

**MUNICIPAL DISTRICT OF MACKENZIE NO. 23
SPECIAL COUNCIL MEETING**

**Monday, August 23, 2004
7:00 p.m.**

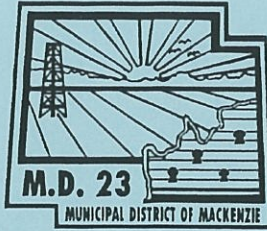
**Meeting Room, Northern Lights Recreation Center
La Crete, Alberta**

AGENDA

CALL TO ORDER: 1. a) Call to Order

PUBLIC HEARING: 2. a) Bylaw 462/04 - Revisions to the Land Use
Bylaw & La Crete District Map
b)

ADJOURNMENT: 3. a) Adjournment



M.D. of Mackenzie No. 23

Request For Decision

Meeting:	Special Council
Meeting Date:	August 23, 2004
Presented By:	Paul Driedger, Director Planning, Emergency and Enforcement Services
Title:	PUBLIC HEARING Bylaw 462/04 Land Use Bylaw
Agenda Item No:	

BACKGROUND / PROPOSAL:

The attached Land Use Bylaw 462/04 received first reading at the July 13, 2004 Council meeting. The Bylaw includes a number of zoning amendments and other changes to our Land Use Bylaw, some of which Council has adopted over the past few years.

The Public Hearing for the proposed Land Use Bylaw 462/04 was advertised for two weeks in both the Echo and the Northern Pioneer.

DISCUSSION / OPTIONS / BENEFITS / DISADVANTAGES:

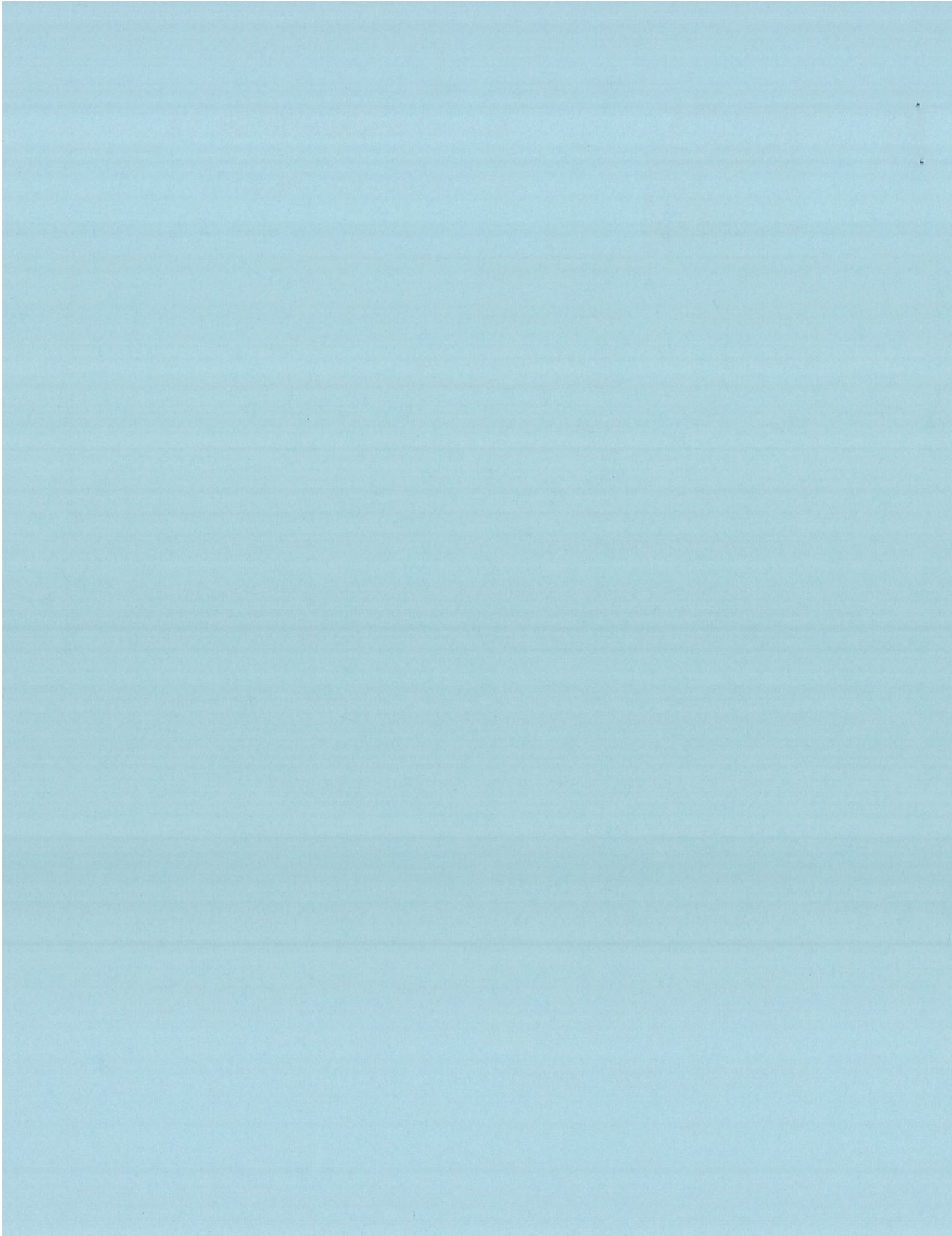
A community meeting was held in La Crete on June 24, 2004 to review the recommended changes to zoning. The turnout was not good, however we had good discussions with those in attendance.

We have had positive feedback that we are being proactive in zoning prior to development. The MGA allows municipalities to rezone land at their discretion.

The Bylaw will be sent to the Town of High Level for their review after the tonight's Public Hearing. After we get the comments from the Town of High Level, we will bring Bylaw 462/04 back to Council for third reading.

COSTS / SOURCE OF FUNDING:

N/A



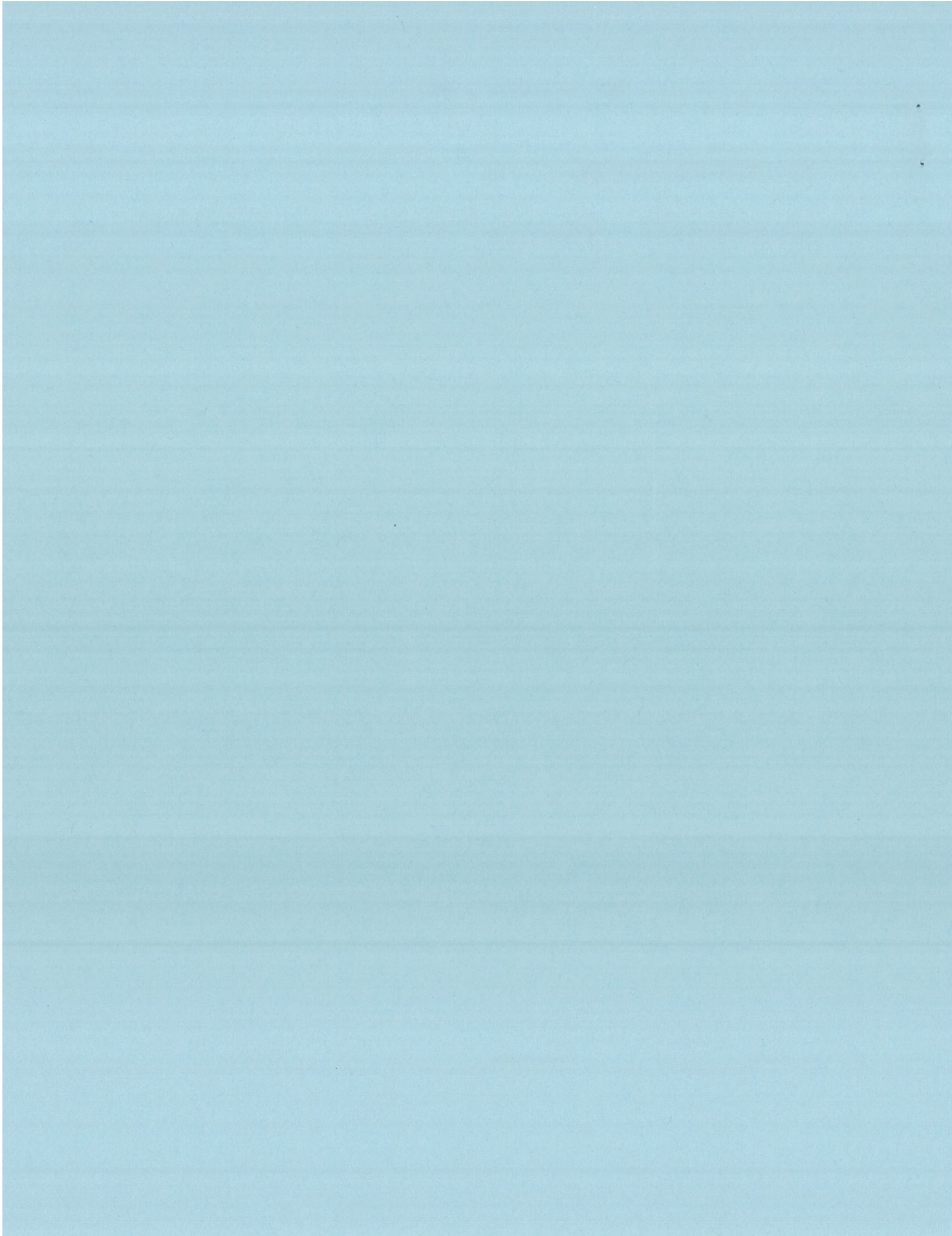
RECOMMENDED ACTION:

That second reading be given to Bylaw 462/04, being a revision of the Municipal District of Mackenzie Land Use Bylaw.

Author:

Reviewed:

C.A.O.:



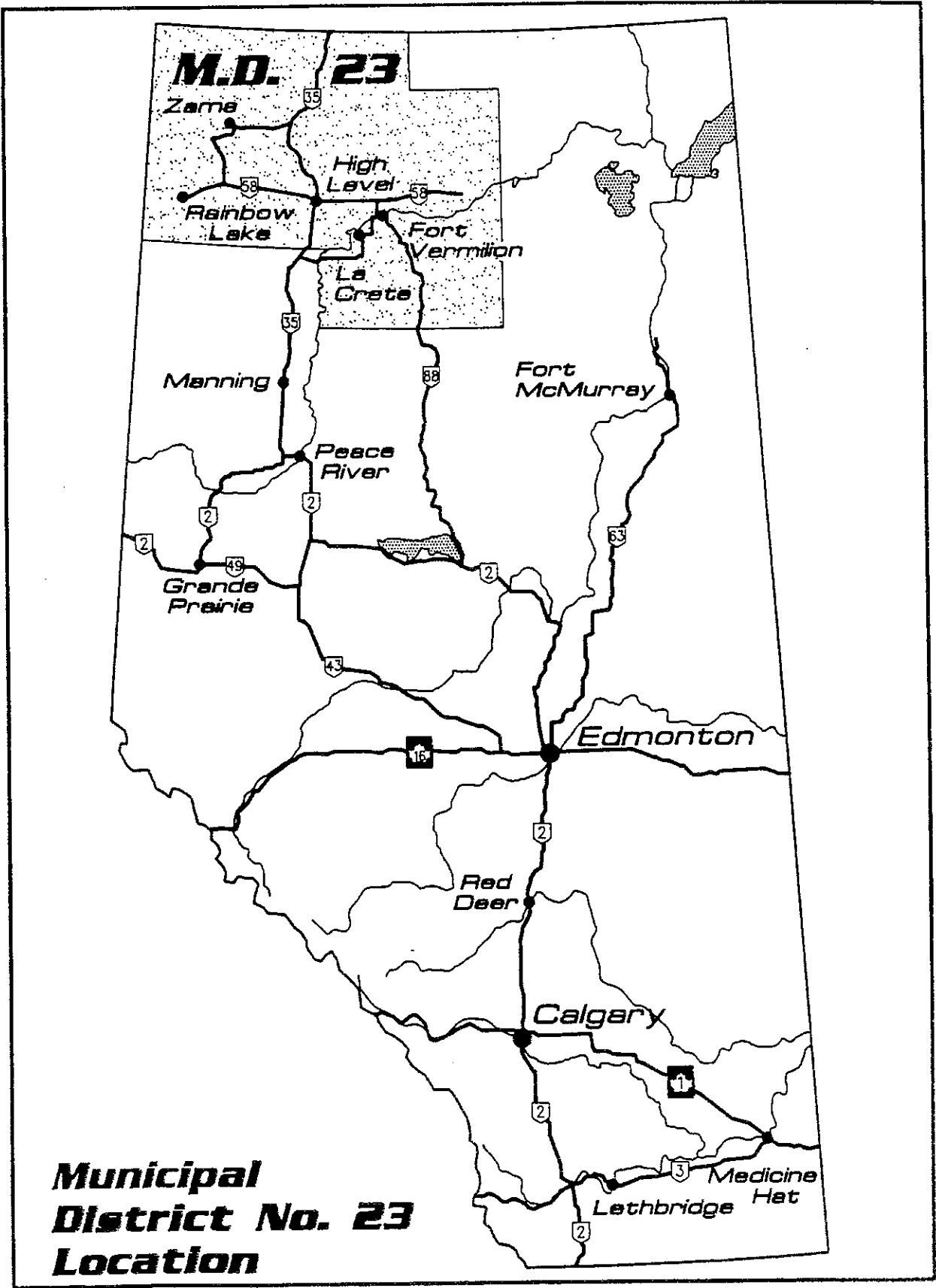
MUNICIPAL DISTRICT OF MACKENZIE NO. 23

LAND USE BYLAW



462/04

AUGUST 2004



**MUNICIPAL DISTRICT OF MACKENZIE NO. 23
LAND USE BYLAW**

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1.0 DEFINITIONS AND INTERPRETATIONS

1.1 INTERPRETATION

- (1) The terms defined in this Section have specific, broader or different meanings than the usage and interpretation commonly found in the English dictionary, and thus, give rise to the need of this Section. The meanings of all terms and vocabularies used in this Bylaw shall be interpreted in accordance with:
- a) the Municipal Government Act and the Statutes of Alberta to which this Bylaw refers,
 - b) the following Definitions, and
 - c) the common English dictionary in the event the above mentioned Section of Definitions is silent.
- (2) Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words have the same meaning whether they are capitalized or not.
- (3) The words shall and must require mandatory compliance except where a variance has been granted pursuant to the Act of this Bylaw.

1.2 OTHER WORDS AND EXPRESSIONS

All other words and expressions have the meaning respectively assigned to them in accordance with Municipal Government Act and any other applicable Statutes of Alberta. Where such words are not defined in this Bylaw, or in the Municipal Government Act, the Development Officer shall make the interpretation.

1.3 DEFINITIONS

"ABATTOIR" means a use or a building/facility used for slaughtering animals (livestock or poultry) and may include processing, packing, treating, storing and the sale of meat produced.

"ABANDONED FARMSTEAD" means part of a farm which was once established and which contains an abandoned residence and may also contain a developed potable water source, an established sewage collection system, or any other features which would indicate a previous developed farmstead.

"ACT, THE" means the Municipal Government Act and subsequent amendments thereto and successor Act.

"ADJACENT LAND" means land or a portion thereof that shares a common boundary with another parcel of land, that is subject to a development-permit application, a subdivision application, or a re-districting application, including land that would be adjacent, if not for a public roadway, railway, river, or stream.

"ADULT ENTERTAINMENT BUSINESS" means a business operation lawfully permitted, which principally caters to the provision of erotic entertainment for persons 18 years of age or older and which is operated either as a principal or ancillary use. Adult Entertainment Businesses includes but is not limited to the following: an establishment for exotic dancing, escort services, adult video/book/magazine stores, retail sex shops selling sexual aids, clothing and accessories, "topless" bars and restaurants, and similar uses.

