------|-------------------------------|----------------|----------------|----------------|--------------|
| | | NEF 25- Area | NEF 25-30 Area | NEF 30-35 Area | NEF 35-40 Area | NEF 40+ Area |
| Agricultural Use | | | | | | |
| Extensive agriculture | 9 | P | P | P | P | P |
| Farm building | | (treat as accessory use) | | | | |
| Fur farm | 10 | P | C2 | C2 | C2 | C2 |
| Garden centre | 4 | P | P | P | P | NA |
| Confined Feeding Operation | 8 | C2 | C2 | C2 | C2 | C2 |
| Market gardening | 9 | P | P | P | P | P |
| Tree farming | 9 | P | P | P | P | P |
| Commercial Use | | | | | | |
| Abattoir | 8 | C2 | C2 | C2 | C2 | C2 |
| Auto wrecker | 9 | P | P | P | P | P |
| Building or related contractor (plumbing, electrical, trucking) | 3 | P | P | C1 | C1 | NA |
| Butcher shop | 4 | P | P | P | P | NA |
| Clinic, medical office and health services | 3 | P | P | C1 | C1 | NA |
| Convenience store | 4 | P | P | P | P | NA |
| Drive-in theatre | 8 | C2 | C2 | C2 | C2 | C2 |
| Kennel | 10 | P | C2 | C2 | C2 | C2 |
| Landscape contractor | 4 | P | P | P | P | NA |
| Machinery or equipment storage, sales and service | 4 | P | P | P | P | NA |
| Major or minor home-based business | | (treat as accessory use) | | | | |
| Motel, hotel | 3 | P | P | C1 | C1 | NA |
| Parking facility | 9 | P | P | P | P | P |
| Professional, financial and general office | 3 | P | P | C1 | C1 | NA |
| Repair and/or auto body shop | 4 | P | P | P | P | NA |
| Restaurant | 3 | P | P | C1 | C1 | NA |
| Retail shop | 3 | P | P | C1 | C1 | NA |
| Service station/car wash | 4 | P | P | P | P | NA |
| Sign | 9 | P | P | P | P | P |

| Land Use | Performance Criteria | Noise Exposure Forecast Areas | | | | |
|--|----------------------|-------------------------------|----------------|----------------|----------------|--------------|
| | | NEF 25- Area | NEF 25-30 Area | NEF 30-35 Area | NEF 35-40 Area | NEF 40+ Area |
| Commercial Use continued | | | | | | |
| Tavern, beverage room, cabaret, and cocktail lounge | 3 | P | P | C1 | C1 | NA |
| Vehicle or machine storage | 9 | P | P | P | P | P |
| Veterinary Clinic | 10 | P | C2 | C2 | C2 | C2 |
| Welding shop | 4 | P | C2 | C2 | C2 | NA |
| Industrial Use | | | | | | |
| Alfalfa pelletizing plant | 8 | C2 | C2 | C2 | C2 | C2 |
| Anhydrous ammonia storage | 9 | P | P | P | P | P |
| Asphalt plant | 8 | C2 | C2 | C2 | C2 | C2 |
| Bulk fuel/petroleum and fertilizer sales and storage | 9 | P | P | P | P | P |
| Cement plant | 8 | C2 | C2 | C2 | C2 | C2 |
| Chemical processing plant | 8 | C2 | C2 | C2 | C2 | C2 |
| Feed Mill | 8 | C2 | C2 | C2 | C2 | C2 |
| Fertilizer plant | 8 | C2 | C2 | C2 | C2 | C2 |
| Grain bin manufacturing, sales or storage | 9 | P | P | P | P | P |
| Grain Elevator | 8 | C2 | C2 | C2 | C2 | C2 |
| Gravel and Sand Pit | 8 | C2 | C2 | C2 | C2 | C2 |
| Light industrial facility | | | | | | |
| - office or lab | 3 | P | P | C1 | C1 | NA |
| - other | 9 | P | P | P | P | P |
| Malt plant | 8 | C2 | C2 | C2 | C2 | C2 |
| Natural resource extraction industry | 8 | C2 | C2 | C2 | C2 | C2 |
| Oil and gas processing plant or refinery | 8 | C2 | C2 | C2 | C2 | C2 |
| Oilfield service | 4 | P | P | P | P | NA |
| Pipe/culvert storage | 9 | P | P | P | P | P |
| Sawmill | 8 | C2 | C2 | C2 | C2 | C2 |
| Seed cleaning plant | 8 | C2 | C2 | C2 | C2 | C2 |
| Warehousing | 9 | P | P | P | P | P |

| Land Use | Performance Criteria | Noise Exposure Forecast Areas | | | | |
|--|----------------------|-------------------------------|----------------|----------------|----------------|--------------|
| | | NEF 25- Area | NEF 25-30 Area | NEF 30-35 Area | NEF 35-40 Area | NEF 40+ Area |
| Public and Semi Public Use | | | | | | |
| Cemetery | 9 | P | P | P | P | P |
| Religious use facility | 5 | P | P | C1 | C1 | NA |
| Community Hall | 5 | P | P | C1 | C1 | NA |
| Government office | 3 | P | P | C1 | C1 | NA |
| Government yard or shop | 9 | P | P | P | P | P |
| Hospital and nursing home | 1 | P | C1 | NA | NA | NA |
| Library | 3 | P | P | C1 | C1 | NA |
| Managed and/or supplemental natural bird habitat | 8 | C2 | C2 | C2 | C2 | C2 |
| Public incinerator | 8 | C2 | C2 | C2 | C2 | C2 |
| Sanitary landfill site | 8 | C2 | C2 | C2 | C2 | C2 |
| School | 3 | P | P | C1 | C1 | NA |
| Sewage treatment plant | 8 | C2 | C2 | C2 | C2 | C2 |
| Thermal electric plant | 8 | C2 | C2 | C2 | C2 | C2 |
| Recreational Use | | | | | | |
| Arena and swimming pool | 5 | P | P | C1 | C1 | NA |
| Campground | 7 | P | P | P | NA | NA |
| Exhibition ground | 6 | P | P | C3 | C3 | C3 |
| Golf Course | 6 | P | P | C3 | C3 | C3 |
| Public park | 6 | P | P | C3 | C3 | C3 |
| RV parking facility | 7 | P | P | P | NA | NA |
| Residential Use | | | | | | |
| Manufactured home | 1 | P | C1 | NA | NA | NA |
| Manufactured home park | 1 | P | C1 | NA | NA | NA |
| Residential dwelling unit | 1 | P | C1 | NA | NA | NA |
| Residential replacement or infill | 2 | P | C1 | C1 | C1 | C1 |