"AGRICULTURAL INDUSTRY/OPERATION" means an agricultural activity conducted on agricultural land or in buildings for gain or reward or in the hope or expectation of gain or reward, and includes, but is not limited to, the following:

- 1) land cultivation;
- 2) raising poultry and livestock, including game-production animals within the meaning of the Livestock Industry Diversification Act;
- 3) raising fur-bearing animals, exotic livestock, birds or fish;
- 4) production of agricultural field crops, fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- 5) production of eggs, milk, and honey;
- 6) operation of agricultural machinery and equipment, including irrigation pumps;
- 7) collection, transportation, storage, application, use, transfer and disposal of manure;
- 8) abandonment and reclamation of confined feeding operations and manure storage facilities; and
- 9) application of fertilizers, manure, insecticides, pesticides, fungicides, and herbicides, including application by ground and aerial spraying for agricultural purposes.

"AGRICULTURAL MACHINERY SALES AND SERVICE" means a business operation designed for selling and servicing farm implements and supplying parts.

"AGRICULTURAL SUPPLY DEPOT" means a facility that specializes in bulk storage and sale of agricultural products or other farm supplies, but does not include the sale and storage of solid and liquid fertilizers.

"AMUSEMENT FACILITY" means a commercial facility that is intended to be used for entertainment, recreation or leisure, and includes a pool hall, video arcade and other similar facilities whether operated as a principal or ancillary use.

"ANCILLARY BUILDING OR USE" means a building or use, which is incidental to the principal building or use of a property located on the same site, excluding farm buildings or dwellings.

"APARTMENT" see Dwelling - Apartment.

"ASPHALTIC HOT MIX MANUFACTURE" means a business operation that manufactures hot-mix asphalt, and its ancillary facilities.

"AUCTION MART" means a building or public place where property or items of merchandise are offered for sale to persons who bid in competition with each other.

"AUTO BODY SHOP" means a shop primarily used for autobody repair cars, trucks, and equipment.

"AUTO REPAIR SHOP" means a shop primarily used for repair and maintenance of cars and trucks.

AUTO WRECKER means a use where the primary activity is the storage, disassembly, dismantling, junking or keeping of more than three unlicensed vehicles, or parts thereof, usually for parts or scrap metal re-sale.

"AUTOMOTIVE EQUIPMENT, SALES AND/OR SERVICE" means a use where the primary activity is selling automobiles, recreational vehicles, motorcycles, snowmobiles, trucks, trailers, boats, tent trailers, motor homes, and/or other similar automotive vehicles, which may include rental, lease, storage, service, restoration, and/or mechanical repair of said automotives, usually on a large lot with related buildings.

"BASEMENT" means the portion of a building below the first floor level, which is partially underground and may be used for living quarters.

"BED AND BREAKFAST" means a business operation that uses part of the principal residential dwelling for over-night accommodation and may serve breakfast as part of the accommodating service.

"BETTER AGRICULTURAL LAND" means land that is considered to possess a Canada Land Inventory rating of one (1), two (2), three (3), four (4), or at the discretion of the Municipal District, may include other classifications as determined on a site specific basis other than:

- (i) Cut off parcels which have been determined to be of an insufficient size to farm as determined by the Municipal District; or buffer and building height map
- (ii) Land, which is so badly fragmented by existing use or ownership that the land has low agricultural productivity or cannot logically be used for agricultural purposes.

NOTE: In comparison to the Rural Farmland Assessment Rating, Class Four (4) land would be the equivalent of 28% to 41%. Soil capability should be assessed on a site-specific basis.

"BOARDING/ROOMING HOUSE" means a building used for gain or profit (other than a hotel or motel) containing guest rooms for two or more persons where meals may or may not be served, and in which the proprietor may supply accommodation for his family.

"BUFFER" means an area where trees, shrubs, hedges, berms, fences or other landscaping features are provided for the purpose of reducing adverse effects of the use(s) of land, building or activities on an adjacent area, property or use.

"BUILDING HEIGHT" means the vertical distance between the grade and the highest point of a building, except those parts that are not essential to the structure of the building, such as a ventilating fan, skylight, steeple, chimney, smoke stack, fire wall, flagpole, or other similar elements.

"BULK FERTILIZER SALES" means a business operation that sells chemicals, in bulk, used for increasing the productivity of farm operations.

"BULK FUEL/PROPANE SALES" means a business operation used for bulk storage and sale of gasoline, propane, and similar petroleum products.

"BUNKHOUSE" means a mobile residential building that provides basic living facilities and is used on a seasonal basis.

"BUS DEPOT" means a building and associated facilities that provides passengers with facilities to embark/disembark on/from buses, and/or for the parking and storage of buses and related equipment.

"CABIN" means a small, roughly built house, cottage, or hut; used on a seasonal basis.

"CAMPGROUND" means an area of land purposely designed for temporary use by tourists, vacationers, or campers as their parking, camping, sleeping or recreational areas, or for accommodating cabins; and may include a recreational vehicle park.

"CAR WASH ESTABLISHMENT" means a business operation where passenger vehicles can be washed; with a maximum door opening of 12 feet.

"CARDLOCK 1" means a facility that has a computerized system that accepts a card and pin number before the vehicle may be fuelled, where below or above ground tanks are used to store the fuel.

"CARDLOCK 2" means a facility that has a computerized system that accepts a card and pin number before the vehicle may be fuelled, where below ground tanks are used to store the fuel.

"CARETAKER'S RESIDENCE" means a building that is secondary or accessory to a principal use on the same lot, and is used for the purpose of providing temporary living accommodation for that individual who is primarily responsible for the maintenance and security of that lot, while on duty.

"CELLAR" means a portion of a building below the first floor level, which is used for heating the building and/or for cold storage.

"CEMETERY" means a parcel of land that is used as burial grounds, excluding crematorium, and is licensed by the appropriate Provincial Departments or Agencies.

"CHURCH" means a building or place used as a place of worship and may include related ancillary facilities such as a manse, church hall, or Sunday school.

"CLUB HOUSE" means a building or portion thereof, used by a recreational or social club.

"COMMUNICATION TOWER" means a structure that is used to convey communication, radio or television signals, and may include ancillary structures.

"COMMUNITY CENTRE OR HALL" means an assembly hall/building that is used for public gathering or similar community activities and may include a public recreation centre.

"COMMUNITY PASTURE" means the shared use of land for grazing animals.

"CONTRACTOR'S BUSINESS" means a development used for commercial and industrial service support and construction. Typical uses may include oilfield support services, cleaning and maintenance contractors, building construction, surveying, landscaping, 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. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use.

"CONTRACTOR'S SERVICE" means a business operation from a mobile vehicle that provides carpentry, plumbing, roofing, electrical, and other construction related services, excluding a contractor's yard for the storing of construction materials, vehicles and equipment.

"CONTRACTOR'S YARD" means a site whose principal use is the storage of construction materials, vehicles, equipment, and machinery.

"CONCRETE PRODUCTS MANUFACTURE" means a business operation that manufactures concrete and provides related facilities for the storage of materials and equipment required for the operation of such business.

"CONFINED FEEDING OPERATION" means an activity on land that is fenced or enclosed or within buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing, but does not include seasonal feeding and bedding sites. The *Agricultural Operation Practices Act: Standards and Administration Regulation* shall define the minimum size of a confined feeding operation. The Development Authority may consider any number of livestock as intensive

"CONVENIENCE STORE" means a retail operation that sells merchandise to meet daily needs such as groceries, soft drinks and other similar goods.

"CORNER LOT" means a lot that abuts two or more public roads/streets which intersect at an angle not exceeding 135 degrees and creates two or more frontages.

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

"COUNCIL" means the Council of the Municipal District of Mackenzie No. 23.

"COUNTRY RESIDENTIAL" means the use of land in a rural area intended primarily for residential purposes.

"COUNTRY RESIDENTIAL SUBDIVISION" means a subdivision of an undeveloped parcel of land for multi lots in the rural area, separated from a quarter-section or a subdivision created from a River Lot for residential purposes.

"CREMATORIUM" means a building used for the cremation of deceased persons.

"CUT-OFF/FRAGMENTED PARCEL" means a parcel of land that is separated from the balance of a quarter section or from a river lot by:

- 1) a watercourse;
- 2) a railway;
- 3) a graded public roadway or highway;
- 4) an embankment; or
- 5) other physical features, rendering that parcel of land impractical, in the opinion of the Municipal District, for farming or grazing independently, or as part of a large operation in conjunction with its neighbouring land.

DAY CARE FACILITY" means a development used to provide care and supervision, but not overnight accommodation, for children in accordance with relevant legislation, nursery schools for children under the minimum age for education in public schools, playgroups for pre-school children, and programs covering after-school care for school children. Typical uses are day care centres and nursery schools but do not include a private babysitting facility.

"DEVELOPMENT" means:

- 1) excavation or stockpile of earth and creation of either of them, or
- 2) a building or an addition to a building, replacement or repair of a building; or
- 3) change in the use of land or a building or an act done in relation to land or a building that results in, or is likely to result in, a change in the use of land or building; or

- 4) a change in the intensity of use of land or a building or any act done in relation to land or a building that results in, or is likely to result in, a change in the intensity of use of land or building.

"DEVELOPMENT OFFICER" means a person or persons appointed by the Municipal District pursuant to the Municipal Government Act to administer the provisions of this Bylaw.

"DEVELOPMENT PERMIT" means a document permitting a development, issued by the Municipal District pursuant to this Bylaw.

"DISCRETIONARY USE" means the use of land or buildings where a development permit may or may not be issued for certain purpose(s) that is(are) permitted by the Development Officer according to his/her discretionary judgement based upon the merits of the application.

"DISMANTLED/WRECKED VEHICLE" means a vehicle that is no longer licensed or in use and is unfit for operation by virtue of its exterior or mechanical condition.

"DWELLING" means any building or structure used principally for human habitation.

"DWELLING-APARTMENT" means a residential building, containing individual suites on multiple stories, consisting of four dwelling units or more, having a shared entrance or their own independent access.

"DWELLING-AUXILARY SUITE" means an additional and accessory dwelling unit created as a temporary residence on the same property as the main dwelling.

"DWELLING-DUPLEX" means a residential building containing two dwelling units each of which has an independent entrance, either directly from outside the building or through a common area inside the building.

"DWELLING-GROUP HOME" means a facility that provides special care for individuals who are in need of adult supervision, and that is licensed by the appropriate public authority. A group home located within a residential type district or which is adjacent to a residential district shall be limited to six (6) persons excluding staff and shall be located in a building designed as a Dwelling.

"DWELLING - MOVED-IN" means a single detached dwelling, modular home, duplex, fourplex, or apartment previously constructed on a site, to be relocated from the old site to the new site.

"DWELLING - MULTIPLE" means a residential building containing at least three or more dwelling units, separated by common walls and located either on a single site or each unit on a separate individual lot, each dwelling unit having at least one separate entrance. This definition applies to forms of housing that include, but is not limited to, a triplex, a fourplex, a sixplex, condominiums and townhouses.

"DWELLING - ROW" means a minimum of three dwelling units constructed in a row and divided vertically by common walls, and each of which has a separate entrance at ground level.

"DWELLING - SINGLE DETACHED" means a development consisting of a dwelling containing only one dwelling unit which is separate from any other dwelling unit or building, and which is supported on a permanent foundation or basement, and which meets the requirements for a residence as specified within the Alberta Building Code, and includes a manufactured home.

"DWELLING - TEMPORARY UNIT/BUILDING" means a dwelling unit or building that is not permanently affixed to a building, or other irremovable structure, or the ground, and exists for a period not exceeding one (1) year.

"DWELLING UNIT" means a self-contained building or portion of a building with one common cooking/eating facility, living, sleeping, and sanitary facilities for domestic use of one or more individuals.

"DWELLING UNIT" OR "DWELLING" means the following:

- a) "Attached" means a single building, which contains two or more separate living quarters each of which contains the rooms and amenities included in a detached single family dwelling.
- b) "Detached Single Family" means a single building which contains two or more rooms used or designed to be used as a residence by a single family containing cooking, eating, living, sleeping and sanitary facilities and is used for no other purpose and includes Designated Manufactured Homes. It is intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.
- c) "Temporary" means a designated manufactured home, dwelling_-_attached or detached single family.

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

- 1) if there are any hazardous substances above, on, or below the surface of the subject property, that may pose a threat to the environment and/or health of humans, wildlife, and/or vegetation.
- 2) if there are any breaches of federal, provincial and/or municipal environmental standards;
- 3) the level of risk that a contaminated site poses to the environment and/or health of humans, wildlife, and/or vegetation; and
- 4) what remedial actions may be required to reduce the risk of contamination to an acceptable level.

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

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

- 1) the potential impact of the proposed development site;
- 2) the potential environmental impact of the proposed development upon the adjacent properties or land uses; and
- 3) the potential environmental impact of the proposed development upon the future land use potential of property.

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

"ENVIRONMENTALLY SENSITIVE AREAS" means areas that fall in one or more of the following categories:

- 1) areas having exceedingly steep or unstable slopes;
- 2) river valleys and lands, or those situated close to lakes, watercourses, and other types of water body, and land subject to flooding;
- 3) areas classified as having a high water table, or situated on sensitive aquifers;
- 4) areas having soils subject to erosion, slippage, or subsidence of similar hazards;
- 5) wetlands, unique wildlife, or fisheries habitat, or those areas having high levels of peat contents, or land incapable of meeting percolation requirements; and
- 6) areas having stands of unique or mature nature vegetation or land features.
- 7) other environmentally sensitive areas identified by Alberta Environment or by a study undertaken or commissioned by the Municipal District.

"EQUIPMENT RENTALS FACILITY" means a commercial establishment principally involved in the renting of equipment.

"EXHIBITION GROUNDS 1" means areas that are used for the public display of arts objects, industrial achievements, agricultural products, merchandises, articles, skills, innovations, or information, within a facility.

"EXHIBITION GROUNDS 2" means areas that are used for rodeos, amusement rides, jamborees, and other similar uses in outdoor open areas.

"EXTENSIVE AGRICULTURE" means those agricultural operations producing crops or livestock that require large tracts of land but does not include confined feeding operations.

"EXTENSIVE RECREATIONAL USE" means the use of land for recreational activities that require large tracts of land in a rural setting, having natural physical features, conducive to hunting, trail riding, all terrain vehicle exercises, hiking and other similar activities.

"FARM BUILDING" means a building that is used in connection with a farm operation such as production of crops, raising livestock or poultry, situated on the same land used for such farming operation.

"FARM SUBSIDIARY BUSINESS" means a business carried out on a farm by the operator of the same farm as a business, but subordinate to the farming operation.

"FARMSTEAD" means a parcel of land containing a developed residence and/or related improvements, such as barns, graineries, corrals, shops, etc., which are normally associated with a farm operation and has existed for a minimum of ten years.

"FENCE, SCREENING" means a vertical physical barrier constructed out of typical building materials used for purposes of containment or to prevent unauthorized access, which serves as a visual screen.

"FERTILIZER SALES AND STORAGE" means the commercial use of land and/or buildings for selling and storing bulk solid or liquid fertilizer.

"FIRE HALL OR FACILITY" means a facility where fire trucks and equipment are located, and fire-fighting personnel may be accommodated, and may also include a fire suppression building or camp.

"FLOOR AREA" means the total floor area of every room and passageway contained in a building but excluding the floor area of basements, attached garages, sheds, open porches, patios, open decks, verandas, or breeze ways.

"FOREST-BASED INDUSTRY" means an industrial operation that manufactures wood products, and that may include lumber re-manufacturing facilities, oriented strand board plants, pulp mills, saw mills, or a small woodlot management.

"FORESTRY BUILDING" means a structure used for the management of forest land.

"FORESTRY LOOKOUT TOWER" means a structure used to observe forested territory.

"FUNERAL HOME" means a place where funerals are held and/or deceased persons are kept or prepared for release for burial or cremation.

"GARAGE" means an ancillary building or portion of a main building, used in conjunction with a dwelling, as a private parking or storage area of motor vehicles for the residents of the subject property.

"GARDEN SUITE" means a temporary dwelling unit being an additional residence on a parcel of land on which there is already a principal residence. The unit is intended to house one or two elderly people that require support or members that have a family relationship to the occupants of the principal residence in need of support.

"GENERAL SERVICES" means a business establishment that provides services for the maintenance and enhancement of the well-being of individuals, such as cleaning and repair of clothing, hair salon, tanning salon, dressmaker, shoe repair, pedicure, manicure, massage and electrolysis, or similar personal care services but shall not include an ADULT ENTERTAINMENT BUSINESS.

"GRADE" (used to determine building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except those localized, depressed areas designed for accommodating vehicle or pedestrian entrances.

"GRAIN ELEVATOR" means a structure that is used for storing grain, and is located usually near a railway or truck loading facility.

GROCERY STORE means the use of a building or a portion thereof, with an area to be determined by the Development Officer, yet smaller than a retail food store, for the sale of food and convenience goods to serve the needs of residents in their immediate neighbourhood.

GROSS LOT AREA means the area contained in the Certificate of Title based on the gross proportional acreage for the individual parcel.

"HAMLET" means an area declared, by Bylaw, by the Municipal District or designated by the Minister of Municipal Affairs as a Hamlet.

"HANDICRAFT BUSINESS" means a business operation that produces and sells handicrafts for profit.

"HARDWARE STORE OR HOME IMPROVEMENT CENTRE" means a building or part thereof where hardware, home improvement supplies, lumber, and other construction materials are sold on a wholesale or retail basis, and may include outdoor storage ancillary to the principal building.

"HIGHWAY or ROAD" means and may include:

- 1) land used or surveyed for use as a public highway or road, and
- 2) a bridge forming part of a public highway, or road and any structure incidental to a public highway.

"HIGHWAY MAINTENANCE YARD" means a facility that is used for the storage and maintenance of trucks and other vehicles used by the road authority.

"HOG BUYING STATION" means a facility that is used for the buying, selling, and gathering of hogs for transport.

"HOLIDAY TRAILER" means a portable unit on wheels, which can be pulled behind a vehicle and is used for camping.

"HOME BASED BUSINESS" means an occupation carried out within a dwelling unit, incidental to the principal use, that does not change the main character and function of the dwelling unit and is compatible with the zoning. The business shall not require more than one business associated visit per day to the dwelling unit. The business must be secondary to the residential use of the building and no aspects of the business operation shall be detectable from outside the property. The dwelling unit shall not be used as a workplace for non-residential employees of the business and shall not exceed an area of 200 square feet (18.58 square meters). There shall be no outdoor business activity or storage of materials allowed on site.

"HOSPITAL" means an institutional development used to provide in-patient and out patient health care to the public. Typical developments include community health centre and full service hospital.

"HOTEL" means the provision of rooms or suites in a commercial development for temporary sleeping accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities. Hotels may include accessory food services, food services, meeting rooms, and personal service establishments.

"INDOOR RECREATION SERVICE" means a business operation and accessory facilities, used by paying clients for sports or recreation within an enclosed building, such as an athletic club, health and fitness club, skating or hockey rink, swimming pool, bowling alley, and racquet courts, but shall exclude an adult entertainment facility, pool hall, bingo hall or casino.

"INDUSTRIAL CAMP" means a residential complex used to house camp workers on a temporary basis, and may include mobile residential units and eating, recreational, and other basic, supportive facilities, and that meets the approval of all applicable agencies.

INDUSTRIAL, GENERAL means the following activities:

- a) processing raw or finished materials
- b) manufacturing or assembly of goods, products, or equipment
- c) the cleaning, servicing, repairing, or testing of materials, goods and equipment normally associated with industrial or commercial businesses, or the cleaning, servicing, and repair of goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts
- d) storage or shipping of materials, goods and equipment; or
- e) training personnel in general industrial operations.

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

"INDUSTRIAL PLANT" means a plant that is used for producing goods through an industrial process.

"INSTITUTIONAL USE" means a use for the purpose of assembly, education, instruction, culture, religion, recreation, community activity, public administration or service, and those facilities for interpretive environmental, educational and scientific study, or any other community activities as determined by the Development Officer.

"INTENSIVE AGRICULTURE" means a commercial agricultural operation other than a confined feeding operation that may require large tracts of land. Without restricting the generality of the foregoing, this use includes greenhouses, market gardens, sod farms,

bee keeping, woodlots, horse holding areas, and kennels, but shall not include a dwelling unit.

"INTENSIVE AGRICULTURE(1) " means the commercial use of land/structure for growing agricultural or horticultural products, such as greenhouses, market gardens, sod farms, nurseries, tree farms, etc.

"INTENSIVE AGRICULTURE(2)" means the commercial use of land/structure for non-soils related products, such as fur farms and beekeeping operations.

"INTENSIVE RECREATIONAL USE" means a high-density use of recreational land or facilities, such as campgrounds, picnic grounds, fishing lodges, beach areas, marinas, riding stables, sports fields, curling rinks, arenas, cabins, skating rinks, swimming pools, bowling alleys, and golf courses or golf driving ranges.

"KENNEL" means a premise where four or more dogs and/or cats over six months old are kept, boarded, bred, trained, or cared for economic return.

"LANDFILL" means a site used for the disposal of solid waste and which is approved or licensed by the appropriate public agencies.

"LAND USE BYLAW" means the Bylaw that is adopted and used by Council of the Municipal District of Mackenzie No.23 for regulating the use of land and buildings within the Municipality.

"LAND USE DISTRICT" means a zoning district described in the text of this Bylaw and delineated on one or more Land Use District Schedules, in which only certain land uses may be allowed as either permitted or discretionary uses and in which specific requirements must be satisfied before development may proceed.

"LAND USE DISTRICT SCHEDULES" means zoning maps, attached to this Bylaw, which indicate the land use district designations or zoning of properties within the Municipal District of Mackenzie No. 23.

"LANE" means a public right-of-way, which provides a secondary means of access to an area that is registered in the Land Titles Office in the Province of Alberta.

"LAUNDROMAT" means a commercial establishment equipped with washing machines and dryers, and accessible to the general public.

"LICENSED PREMISE" means a building or part thereof that is licensed by the Alberta Gaming and Liquor Commission to serve alcoholic beverages and products.

"LIQUOR STORE" means a store that sells alcoholic beverages and products for public consumption outside the store premises.

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

"LOT" means:

- 1) a quarter section of land;
- 2) a river lot or settlement lot shown on an official plan, that is referred to in the Survey's Act of the Province of Alberta, and is lodged in a Land Titles Office;
- 3) 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
- 4) a part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

"LOT, CORNER" means a lot that abuts two or more public roads/streets which intersect at an angle not exceeding 135 degrees and creates two or more frontages.

"LOT COVERAGE" means the percentage of a lot area that is covered by all buildings on the same lot; excluding the area covered by balconies, canopies and the like.

"LOT DEPTH" means the length of a straight-line that joins the middle of the front lot line with the middle of the rear lot line.

"LOT, INTERIOR" means any lot other than a corner lot.

"LOT LINE" means a legally defined property line of a lot.

"LOT LINE, FRONT" means the narrowest lot line dividing a lot and its abutting street. In the case of a Through Lot, any lot line may be deemed the Front Lot Line. In the case of a Corner Lot, the shorter lot line shall be deemed the Front Lot Line and where both lot lines are of equal length the Front Lot Line shall be determined by the Development Officer.

"LOT LINE, REAR" means the lot line that is opposite to the front lot line.

"LOT LINE, SIDE" means the lot line other than a front or rear lot line.

"LOT, THROUGH" means a lot, other than a corner lot, having access to two streets.

"LOT WIDTH" means the horizontal distance between two side lot lines, measured at a 7.62-metre (25 feet) perpendicular distance from the front lot line.

"LUMBER YARD" means a building and/or yard used for the storage and selling of wood-related products.

"MACHINE SHOP" means the use of a building for the operation of industrial machines used to manufacture or repair products.

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

"MANUFACTURING FIRM" means a plant or facility for uses such as machining, welding, fabricating, assembly, or bottling.

"MARINA OR BOAT RENTAL FACILITY" means a facility that is constructed in close proximity to a lake, river, or other types of water bodies for the purpose of selling, renting, storing, or repairing boats and related equipment.

"MEDICAL FACILITY" means a building for the provision of human health services without overnight accommodation for patients, and may include other accessory buildings, such as a dwelling unit in association with the medical facility.

"MINIMUM STANDARDS" means the minimum requirements relating to land area, floor area, yards, landscaping, design, character, or appearance of building, etc. as stipulated in this Bylaw.

"MOBILE/MANUFACTURED HOME" means a dwelling suitable for long-term occupancy and is designed to be transported on its own wheels.

"MOBILE/MANUFACTURED HOME PARK" means a parcel of land, under a single ownership for accommodating mobile homes on mobile home lots, which are rented by the park operator to individuals having mobile homes.

"MOBILE/MANUFACTURED HOME SALES AND SERVICE" means a business operation for selling and servicing mobile homes.

"MOBILE/MANUFACTURED HOME SUBDIVISION" means a registered subdivision where mobile homes are permitted on lots owned by individuals, and where the responsibility of property maintenance rests with individual lot owners.

"MOBILE HOME PARK OFFICE" means an office responsible for the management, provisions of utilities, improvements of facilities, and maintenance of amenities of a Mobile Home Park.

"MODULAR UNIT" means prefabricated frame, shell or other building components, such as the wall or siding of a dwelling unit, that are assembled to become a complete dwelling unit.

"MODULAR HOME" means a factory-fabricated, single-detached dwelling designed to be transported and assembled on permanent foundation at the building site and meets the standards of the Alberta Safety Codes Act. A mobile home (manufactured home or double wide mobile home) shall not be considered to be a MODULAR HOME for the purpose of this Bylaw.

"MOTEL" means a development divided into self-contained sleeping or dwelling units, each with a separate exterior entrance and convenient access to on-site parking. Motels may include food services, meeting rooms, and personal service establishments.

"MOVED-IN BUILDING" means a residential, commercial, industrial, or accessory building, constructed and situated on a previous site, to be relocated from the old site to the new site.

"MUNICIPAL AIRPORT" means the airport facilities known as the High Level Airport, Fort Vermilion Airport, La Crete Airport, Rainbow Lake Airport, and Zama Airport.

"MUNICIPAL DEVELOPMENT PLAN" means a statutory document that is adopted, pursuant to the Municipal Government Act, by Council and designed to address, among other things, the following:

- 1) future land use within the municipality,
- 2) the manner of, and proposals for, future development in the municipality,
- 3) co-ordination of land use, future growth patterns, and other infrastructure with adjacent municipalities if there is no inter-municipal development plan, with respect to those matters in those municipalities,
- 4) provision of required transportation systems, either generally or specifically, within the municipality and in relation to adjacent municipalities, and
- 5) provision of municipal services and facilities either generally or specifically.

"MUNICIPAL DISTRICT" means the Municipal District of Mackenzie No. 23.

"MUNICIPALITY" means the Municipal District of Mackenzie No. 23.

"MULTI-LOT COUNTRY RESIDENTIAL" means the use of land for two or more adjacent residential lots in a rural area.

"MUSEUM" means a place or building in which works of artistic, historical, archaeological, and scientific value are cared for and exhibited.

"NATURAL RESOURCE EXTRACTION INDUSTRY" means an industry engaged in the extraction of natural resources and may include bringing together elements, such as power and water, into an integrated process for the purpose of taking raw natural resources and turning it into a marketable product, excluding asphalt plants and concrete manufacturing facilities.

"NATURAL WATER COURSE" means a river, stream, lake, creek, swamp, marsh or other natural body of water marked by the shore whether it contains or conveys water continuously or intermittently. A natural water course does not include a canal, reservoir or other manmade surface feature intended to contain water for a specified use.

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

- 1) being made of land or building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
- 2) that on the date the land use bylaw becomes effective does not, or in the case of building under construction will not, comply with the land use bylaw.

"OIL FIELD SERVICE" means a service or business operation provided to support the exploration or extraction of fossil fuels.

"OIL AND GAS FACILITIES" means the facilities used for the extraction, processing or manufacturing of oil and gas products.

“OWNER/OPERATOR BUSINESS” means the person residing on a site who owns and operates from that site a maximum of two pieces of equipment such as a log truck, gravel truck, loader, excavator, skidsteer, and the equipment required to haul it.

“PARCEL DENSITY” means the aggregate of one or more areas of land described in a certificate of title, or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office.

“PARK OR PLAYGROUND” means an area of land that is used for sports, leisure, play, exercise, or other recreational activities on a non-commercial basis.

“PAWN SHOP” means a shop that lends money at interest in exchange for goods.

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

“PERMITTED USE” means the use of land or building, which is listed in the column, captioned "permitted uses" in most Land Use Districts appearing in this Bylaw and for which a development permit shall be issued upon an application having conformed to the provisions of this Bylaw. In addition, a development permit application shall be approved if the conditions of approval ensure that the development would conform to the provisions of this Bylaw.

“PETROLEUM FACILITY” means petroleum infrastructure such as oil/gas pipelines, gas plants, refinery, well battery, and compressor station.

“POOR AGRICULTURAL LAND” means the land, that is identified as having soils of Class 5, 6, 7, or 0 according to the Canadian Land Inventory, or the land as defined in the Municipal Development Plan or other statutory plans, or as determined, on a site specific basis, by the municipality.

“PROVINCIAL HIGHWAY” means a highway or proposed highway designated as a primary or secondary highway by the Minister of Transportation.

“PROFESSIONAL OFFICE (S)” means a building(s) or part thereof, that accommodates professional services provided by a medical doctor, lawyer, accountant, architect, engineer, planner or another similar profession.

“PROTECTION AREA” means an Airport Vicinity Protection Area delineated surrounding an airport for safeguarding the normal functions of the airport.

“PUBLIC USE” means the use of land or building by government agencies, non-profit organizations, or public utilities for the purpose of providing public services to the community and includes administration buildings, fire halls, parks, public funded schools, post offices, water and sewage treatment plants, and similar uses.

“PULP MILL” means a forestry-related industry whereby forest products are used as production inputs for manufacturing pulp and paper.

"RAILROAD YARD" means a facility used to store, maintain or produce railroad-related equipment, buildings, and accessories.

"RANGER CABIN AND STATION" means a structure used as a housing accommodation for forest ranger(s), and as a base for forest-related operations.

"RECREATIONAL CENTRE OR LODGE" means a building, where temporary/seasonal accommodation, restaurant, dining lounge, swimming pool, and related facilities are provided, that is used as a base to support and complement the primary recreational activities, such as hunting, fishing or trail riding.

"RECREATIONAL VEHICLE" means a portable structure or vehicle designed as a temporary accommodation for travel, vacation, or recreation, including motor home, fold down camping trailer, truck camper, or fifth wheel travel trailer but does not include a mobile home.

"RECREATIONAL VEHICLE PARK" means a facility for the overnight and short term stay of recreation vehicles and may include related accessory facilities, including but not limited to, recreational centre or lodge and laundry facilities.

"RECYCLING FACILITY" means a development used for the buying and temporary storage of bottles, cans, tetra-packs, newspapers and other similar household goods for reuse, where all storage is contained within an enclosed building or containment unit.

"REGIONAL LANDFILL" means a site used and owned or operated by two or more municipalities for solid waste disposal.

"REGISTERED OWNER" means:

- 1) the Minister responsible for the administration of land, in the case of land owned by the Crown in Right of Alberta or the Crown in Right of Canada, or
- 2) the purchaser of a fee simple estate, registered against the certificate of title in the land, or any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or
- 3) the person registered under the Province of Alberta Land Titles Act as the owner of the fee simple estate in the land, in the absence of a person described in (ii) above.

"RENOVATIONS - MAJOR" means any structural changes to an existing building includes enlarging or adding to the building.

"RENOVATIONS - MINOR" means any changes to an existing building such as changing non-weight bearing walls, addition of decks, and routine maintenance.

"REPAIR SHOP - APPLIANCES" means a shop that is used for repairing small goods or appliances for monetary return.