SCHEDULE A-3

TABLE 2: LAND USE CONDITIONS

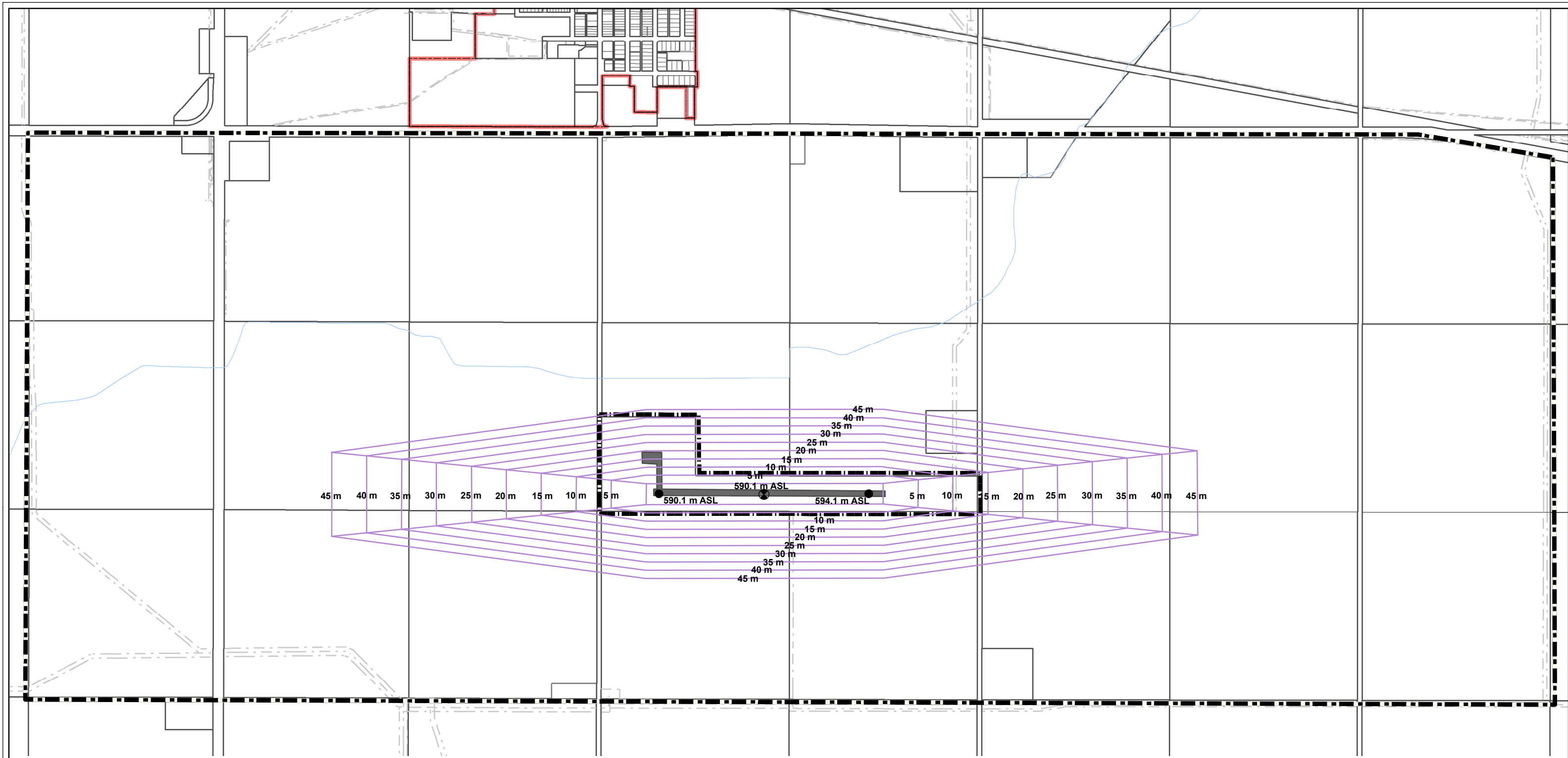
| | |
|-----------|--|
| C1 | Construction shall conform to the exterior acoustic insulation requirements of Part 11 of the Alberta Building Code 1990 declared in force by the <i>Alberta Building Regulation, 1991</i> (Alta. Reg. 109/91) for those NEF Areas other than the NEF 25 - Area unless otherwise stated in this Regulation. Where this condition is specified, the Development Officer shall indicate on the development permit the noise contours between which the proposed development site would be located for reference of the building inspector at the time of the building permit application is filed. |
| C2 | A copy of the application may be sent to the Department for comment before the Development Officer decides whether or not a development permit will be issued. |
| C3 | The development shall not include structures for the seating of spectators except as varied to allow for seating that, in the opinion of the Development Officer, is of a minor nature. |

SCHEDULE A-4

HEIGHT LIMITATIONS

| | | |
|--|-----|--|
| Basic Strip | (1) | The basic strip is a rectangular area measured 60 metres out from each end of the runway, 45 metres on each side of the centre line of the runway and with a total length of 1020.0 metres |
| Take-off/approach surfaces | (2) | <p>There are take-off/approach surfaces abutting and extending out from each end of the basic strip and in each case the surface is an imaginary surface consisting of an inclined plane:</p> <ul style="list-style-type: none"> a) the commencement of which coincides with the end of the basic strip, b) that rises at a slope ratio of 1:30 (3.33%) measured from the end of the basic strip, c) that diverges outward on each side as it rises, at a rate of 10% measured from the respective projected sides of the basic strip, and d) that ends at its intersection with the outer surface |
| Transitional surfaces | (3) | <p>There is a transitional surface associated with each side of the basic strip, and in each case, the transitional surface is an imaginary surface consisting of an inclined plane that:</p> <ul style="list-style-type: none"> a) commences at and abuts the sides of the basic strip, b) rises at a slope ratio of 1:7 (14.3%) from an elevation at the centre point of the runway opposite the proposed development, and measured from the sides of the basic strip, and c) ends at its intersection with the outer surface and the take-off/approach surfaces. |
| Airport zoning reference point elevation | (4) | The airport zoning reference point elevation is the elevation used to establish the height of the outer surface and for the purpose of this Regulation is deemed to be 590.1 metres above sea level. |
| Outer surface | (5) | The outer surface of the Protection Area is an imaginary surface consisting of a common plane established at a constant elevation of 45 metres above the airport reference point elevation and extending to the outer limits of the Protection Area. |

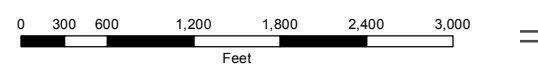
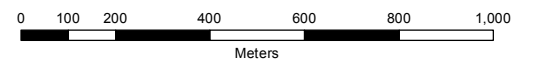
| | | |
|---------|-----|---|
| General | (6) | The area locations of the take-off/approach surfaces and transitional surfaces are represented on the map shown in Schedule 5, but if any discrepancy exists between the description of the take-off/approach surfaces or transitional surfaces in this Schedule and their location on the map in Schedule 5, the description in the Schedule prevails. |
|---------|-----|---|