"REPAIR SHOP - AUTOBODY" means a shop primarily used for autobody repair cars, trucks, and equipment.

"REPAIR SHOP – VEHICLE REPAIR AND MAINTENANCE" means a shop primarily used for repair and maintenance of cars and trucks.

"RESTAURANT" means a public eating place where foods are prepared and sold for immediate consumption on or off the premises.

"RETAIL SALES" means the sale of goods, merchandise, other materials, and personal services offered for sale at retail to the general public and includes limited onsite storage or limited seasonal outdoor sales.

"RETAIL STORE" means the use of a building or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment, but does not include a grocery store or a retail food store; may include, but is not limited to, the following: clothing store, department store, rental shop, video store, but shall not include adult entertainment businesses.

"RIDING STABLE" means a facility that is used for horse riding activities and may include stables or other associated facilities.

"RIFLE, SKEET, TRAP FACILITY" means a facility where target practice can take place.

"RIFLE RANGE" means a designated area where the controlled use of firearms is permitted.

"RURAL INDUSTRY" means an industry, unrelated directly to agriculture, involving one or several of the following business operations:

- 1) warehousing or storage of materials, goods and equipment, or
- 2) manufacturing or processing of a finished product from raw materials, or
- 3) provision of large-scale transportation facilities for freight or passengers; or
- 4) 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 concentration of people.

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

"SATELLITE DISH AND ANTENNAE" means a set of devices that are composed of:

- 1) antennae or dish antenna, designed for receiving communication or other signals from orbiting satellites, and/or
- 2) an amplifier, designed for receiving, magnifying, and transferring signals, and/or
- 3) a coaxial cable designed for carrying signals into a building.

"SAWMILL" means a mill that is used for sawing logs into useable lumber products.

"SCHOOL" means a learning institution used, together with supportive facilities, for instruction and learning.

"SCREENING" means a fence, berm, hedge, wall, architectural devices, or other suitable means used to visually separate areas or functions that detract from the street or neighbouring land uses.

"SECURITY SUITE" means a dwelling unit used as a residence, ancillary to the principal use of an industrial, commercial, or recreational property, and occupied by the individual responsible for the maintenance and security of the said property.

"SENIOR CITIZEN'S HOME" means an institution primarily for elderly persons where housing accommodation is provided and medical or supervisory care may be provided.

"SERVICE STATION" means a building, lot or part thereof used for retail sales of vehicular fuels, tires, batteries and similar accessories, and includes minor servicing of vehicles, and "quick lube" facilities.

"SEWAGE LAGOON" means the use of land for the purpose of collecting sewage.

"SEWAGE TREATMENT PLANT" means a facility used for the collection, treatment and disposal of sewage.

"SIGN" means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colours, illustration of projected images, but excludes window display signs and election signs.

"STORAGE YARD" means an open area, used as an ancillary component to a commercial or industrial operation, for storing goods, products or equipment, vehicle or machinery.

"SUBDIVISION AND DEVELOPMENT APPEAL BOARD" means a subdivision and development appeal board appointed pursuant to the Municipal Government Act.

"TOPSOIL" means the top layer of soil or the surface soil, which is usually organic.

"TOURIST INFORMATION FACILITY" means a facility whose primary function is to provide information on roads, directions, attractions, accommodations, or other tourist-related materials.

"TRADESMEN'S BUSINESS" means a business operation carried out by trade-person(s), such as plumbing, electrical wiring, carpentry, mechanical and autobody, or similar trades.

"TRUCK WASH ESTABLISHMENT" means a business operation where tractor-trailers, large passenger busses, recreational vehicles and other similar sized vehicles may be washed.

"UNSIGHTLY CONDITION" means:

- 1) a structure whose exterior shows signs of significant physical deterioration,
- 2) land that, in the opinion of the Development Authority, shows signs of serious disregard for general maintenance or upkeep, and
- 3) any other definition pursuant to the Unsightly Premises Bylaw.

"VETERINARY CLINIC" means a business establishment where medical care and treatment of animals are provided by licensed veterinarian(s) and other supportive staff, and may include a kennel and/or compound.

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

"WASTE TRANSFER STATION" means a place where specified waste is temporarily stored and later transported to other location(s) for disposal in a landfill site.

"WATER RESERVOIR OR DUGOUT" means a structure or area where water is collected, stored, and distributed for consumption.

"WATER BODY" means a natural or man-made feature such as a river, lake, marsh, or pond that contains water throughout the year.

"WATER TREATMENT FACILITY" means a facility for the collection and treatment of water.

"WELDING SHOP" means a building or part thereof that is primarily used for commercial welding activity.

"WOODLOT MANAGEMENT" means the activities related to the management of wooded areas that are purposely designated and restricted for rowing and harvesting trees for commercial use.

"YARD" means the part of a parcel of land not covered by the main building.

"YARD, FRONT" means the part of a lot located between the side property lines of the lot in width and from the front property line of the lot to the nearest point of a wall of any building on the lot depth.

"YARD, REAR" means the part of a lot located between the side property lines of the lot in width and from the rear property line to the nearest point of a wall of the principal building on the lot depth.

"YARD BUILDING SETBACK, FRONT" means the horizontal distance measured perpendicularly from the front lot line to the nearest point of a wall of any building on the same lot.

"YARD BUILDING SETBACK, REAR" means the horizontal distance measured perpendicularly from the rear lot line to the nearest point of a wall of the main building on same lot.

"YARD BUILDING SETBACK, SIDE" means the horizontal distance measured perpendicularly from the side lot line to the nearest point of a wall of the main building on same lot.

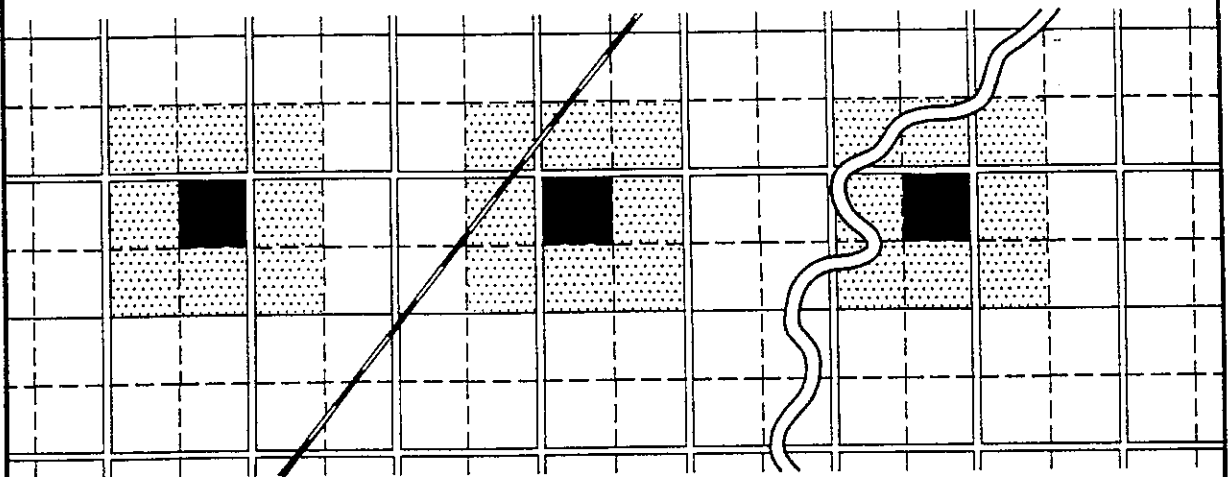
"YARD, EXTERIOR SIDE" is the yard of a lot, that immediately abuts a public roadway, and is neither a front yard nor a rear yard.


"YARD, INTERIOR SIDE" means the yard, that is neither a front, rear, nor exterior side yard.

Explanation Notes

Adjacent Land

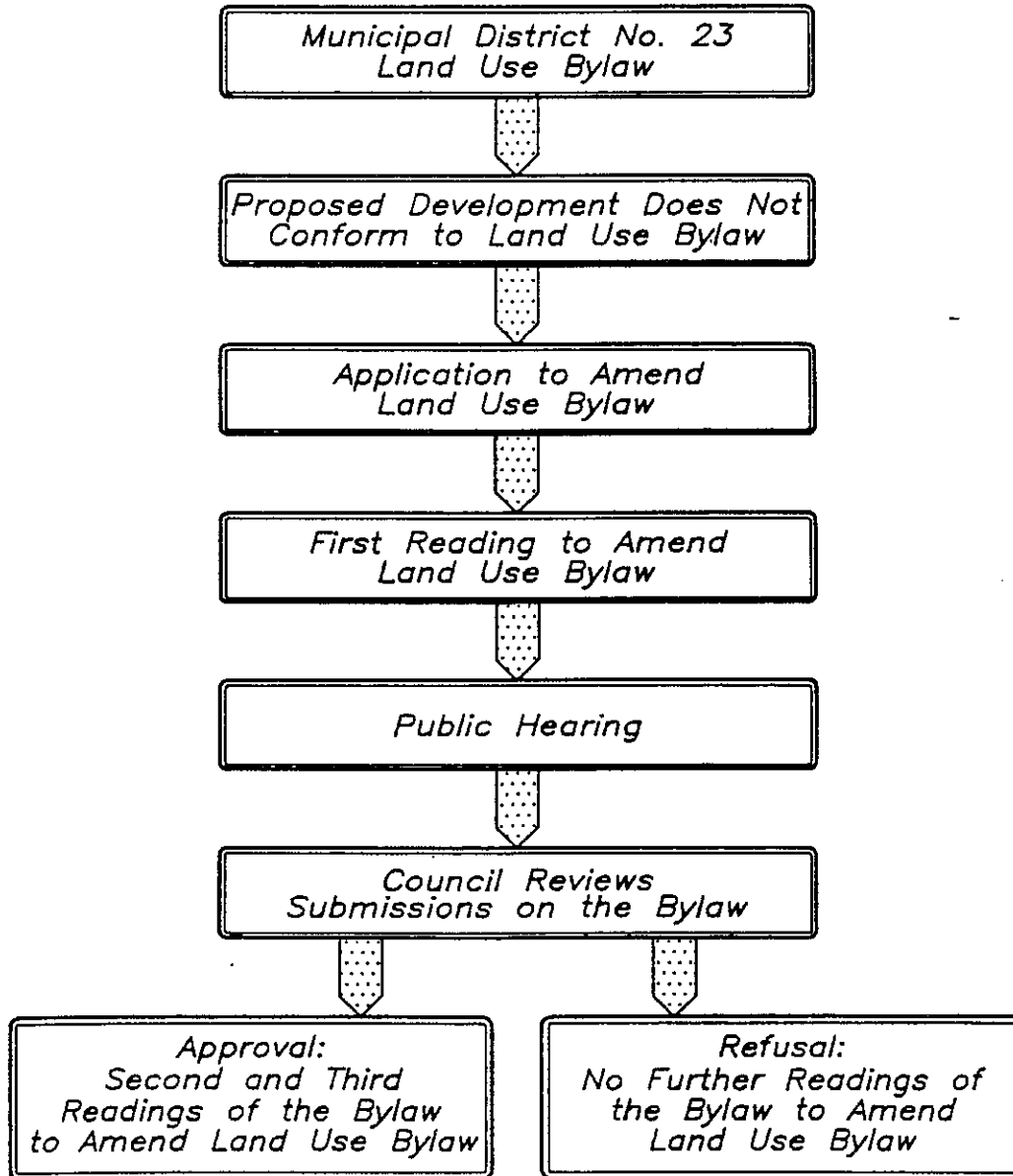
"ADJACENT LAND" means land or a portion of land that shares a common boundary with a parcel of land that is subject to a development application and/or subdivision application and includes land that would be adjacent if not for public roadway, railway, river or stream.