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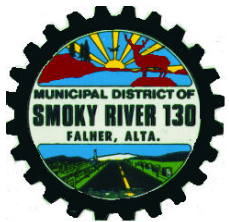
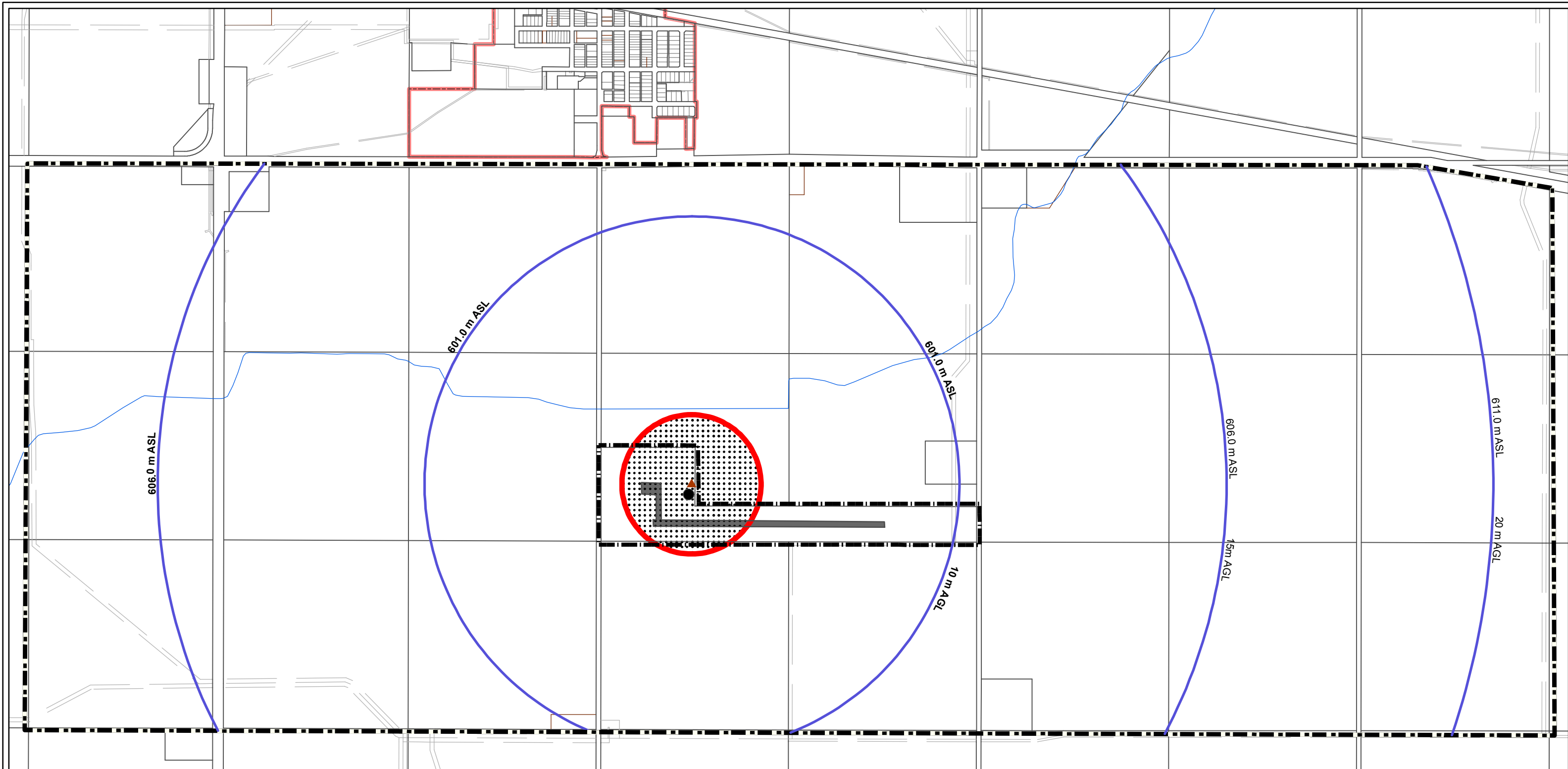
Airport Vicinity Protection Area- Height Limitations
Schedule A-5

- Runway Threshold Elevation
- ⊗ Airport Zoning Reference Point Elevation (590.1m ASL)
- Height Limitation Contour
- - - AVPA Boundary
- · - · - Airport Property Boundary
- Runway and Apron
- Donnelly Village Boundary



NOTE: This map has been consolidated for convenience only. The Official Bylaw and amendments thereto should be consulted for all purposes of interpretation and application.


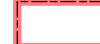


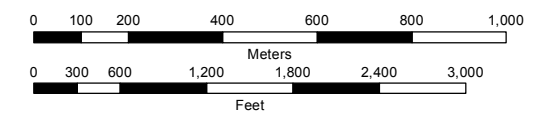
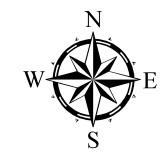


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Airport Vicinity Protection Area- Electronic Facilities
Schedule A-6

-  DME Location
-  AVPA Boundary
-  Airport Property Boundary
-  Height Limitation Contour, 5 m increments
-  NDB Location
-  Electronic Facilities Restricted Area

-  Runway and Apron
-  Donnelly Village Boundary



NOTE: This map has been consolidated for convenience only. The Official Bylaw and amendments thereto should be consulted for all purposes of interpretation and application.



SCHEDULE "B" - Deleted

SCHEDULE "C" - Deleted

SCHEDULE "D"

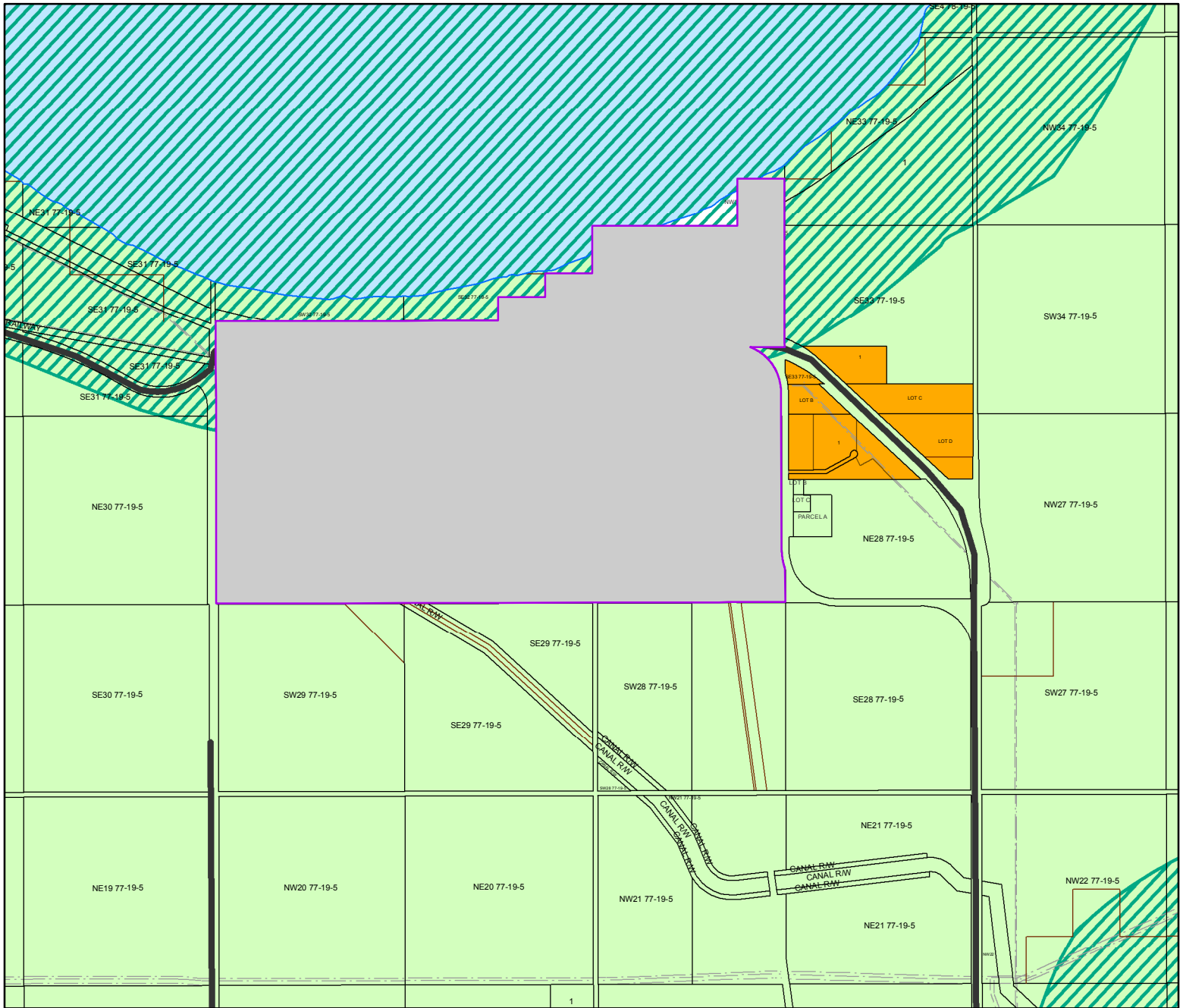
LIST OF AMENDMENTS













LIST OF AMENDMENTS

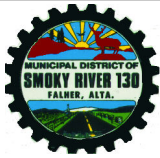
| BYLAW No. | DATE | PURPOSE | LAND AFFECTED |
|------------------|-------------|---|----------------------|
| 15-880 | 2015/11/04 | Hamlet use changes | Not Applicable |
| 16-887 | 2016/12/14 | Revise Manufactured Home and Modular Building definitions and regulations | Not Applicable |
| 16-888 | 2016/12/14 | Remove Schedule B - Land Use Bylaw Forms | Not Applicable |
| 19-911 | 2019/06/12 | Comprehensive Land Use Bylaw Review & Update | Not Applicable |
| | | | |
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SCHEDULE "E"

LAND USE DISTRICT MAPS

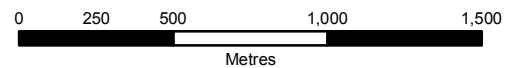
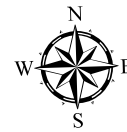


| | | |
|---|--|---|
|  Agriculture (AG) |  Hamlet (H) |  Direct Control (DC) |
|  Commercial (C-1) |  Industrial (M-1) |  Environmentally Sensitive Lands |
|  Multi-parcel Country Residential (MCR) |  Commercial Industrial (CM-1) |  Other Municipal Jurisdiction |
|  Donnelly Corner Highway Commercial and Industrial (DC-HWY) |  Recreation (REC) |  Road |



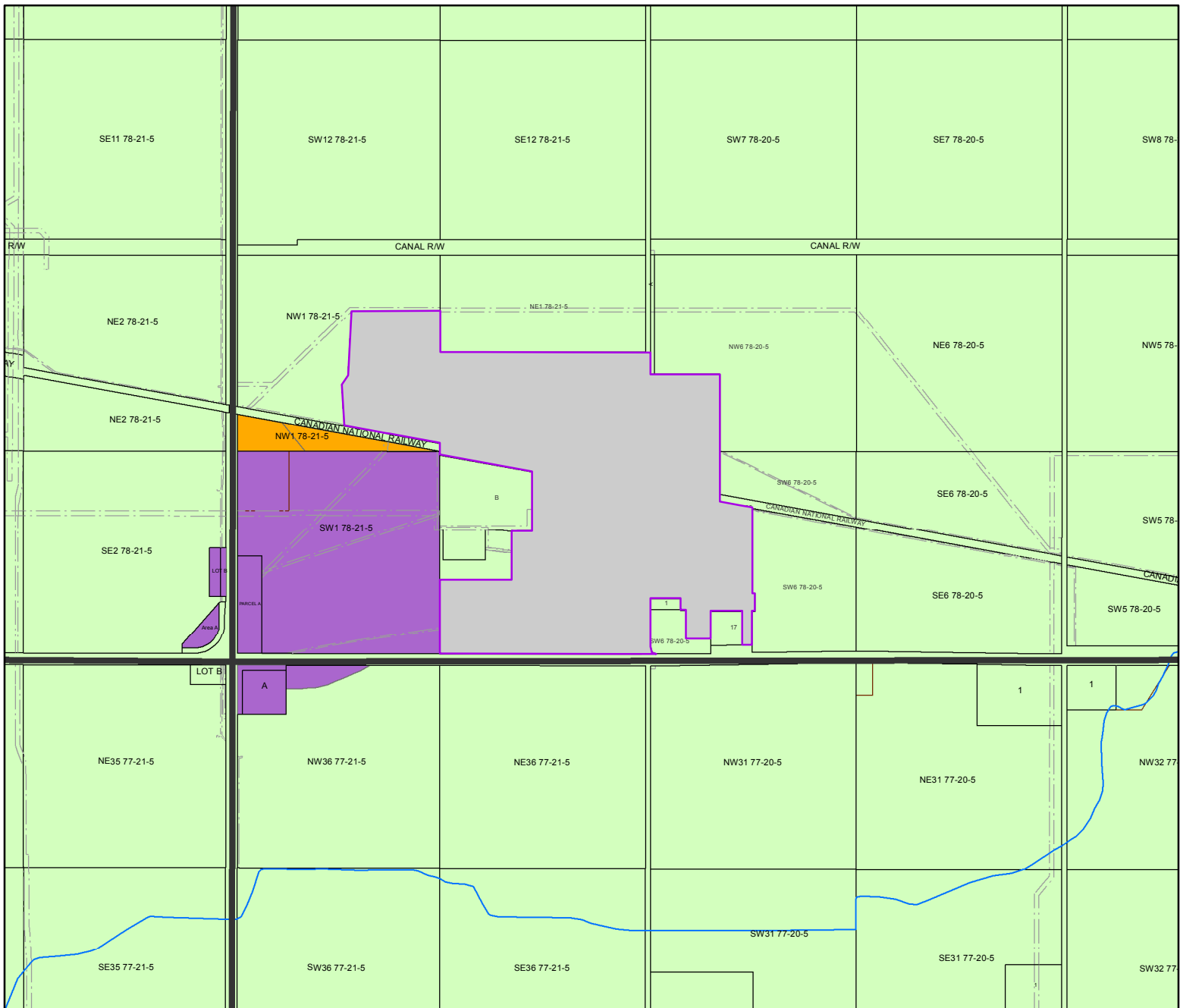
**Municipal District of
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