 *Adjacent Land*

Explanation Notes

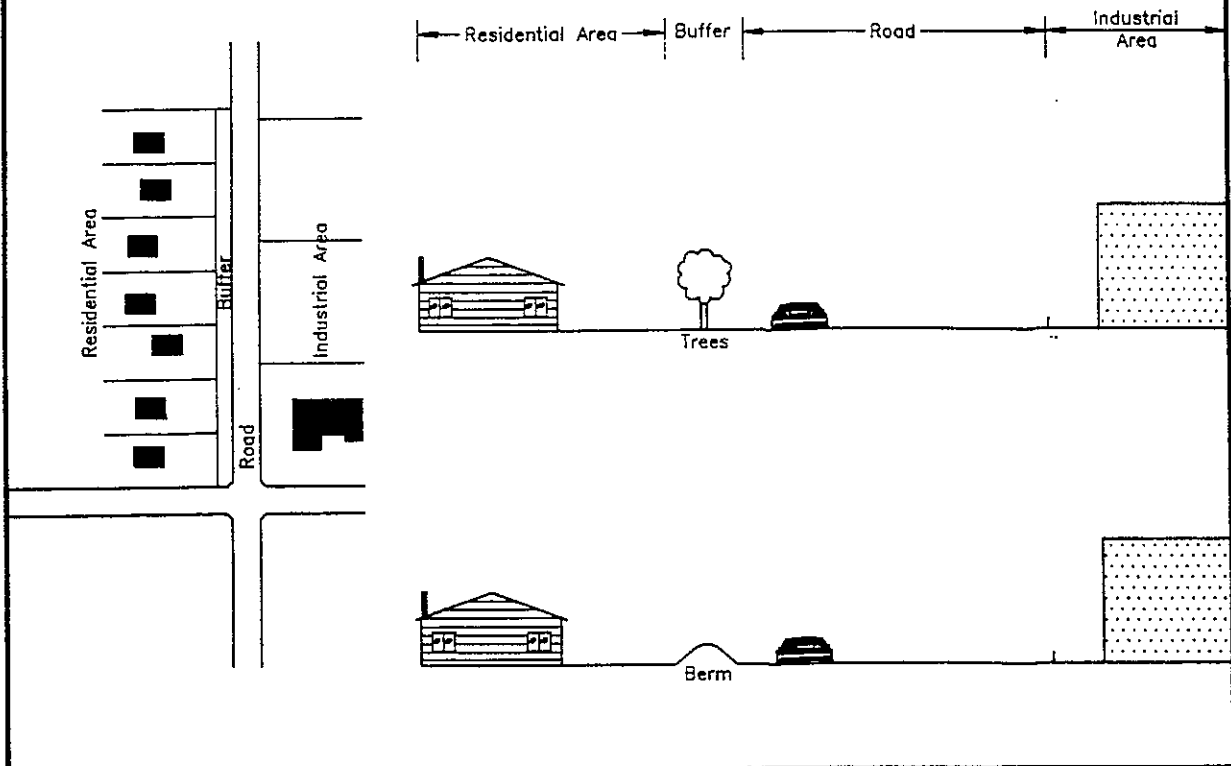
Amendment to the Land Use Bylaw



Explanation Notes

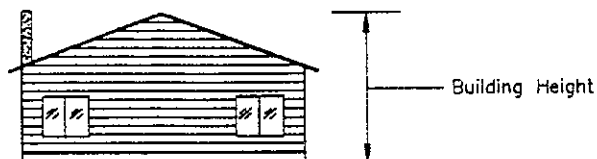
Buffer

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



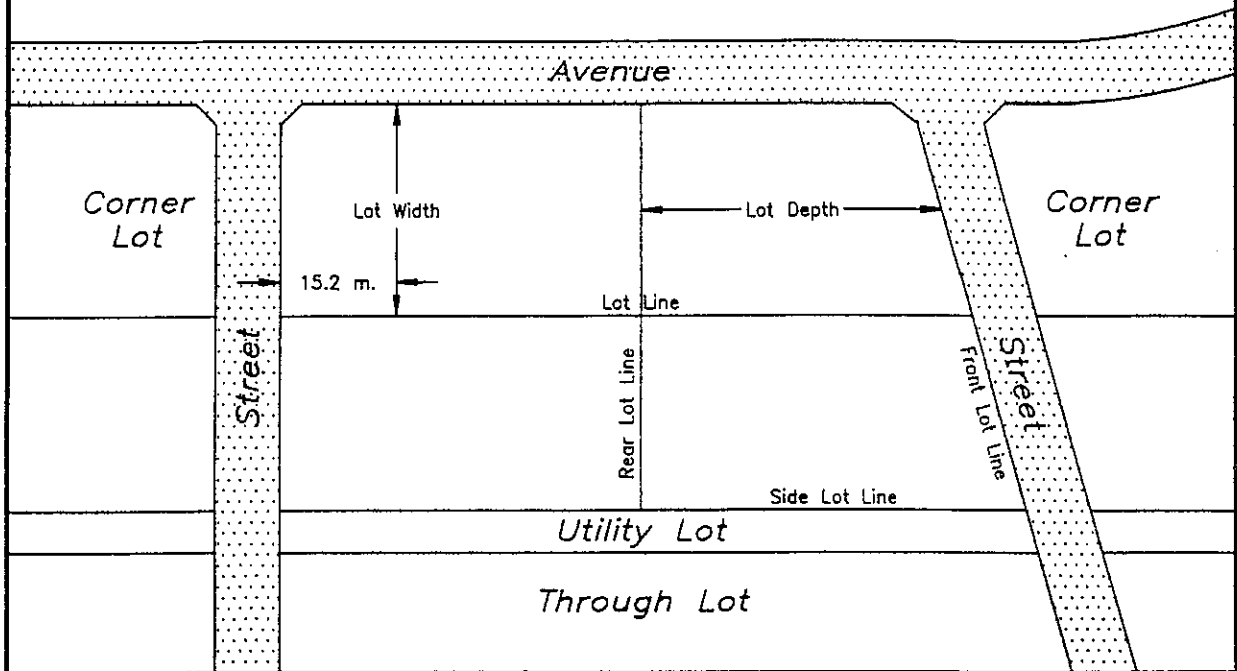
Building Height

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



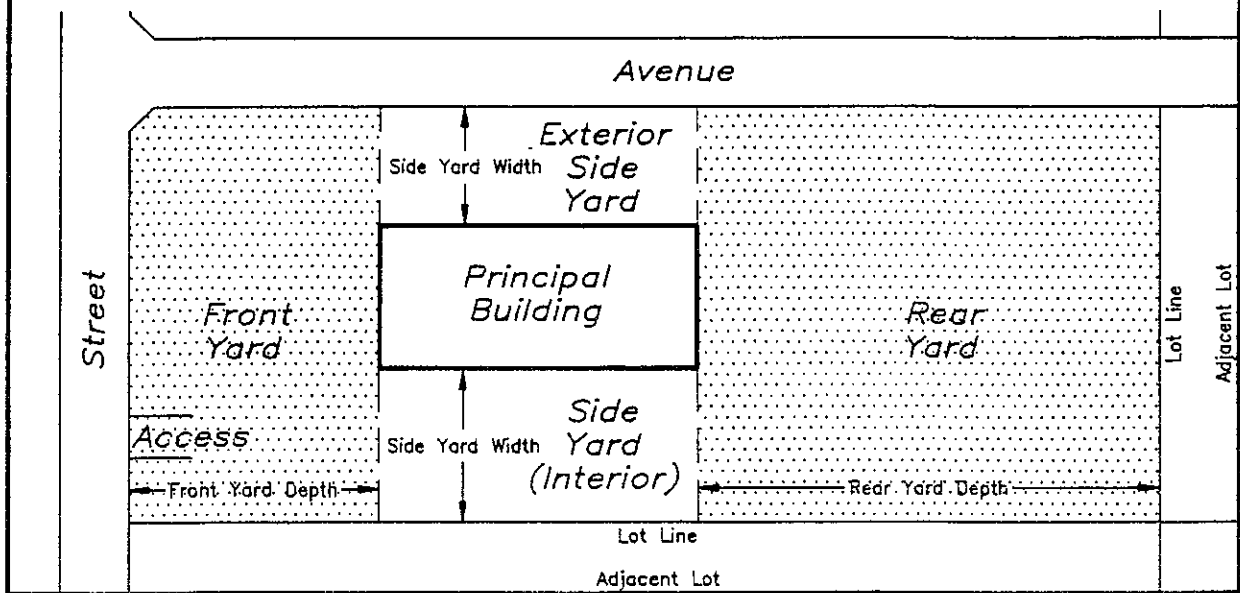
Explanation Notes

Lot Definitions



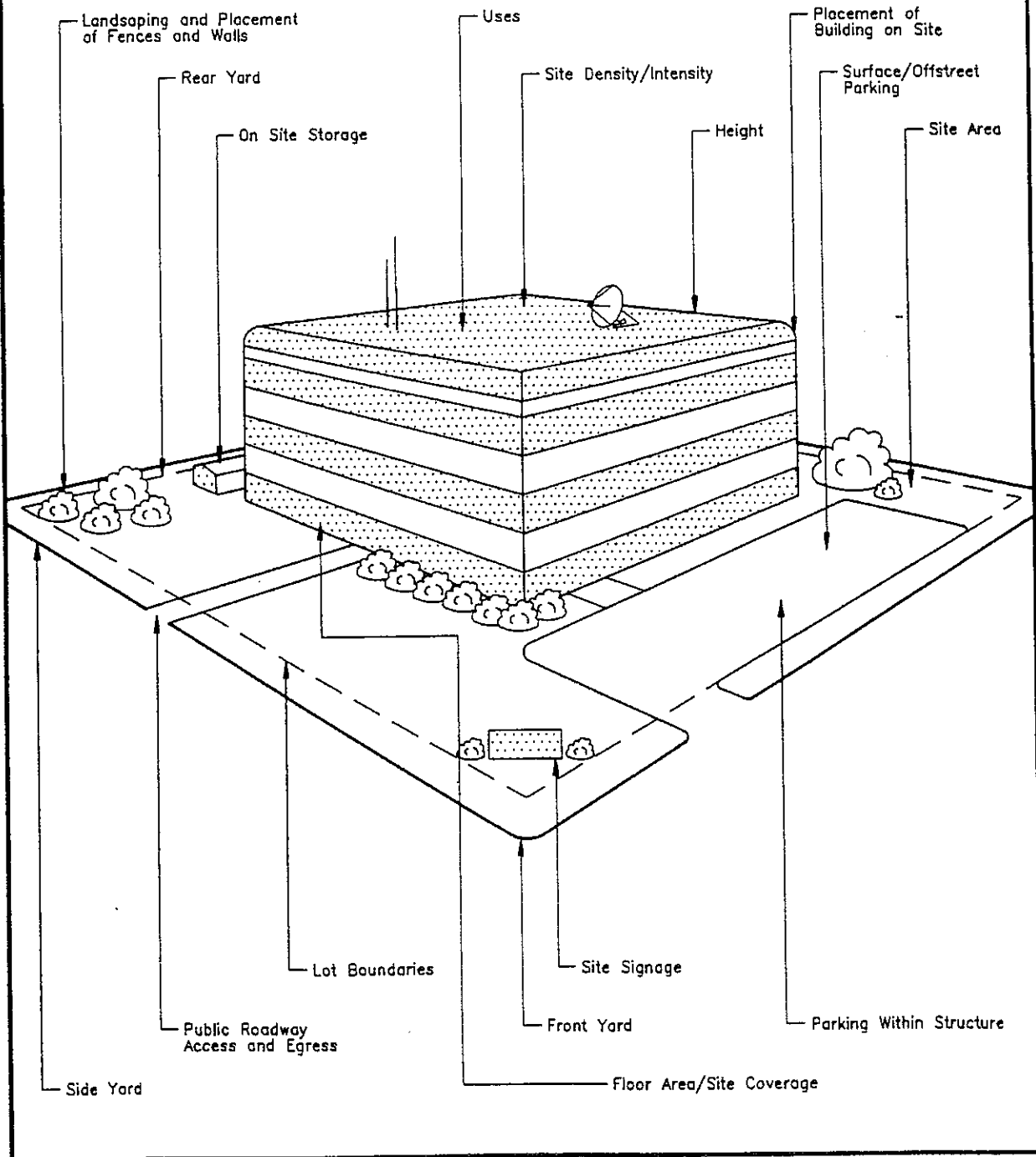
Explanation Notes

Yard Definitions



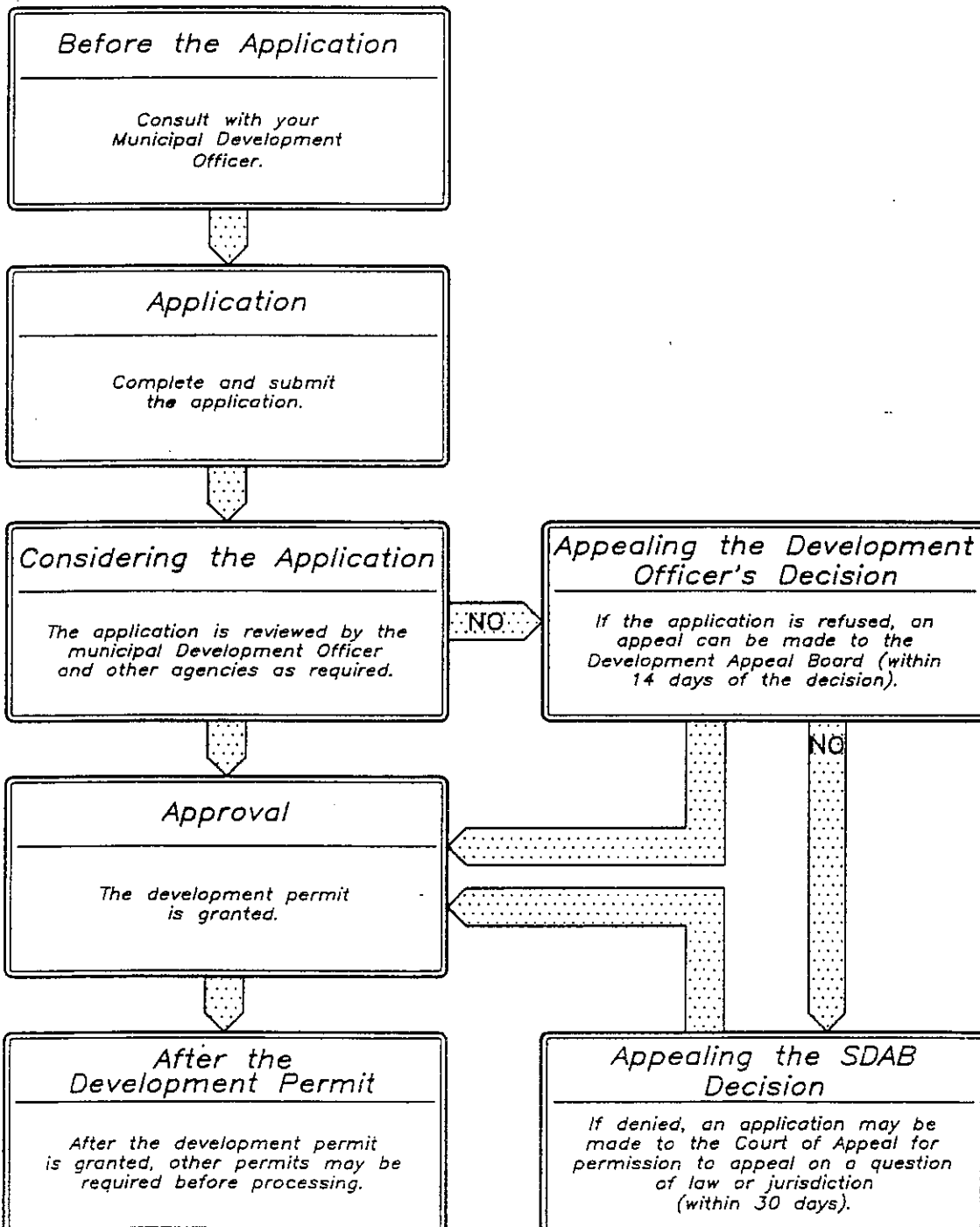
Explanation Notes

Development Standards - Features Traditionally Regulated Through Zoning



Explanation Notes

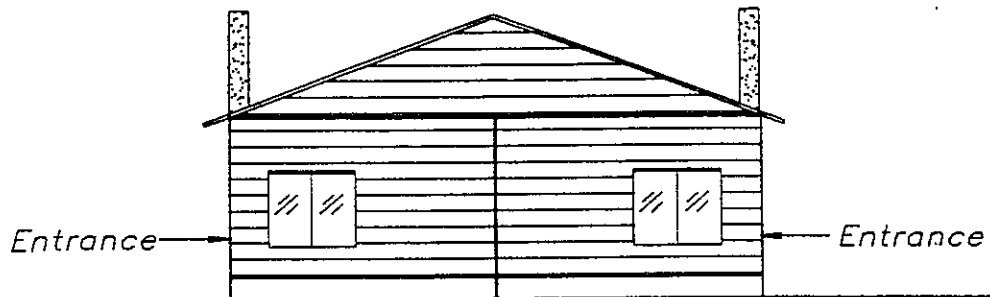
Development Process



Explanation Notes

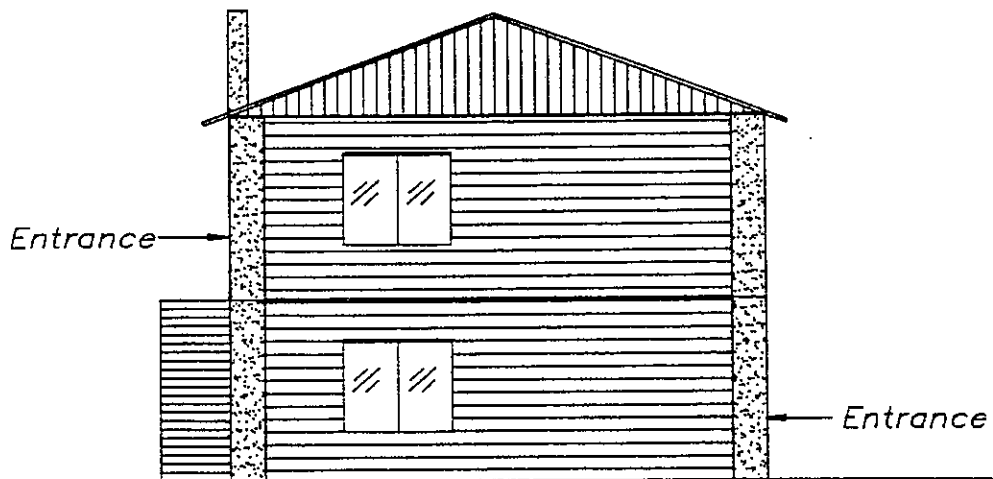
Semi-Detached

"SEMI-DETACHED DWELLING" means two attached units, side by side, under one roof.



Duplex

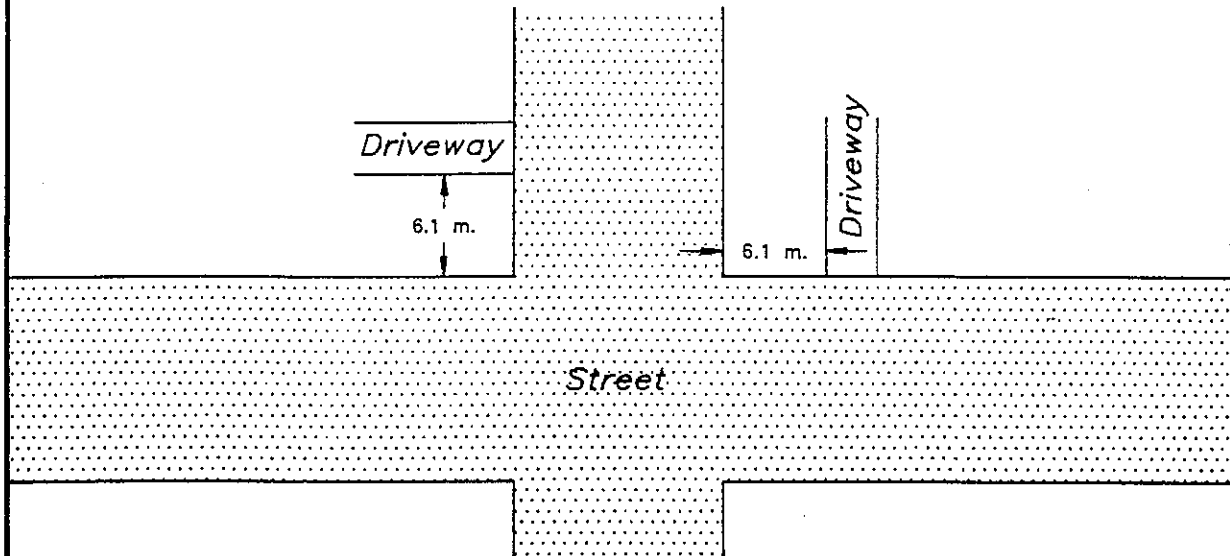
"DUPLEX" means a residential building used or intended to be used for two dwelling units, located one above the other, each of which has an independent entrance.



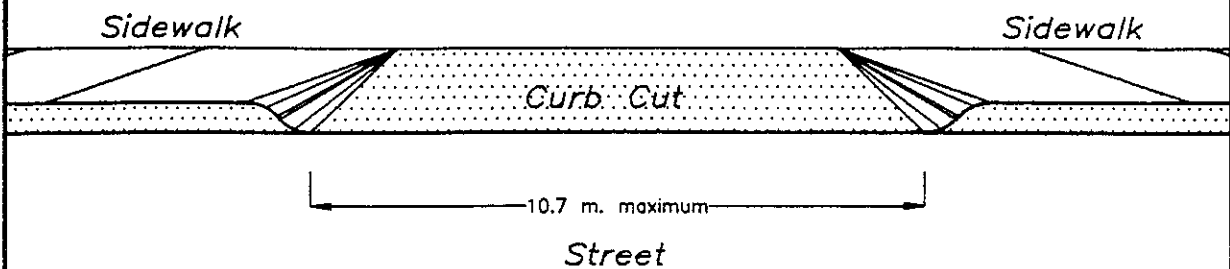
Explanation Notes

Entrances and Exits

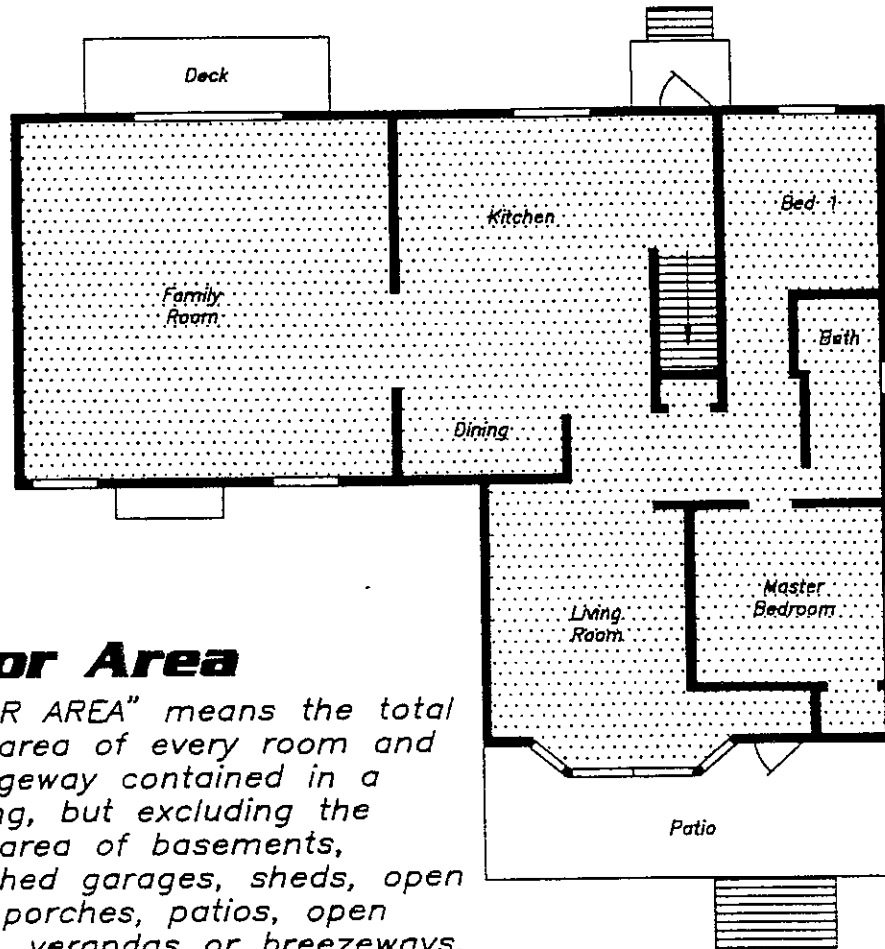
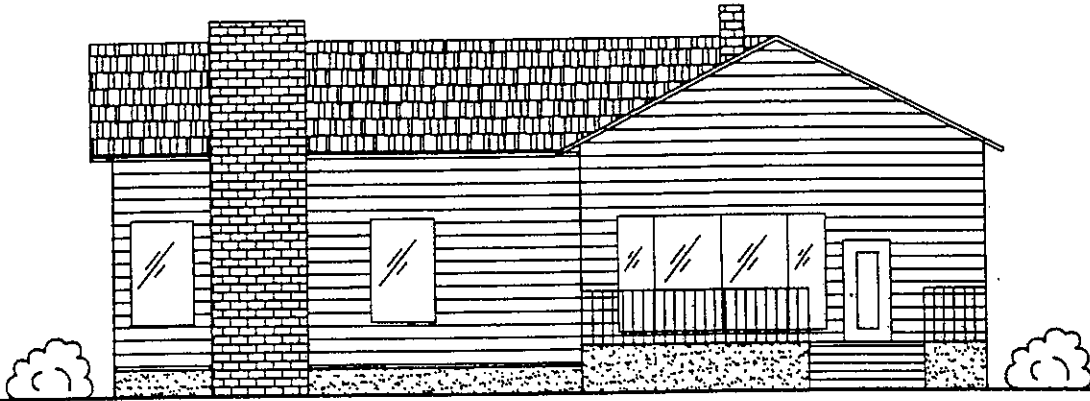
Curb cuts should be set back a minimum distance of 6.1 m. (20 feet) from the intersection of site boundaries on corner lots.



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



Explanation Notes

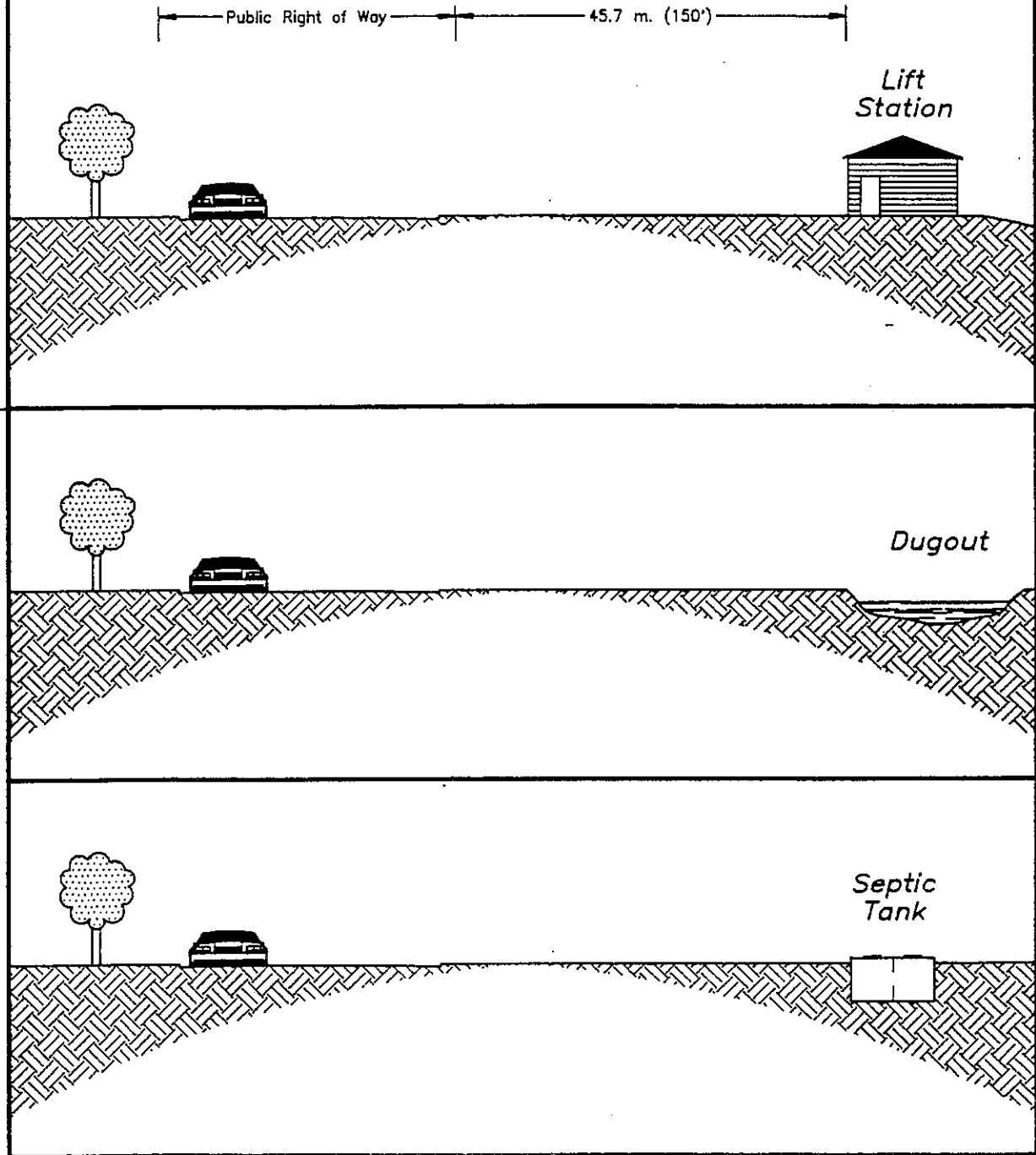


Floor Area

"FLOOR AREA" means the total floor area of every room and passageway contained in a building, but excluding the floor area of basements, attached garages, sheds, open porches, patios, open decks, verandas or breezeways.

Explanation Notes

Objects Prohibited or Restricted In Yards

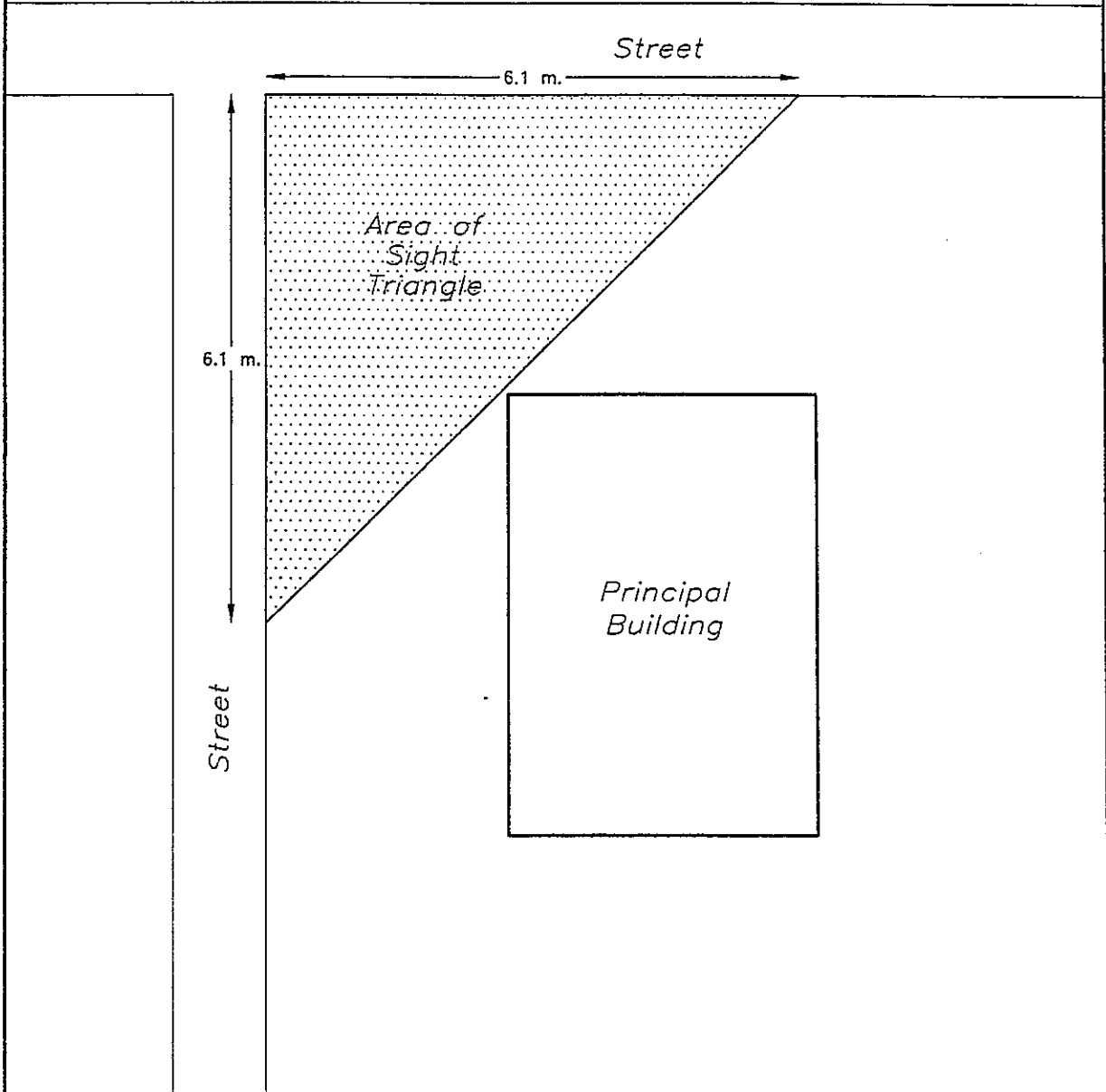


Explanation Notes

BYLAW 181/99
Schedule A Urban

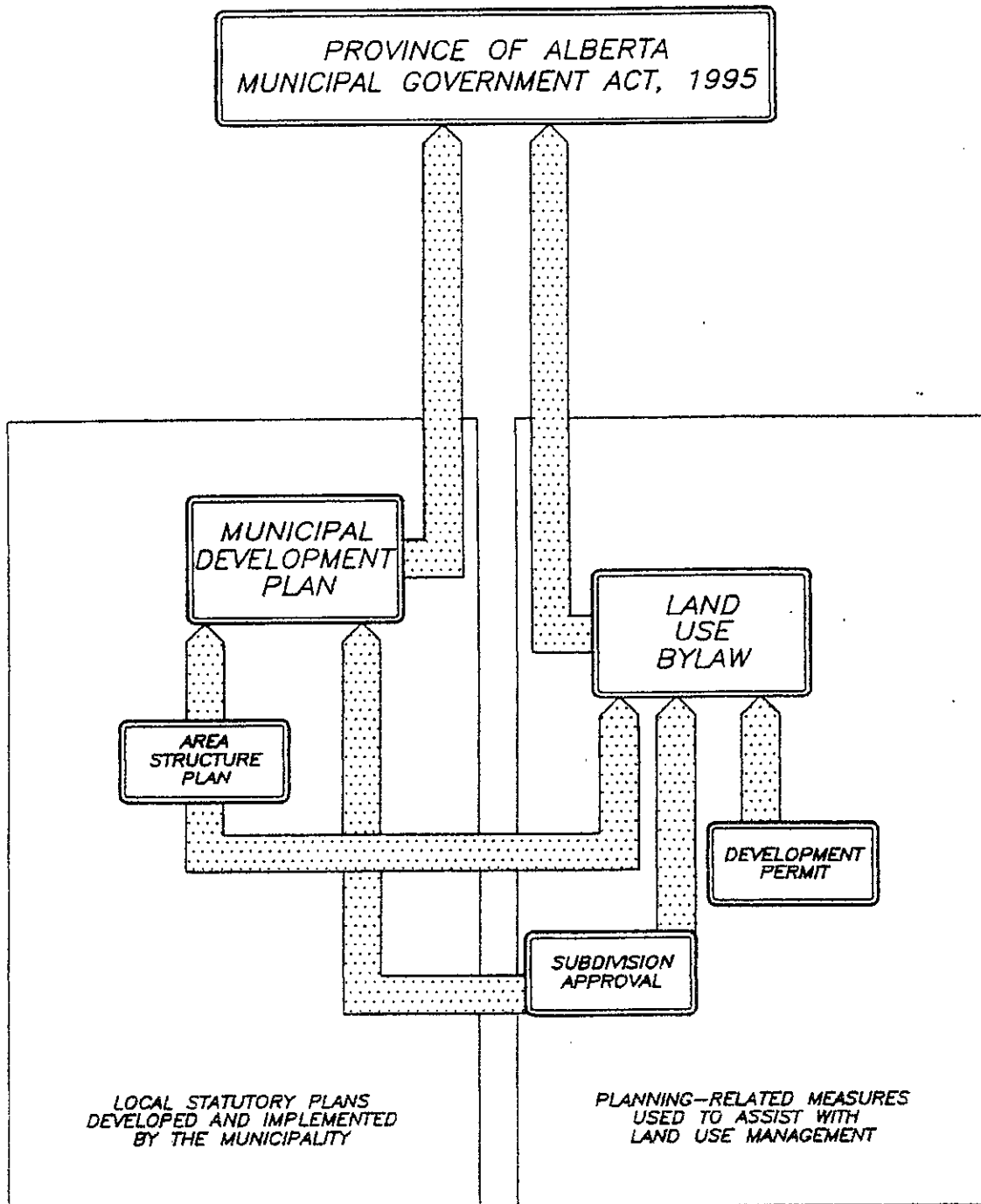
Sight Triangle

A "HAMLET SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of a corner lot 6.1 metres (20 feet) from the point where they intersect.