McLennan

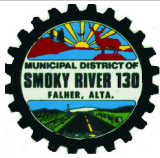


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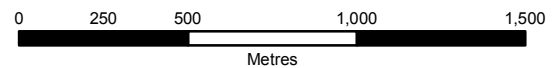


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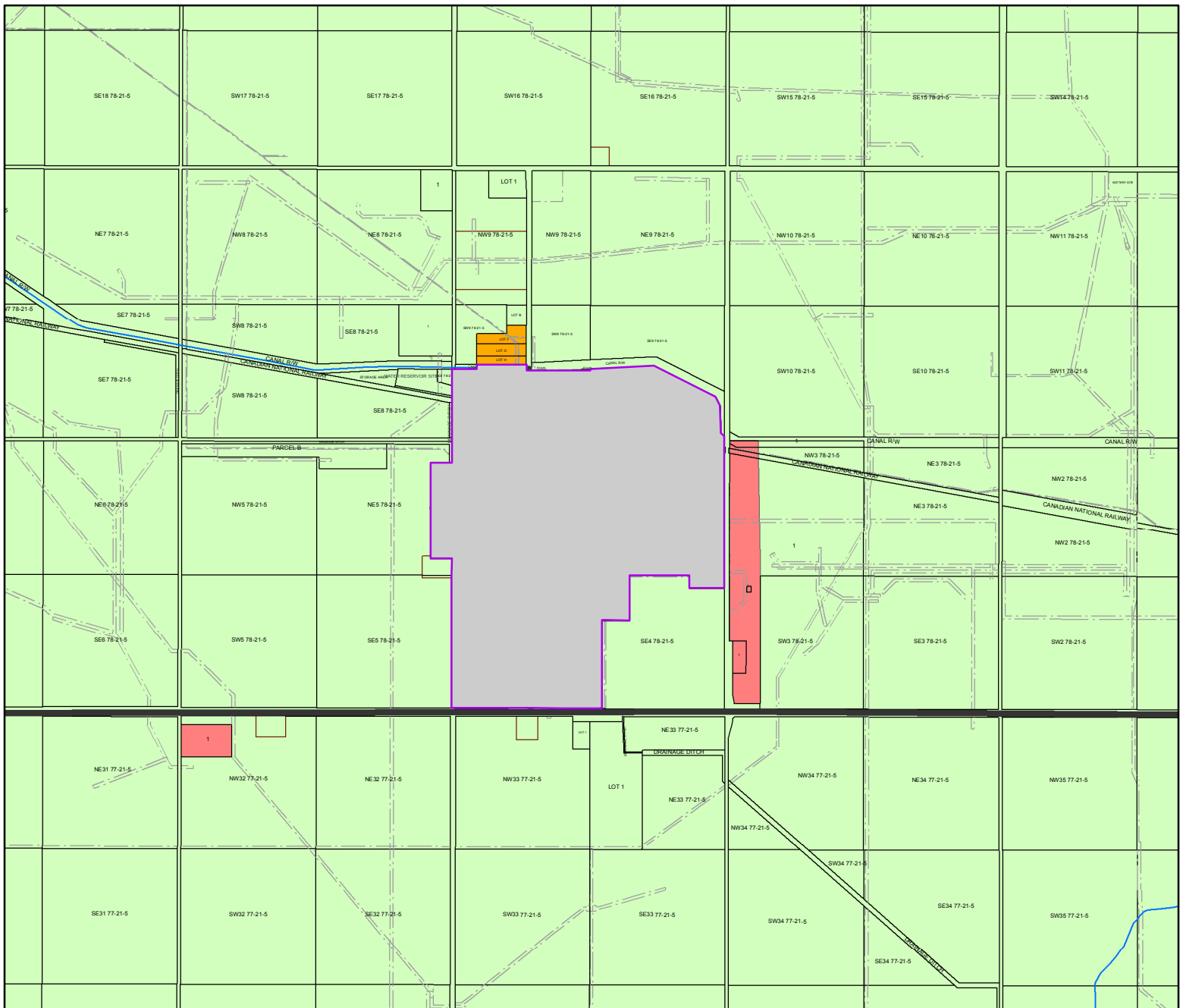
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Donnelly Corner

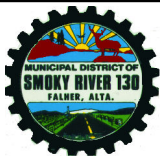


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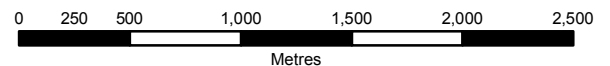