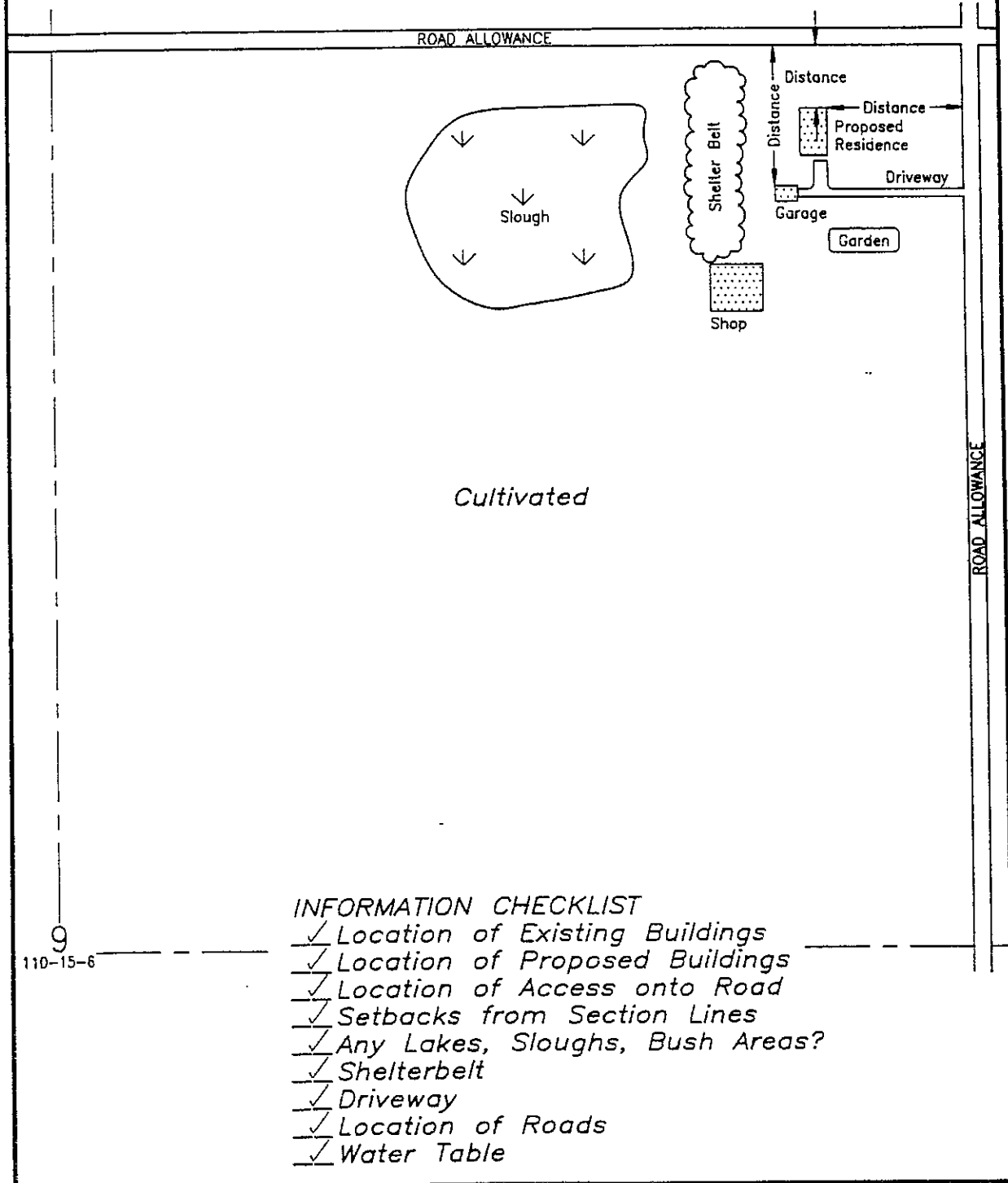
Explanation Notes

Relationship Between Plans and Planning-Related Measures



Explanation Notes

A Typical Site Plan for Rural Development Permit Applications

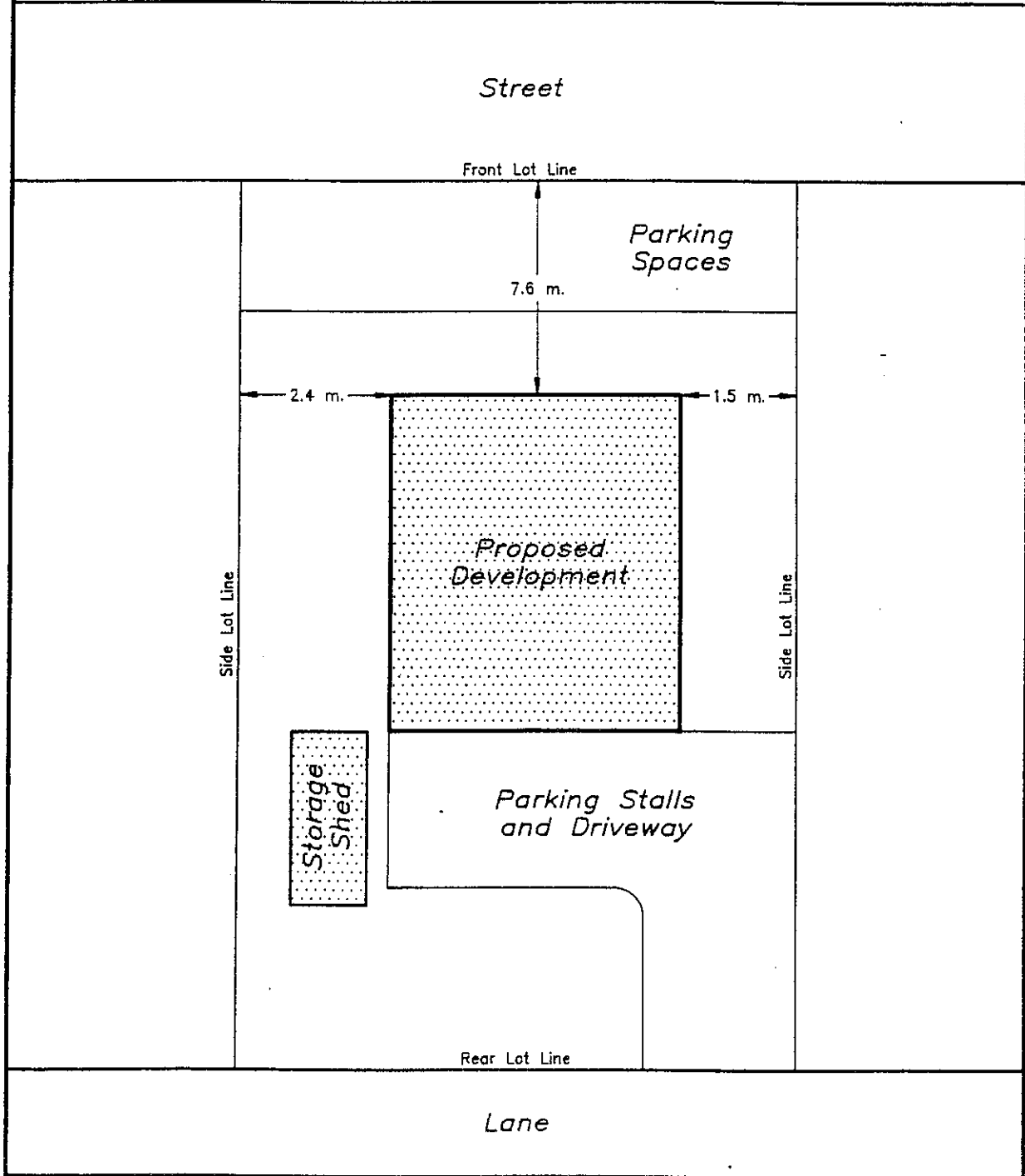


INFORMATION CHECKLIST

- Location of Existing Buildings
- Location of Proposed Buildings
- Location of Access onto Road
- Setbacks from Section Lines
- Any Lakes, Sloughs, Bush Areas?
- Shelterbelt
- Driveway
- Location of Roads
- Water Table

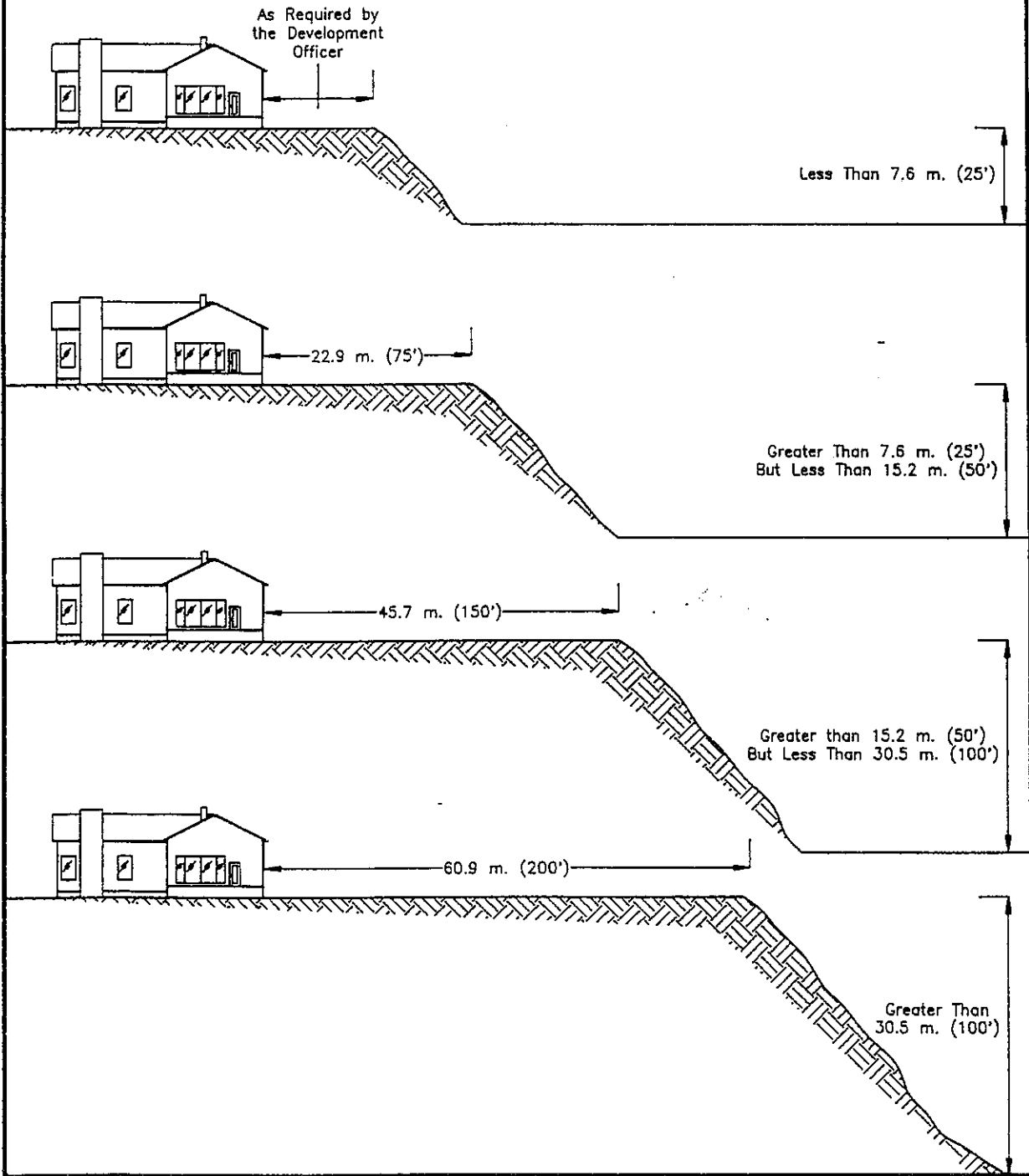
Explanation Notes

A Typical Site Plan for Urban Development Permit Applications



Explanation Notes

Development Near Waterbodies and Watercourses



2.0 DEVELOPMENT AUTHORITIES

2.1 DEVELOPMENT OFFICER

2.1.1 Pursuant to the Municipal Government Act, the Office of the Development Officer(s) is hereby established by this Bylaw as the Development Authority.

2.1.2 The person or persons to fill the office of Development Officer shall be appointed by resolution of Council.

2.1.3 The Development Officer(s) is (are) hereby designated to be the authorized person(s) of the Municipal District to exercise development powers on behalf of the Municipal District.

2.1.4 The Development Officer(s) shall perform the duties as specified in Section 3.4 of this Bylaw.

2.1.5 The Development Officer shall:

- a) Receive and process all applications for development permits;
- b) Keep and maintain for inspection by the public during office hours, a copy of this Bylaw, as amended and ensure that copies are available to the public at a reasonable charge;
- c) Keep a register of all development permit applications, decisions thereon and the reasons therefore;
- d) Make decisions on all development permit applications for Permitted uses;
- e) Issue decisions on all development permit applications and state terms and conditions, as authorized by this Bylaw or the Act; and

2.1.6 The Development Officer may:

- a) Refer any development permit application to the Director of Planning, who may refer it to the Subdivision and Development Appeal Board;
- b) Refer any other planning or development matter to the Director of Planning, who may refer it to the Subdivision and Development Appeal Board.

2.2 SUBDIVISION AUTHORITY

2.2.1 Pursuant to Sections 623 and 625 of the Act, the Municipal District of Mackenzie No. 23 has delegated its subdivision authority to the Planning Director and has asked the Planning Director to act as the advisor to the Municipal District on land use planning matters such as bylaw interpretations, reviews, comments on applications for development permits, as well as on amendments to the Municipal Development Plan and other statutory plans.