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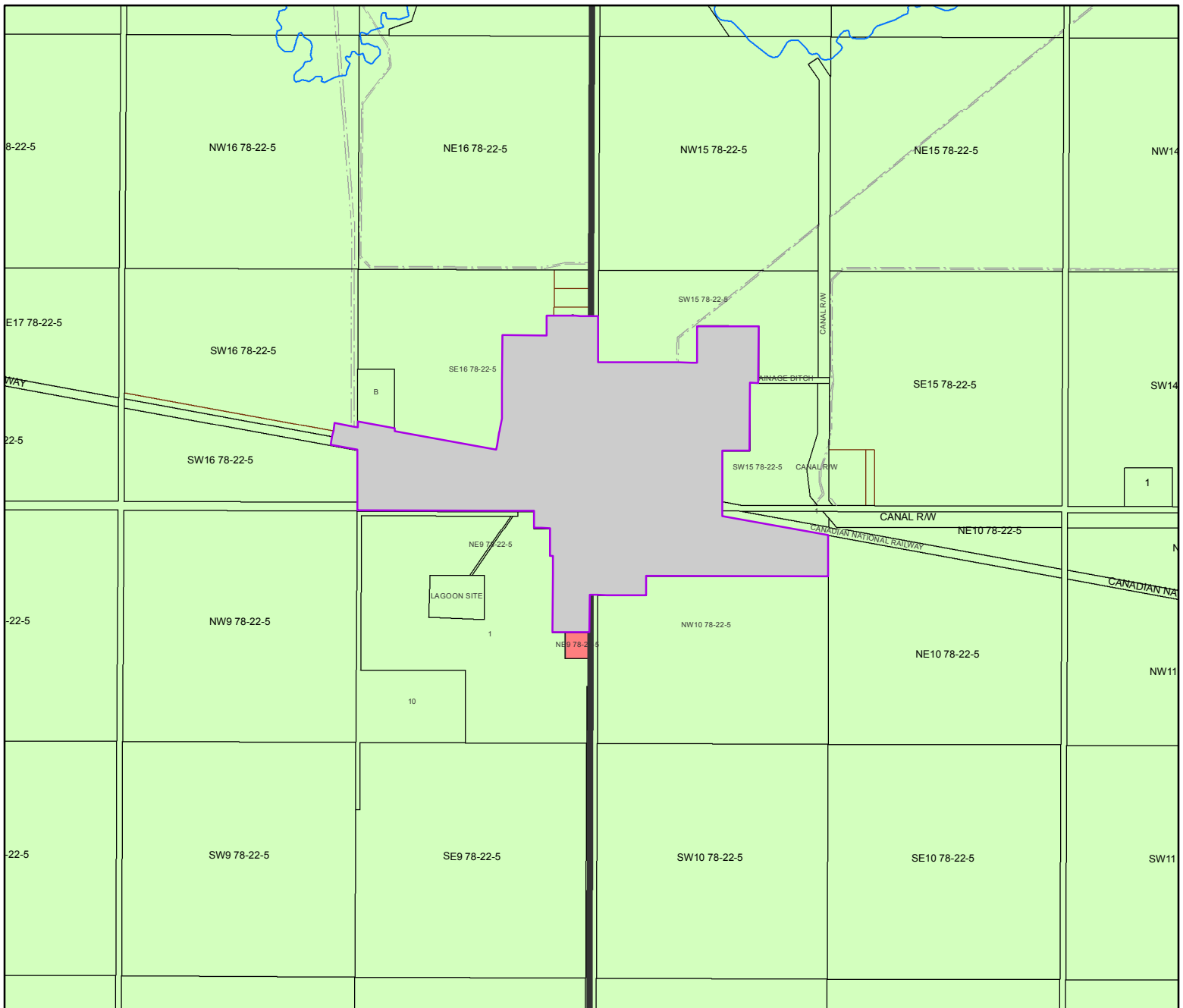
**Municipal District of
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Falher

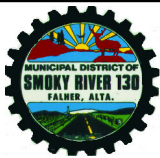


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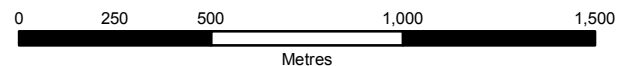


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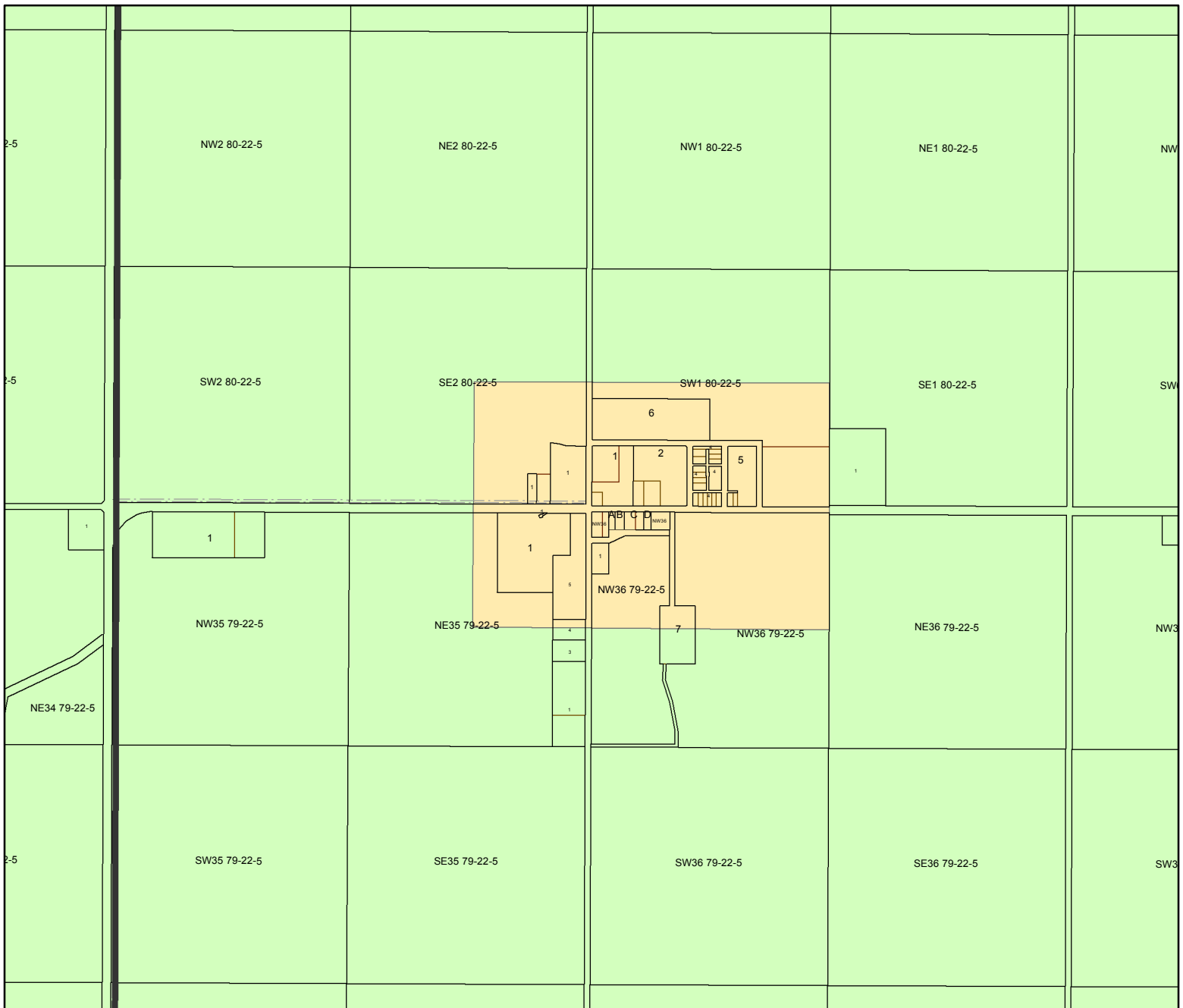
**Municipal District of
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Girouxville

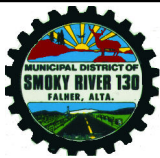


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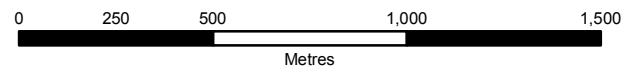


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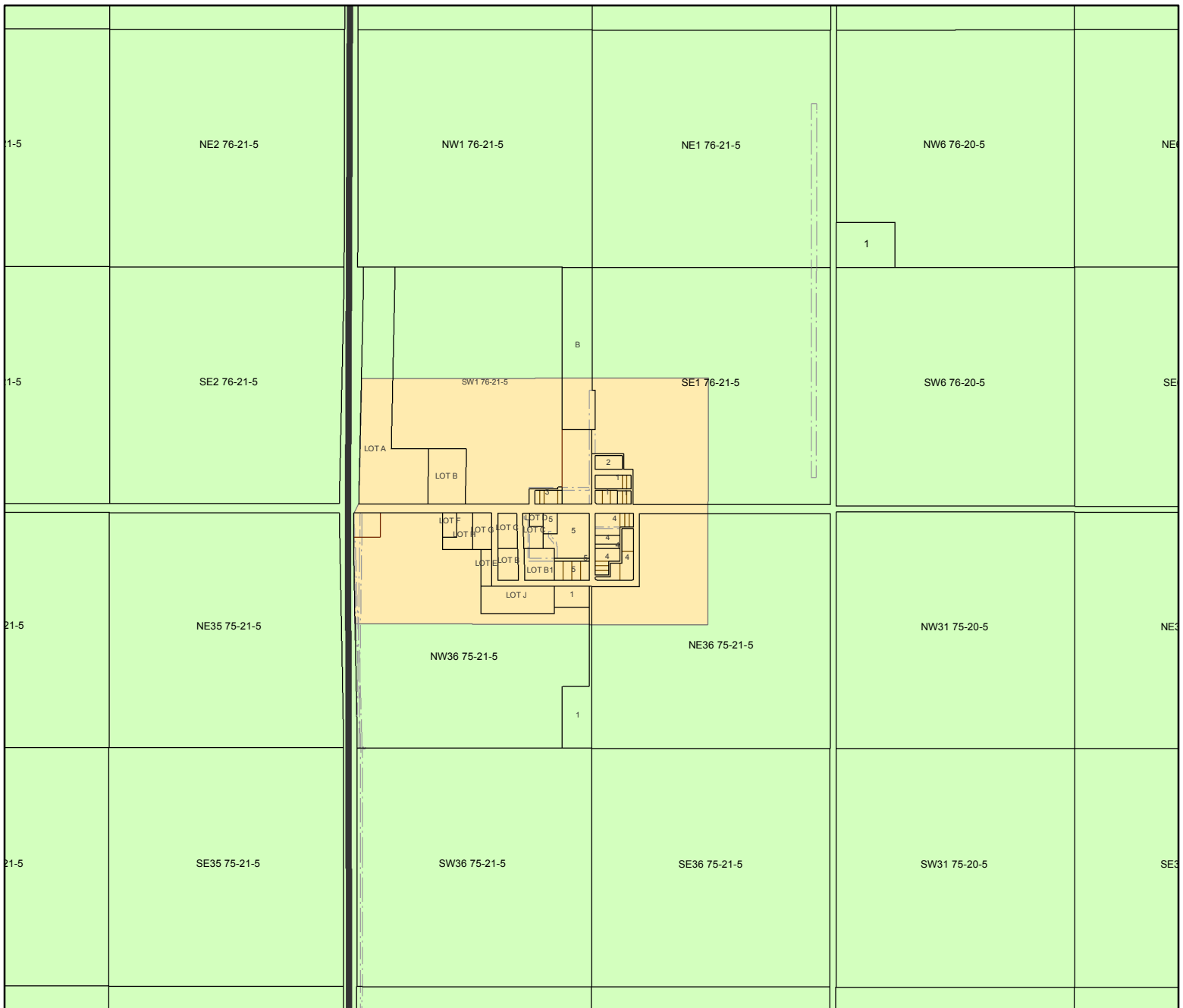
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











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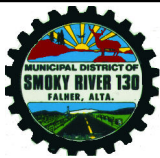


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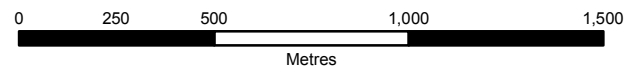


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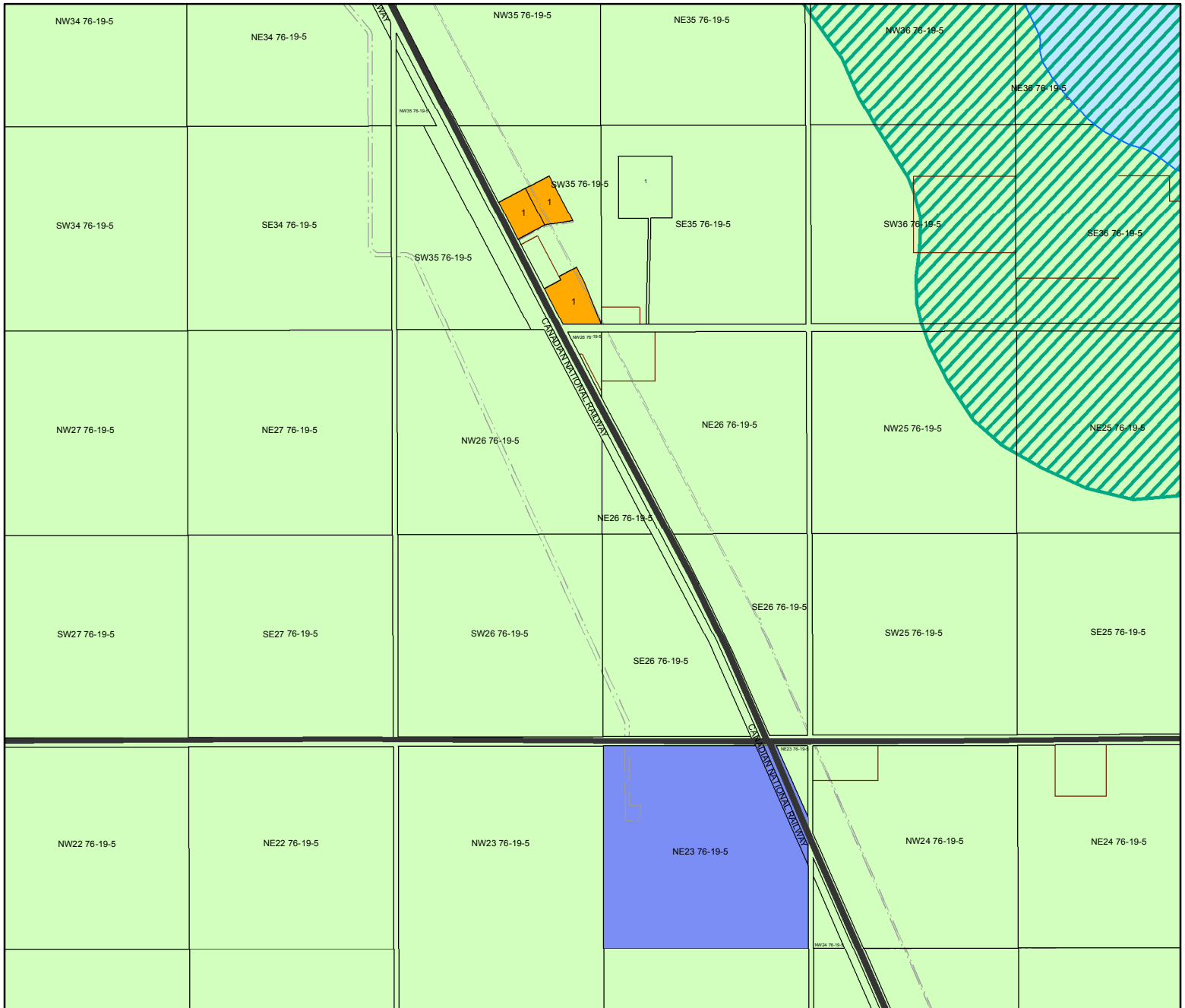
**Municipal District of
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











Guy

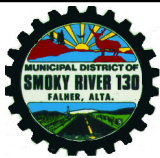


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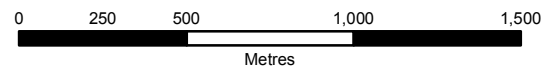


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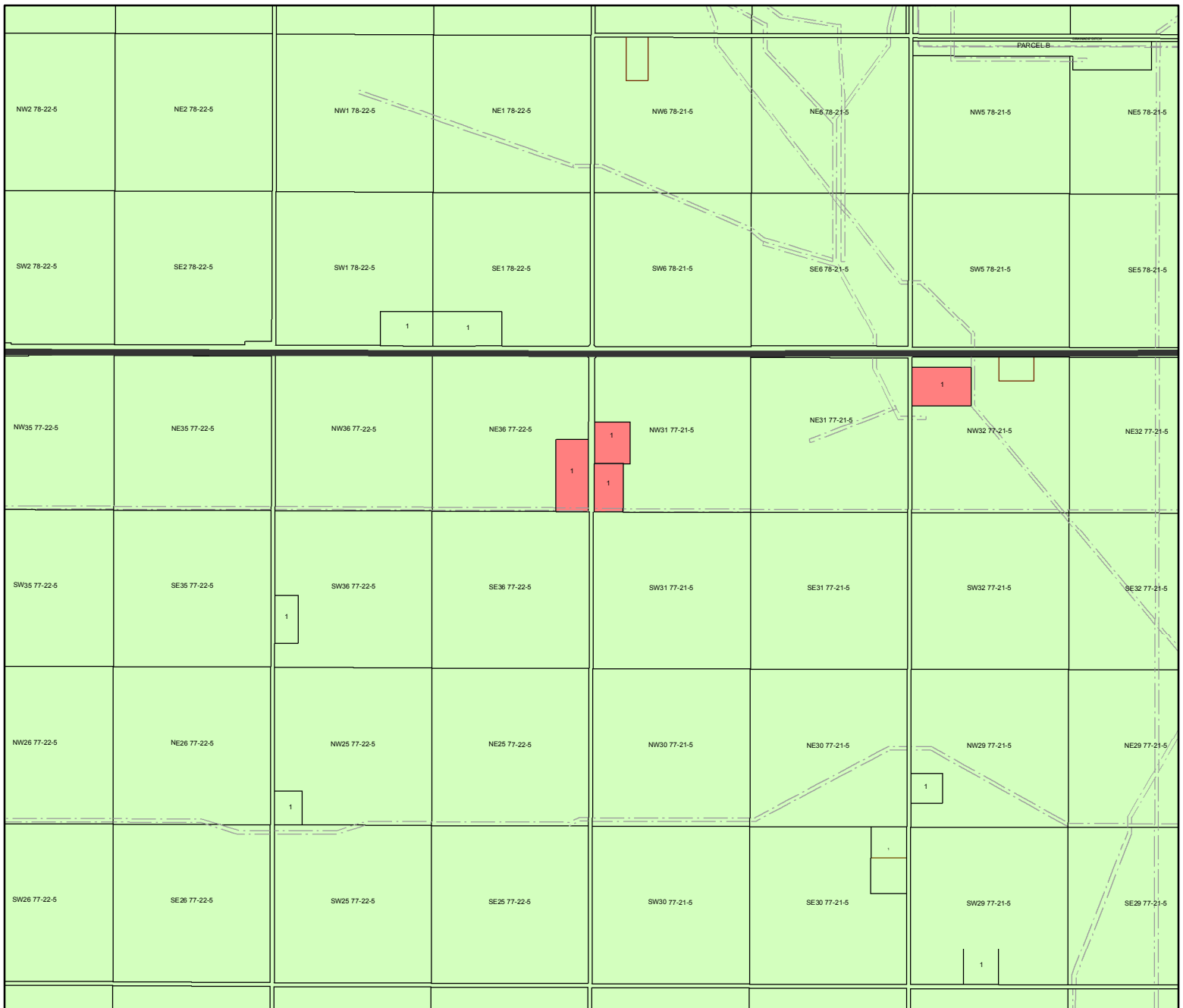
**Municipal District of
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











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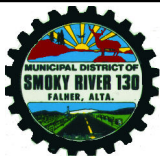


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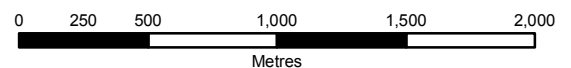




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**Municipal District of
Smoky River No. 130
Land Use Bylaw No. 865**



Hwy 49 and Rge Rd 220

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