2.3 SUBDIVISIONS AND DEVELOPMENT APPEAL BOARD

2.3.1 The Subdivision and Development Appeal Board shall be established by separate bylaw.

2.3.2 The Board shall carry out the duties and responsibilities pursuant to the Act, and in accordance with the Bylaw that creates it.

3.0 DEVELOPMENT PERMIT PROCEDURES, RULES AND REGULATIONS

3.1 GENERAL APPLICATION PROCEDURES

- 3.1.1 For subdivision approval or a development permit applicants shall submit, to the Development Officer, an application of which the format, accompanying documentations and procedure are determined, and may be amended from time to time, by the Development Authority.
- 3.1.2 After having received the application, the Development Officer shall give a proper notice on the proposed development pursuant to, and in the manner as described in Section 606 of the Act.
- 3.1.3 The Development Officer may approve, with or without conditions, or refuse the application, or refer it to other agencies having jurisdiction for comments or decision.
- 3.1.4 After a decision on the proposed development has been made, the applicant and any person deemed to be affected by the decision might appeal the decision to the Subdivision and Development Appeal Board.

3.2 CONTROL OF DEVELOPMENT

- 3.2.1 Except as provided in Sub-Section 4.3, no person shall commence a development in the Municipal District unless a development permit has first been issued pursuant to this Bylaw and the development is in accordance with the terms and conditions of the development permit.
- 3.2.2 In addition to meeting the requirements of this Bylaw, it is the responsibility of an applicant to obtain all other approvals or licences that may be required by the Municipal District, Provincial, or Federal departments or agencies.
- 3.2.3 No development, except for site preparation, shall be permitted on any property until the Municipal District has approved an access to the property from a public road.
- 3.2.4 Development in contravention to any provision of this bylaw shall be subject to penalty clauses and other regulations as specified in this Bylaw.

3.3 WHEN A DEVELOPMENT PERMIT IS NOT REQUIRED

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

- 3.3.1 The carrying out of works of maintenance or repair to any building including but not limited to the following: internal alterations, external maintenance including roof repair, siding, windows and doors, mechanical and electrical work, and minor renovations (excluding deck construction); provided the use of the building and the number of dwelling units within the building or on the site does not

increase and that such works do not include structural alterations or major works of renovation.

- 3.3.2 Completing a building, and continuing the use thereof, that has lawfully been under construction at the time of the passing of this Bylaw, and that will be completed, in accordance with the terms of issuing the development permit for that purpose, within twelve months from the date of the passing this Bylaw.
- 3.3.3 Constructing or maintaining enclosures, such as gates, fences, walls, or other similar enclosures, provided that there is a maximum height of 0.9 meters (3 feet) in the front yard and 1.8 meters (6 feet) in the side and rear yards, with the exception of corner lots that must follow the rules laid out in sub-section 5.5.
- 3.3.4 Constructing a temporary building, incidental to the principal building, for which a development permit has been issued.
- 3.3.5 Any works carried out by, or on behalf of, the federal, provincial, and/or municipal government authorities on publicly owned land.
- 3.3.6 Satellite Dishes and Antennas that are located in rural areas, or are less than 1.0 metres in diameter and located in hamlet residential areas.
- 3.3.7 Construction, renovation, or relocation of farm buildings as defined in this Bylaw, excluding farm dwellings.
- 3.3.8 Construction of a water reservoir located at a minimum distance of 40.84 metres (134 feet) from a road right-of-way and 15.24 metres (50 feet) from a property line, with the exception of subdivisions.
- 3.3.9 Stripping of topsoil for agricultural purposes, but not including the removal or stockpile of topsoil for non-agricultural purposes.
- 3.3.10 Constructing or using a temporary building for fire prevention or suppression.
- 3.3.11 Erecting portable sheds having a floor space not more than 19 square metres (204.5 square feet).
- 3.3.12 Constructing or installing street furniture, tennis courts, playgrounds, public landscaping features, or municipal recreation equipment.
- 3.3.13 Relocating a portable industrial accommodation, provided that such relocated accommodation is not used for more than 28 days, and is removed from the site within two weeks thereafter.
- 3.3.14 In residential districts, construction of a patio, a fire pit, or an unenclosed deck located not more than 0.6 meters (2 feet) above finished grade.
- 3.3.15 Use of part of a residential building as a Home Based business for catalogue sales or for the presentation and promotion of product sales at "home parties" other than the vendor's residence.

3.3.16 Trappers cabins for use of a licensed trap line.

3.3.17 Licensed commercial fishing cabins are located in the Forest District only.

3.4 APPLICATION FOR A DEVELOPMENT PERMIT

All developments that are not listed in Section 4.2 above shall be subject to approval by the Development Authority of this Municipality. Applications for approval shall follow the format, requirements and procedures that are set forth in the Municipal Government Act and may be determined and revised by the Municipality. For reference, the application format, required materials, and submittal procedures are specified in Section Four of this Land Use Bylaw.

3.4.1 Application for a Development Permit shall be made to the Development Officer and shall include:

- (a) a legal description of the subject property;
- (b) municipal address, if applicable;
- (c) a site plan of the proposed development drawn accurately and providing sufficient information to determine conformity with this Bylaw. Such site plans shall indicate building locations, access, parking areas and stalls, on-site circulation, off street loading, landscaping, screening, grading, or similar details of the development proposal. Architectural renderings and elevations may also be required where appropriate. The Development Officer, may at his/her discretion, require a *Real Property Report* completed by a professional surveyor;
- (d) Certificate of Title or proof of ownership of the subject property or the authorization of the landowner, at the discretion of the Development Officer;
- (e) a description of the proposed use(s);
- (f) the anticipated commencement and completion dates;
- (g) the estimated cost of the project;
- (h) an accurate sketch plan or a plot plan prepared by a professional surveyor at the discretion of the Development Officer;
- (i) a floor plan, building elevations, and cross sections of the proposed development; and
- (j) additional information that may be deemed necessary by the Development Officer for the evaluation of an application.

3.4.2 Prior to accepting a development permit application, the Development Officer may also require:

- (a) a site plan showing the existing treed and landscaped areas, and those trees or vegetation that are to be preserved and removed, and
- (b) may also require studies of projected traffic volumes, utilities, landscaping, urban design, parking, social and economic effects, an environmental impact assessment, an environmental audit, slope, soil, flood plain, sun and wind impact studies or any other information as required by the Development Authority. The associated costs of such studies are to be borne by the applicant.

3.4.3 When, in the opinion of the Development Officer, a proposed development will be used to service a large number of people, the Development Officer may require:

- a) a statement of the maximum number of persons anticipated to be on the site during peak-use periods;
- b) a site plan of the proposed development at a scale not less than 1:1000, including a contour interval of not more than 5 metres (16.4 feet), and a document showing/describing:
 - i. vehicular access, on-site circulation, parking and loading facilities, camping areas, and emergency routes;
 - ii. provisions of utilities, including water and sewage facilities;
 - iii. the location and distance to property lines of all existing and proposed buildings;
 - iv. the provisions for landscaping, screening, and buffering; and
 - v. any other information as required by the Development Officer, including but not limited to the following:
 - 1. a plan showing the proposed provisions of sewage, water, and other utilities during the peak-use periods described in (a) above;
 - 2. a plan showing the proposed provisions of on-street and off-street parking and loading facilities during the peak-use periods described in (a) above;
 - 3. a statement of the potential impacts of the proposed development on adjacent lands, and the proposed measures designed to minimize such adverse impacts; and
 - 4. a statement of measures, facilities and equipment available for fire prevention and fire fighting.

3.4.4 A fee established by Council shall accompany each application for a Development Permit.

3.4.5 The Development Officer shall receive, consider, and decide on applications for a Development Permit where the proposed land use is listed under the Permitted and Discretionary Uses in this Bylaw.

- 3.4.6 Development shall only be permitted to take place in Land Use Districts where such proposed development is listed as a Permitted and/or Discretionary use and where other provisions of this Bylaw applicable to that District are met.

3.5 DEVELOPMENT PERMIT CONDITIONS

- 3.5.1 As a condition for issuing a Development Permit, the Development Officer may require that the applicant enter into an agreement in order to:

- a) construct, or pay for the construction of, a road access to a proposed subdivision;
- b) construct, or pay for the construction of, required parking facilities;
- c) install, or pay for the installation of, public utilities and other municipal services mutually agreed upon;
- d) pay for an off-site levy or redevelopment levy in accordance with this Bylaw;
- e) construct, or pay for the construction of, walkways or sidewalks that serve the proposed development;
- f) repair, reinstate, or pay for the repair or reinstatement to original condition of, any street furniture, curbing, sidewalk, boulevard, tree or other landscaping features, that may be damaged or otherwise affected by the development; and/or
- g) ensure that the terms of the agreement between the Municipality and the owner are carried out through the provision of appropriate security such as posting a bond or letter of credit.

- 3.5.2 Subject to this Bylaw, any statutory plan and the MGA, the Development Authority may attach whatever conditions he/she considers appropriate to a development permit for either a discretionary use or permitted use, including but no limited to the following:

- a) landscaping requirements;
- b) noise attenuation;
- c) special parking provisions;
- d) location, appearance, and character of a building;
- e) grading of a site to protect adjacent properties; and
- f) ensuring the proposed development is compatible with the surrounding land uses.

3.6 VARIANCE AUTHORITY

- 3.6.1 A variance may only be granted if, in the opinion of the Development Authority the subject site:

- (a) Has irregular lot lines or shape which created difficulties in siting a structure within the required setbacks, in which case the Development Authority may permit the development and vary the setback or average the setbacks, such that the proposed variance would not result in a development that will:

- i. Restrict the safe passage for pedestrians and vehicles on adjoining sidewalks and roadways;
- ii. Unduly interfere with the amenities of the neighbourhood;
- iii. Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;

(b) Conforms to the use, land, or building requirements prescribed in this bylaw;

(c) Does not unduly interfere with the amenities of the neighbourhood; or

(d) Does not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and the proposed development conforms with the use prescribed for that in this Bylaw.

3.6.2 In a rural area, the Development Authority may approve a variance that is no more than 50% different from the requirements of setback, development area, or floor area as stipulated in this Bylaw.

3.6.3 In a hamlet, the Development Authority may approve a variance that is no more than 50% different from the requirements of setback, development area, or floor area as stipulated in this Bylaw.

3.6.4 The Subdivision and Development Appeal Board may grant a variance in accordance with section 687(3) of the Municipal Government Act.

3.7 THE DEVELOPMENT PERMIT PROCESS

3.7.1 THE DECISION

3.7.1.1 A decision of the Development Authority on a Development permit application shall be in writing and sent to the applicant.

3.7.1.2 Where an appeal is lodged against a development, the Development Permit that has been granted shall not come into effect until the Appeal Board hands down a decision.

3.7.2 DEVELOPMENT OFFICER RIGHTS

3.7.2.1 The Development Officer may waive or reduce the development permit application fee if:

- a) the Municipal District is the applicant;
- b) the applicant is a non-profit organization and the proposed development is intended to promote the general welfare of the residents of the Municipal District, or

3.7.2.2 Notwithstanding anything contained herein to the contrary, the granting of a Development Permit shall:

- a) be without prejudice to the Development Authority's rights to refuse any other permit or approval that may be required of it in respect of the Development by this or any other Bylaw, or
- b) be subject to the right of the Development Authority to suspend or revoke the Development Permit in accordance with the provisions of this Bylaw and the Municipal Government Act.

3.7.3 APPROVAL OF A DEVELOPMENT PERMIT

3.7.3.1 When a Development Permit has been approved, the Development Officer shall:

- a) immediately publish a notice in a newspaper circulating in the municipality, stating the location of the property for which the application has been made and the use approved;
- b) send a notice in writing immediately to all adjacent landowners when it is deemed that amenities, use, or enjoyment of adjacent lands may be affected; or
- c) post a notice on the subject property.

3.7.3.2 Notwithstanding any other provision of this Bylaw, the granting of a Development Permit shall:

- a) indicate that the development to which the Development Permit relates is authorized in accordance with the provisions of this Bylaw, and shall not relieve or excuse any person from complying with this or any other Bylaws or Regulations that affect the proposed development; and
- b) not deprive the Development Officer's right of refusing the issuance of a permit or approval, that may be required by this or other Bylaws, regarding other development on the same property.

3.7.4 REFUSAL OF A DEVELOPMENT PERMIT

3.7.4.1 If a Development Permit application is refused; the reason for the refusal shall be stated in the decision.

3.7.4.2 In the case where an application for a Development Permit has been refused pursuant to this Bylaw, by the Subdivision and Development Appeal Board or the Alberta Court of Appeal, the submission of another application for a Development Permit on the same property and for the same or similar use of the land by the same or any other applicant may not be accepted by the Development Officer for at least six months after the date of the previous refusal.

3.7.4.3 An application for a development permit may be deemed to have been refused if no decision is made by the Development Officer within 40 days,

from the date of receipt of the completed application, unless the applicant has agreed to extend the 40-day period.

3.7.4.4 In the event that the Development Officer considers an application as incomplete or containing insufficient information, the Development Officer may return the application to the applicant for further submission. Therefore, the subject application will not be processed, until the Development Officer has received all the required information.

3.7.4.5 When the Development Officer refuses an application for a Development Permit, or refuses to grant an extension to the approval of a development permit, the reasons for such refusal shall be contained in the decision and given to the applicant.

3.7.5 THE APPEAL PROCESS

3.7.5.1 A development appeal to a Subdivision and Development Appeal Board is to be commenced by filing a notice of the appeal, containing reasons, with the board within 14 days.

3.7.5.2 The Subdivision and Development Appeal Board must hold a public hearing within 30 days after receipt of a notice of appeal.

3.7.6 VALIDITY OF DEVELOPMENT PERMIT

3.7.6.1 A Development Permit does not come into effect until 14 days after a notice of its issuance appears in a local newspaper.

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

3.7.6.2 A Development Permit is valid for 12 months from the date of its issuance, after which it becomes expired and void.

3.7.6.3 Notwithstanding the above, for certain discretionary uses such as temporary signage, industrial camps, or other land uses which are intended to be temporary in nature, the Development Officer may issue a temporary development permit for a valid duration of not more than 12 months from the date of issuance, and with the dates of issue and expiry clearly shown on the permit.

3.7.6.4 If the development, authorized by the Development Officer, is not commenced prior to its expiry date, the Development Officer may grant an extension to the approval of the Development Permit.

3.8 FEES

Council shall determine the application fee for a Development Permit from time to time.

3.9 DEVELOPMENT PERMITS-PAYMENT OF TAXES

3.9.1 An applicant is responsible for and is not excused from ascertaining and complying with the requirements of any federal, provincial, or other municipal legislation.

3.9.2 All development shall comply with federal, provincial or other municipal legislations and with the conditions of any easement or development agreements affecting the land or building.

3.10 PENALTIES

In accordance with the *Municipal Government Act*, any person who contravenes or fails to comply with any provision of this bylaw is guilty of an offence and is liable upon conviction to a fine not exceeding \$10,000 or to imprisonment not exceeding one year, or to both a fine and imprisonment.

3.11 SUBDIVISION AND DEVELOPMENT REFERRALS

3.11.1 Municipal Approval and Referral Agencies

Pursuant to the Municipal Government Act, the Municipal District has delegated the Development Authority to exercise, on its behalf, subdivision approval powers and duties.

In addition, as required by the provisions of an adopted Inter-municipal Development Plan, the Development Officer shall forward copies of all development proposals that are located within an approved Inter-municipal Planning Area to the appropriate municipality for their review and comment.

3.11.2 Crown Land Development

When the Municipal District receives an application for subdivision or a development permit regarding a property located on Crown owned land, a copy of the application shall be forwarded to Alberta Environment and/or Alberta Agriculture, Food and Rural Development for comments and recommendations.

3.11.3 Alberta Transportation

When the Municipal District receives an application for subdivision or a development permit regarding a property that is located within 800 metres (0.5 miles) of a provincial highway or that may impact on a provincial highway, airport, bridge, ferry, or other development administered by Alberta Transportation, a copy of the application shall be forwarded to Alberta Transportation for comments and recommendations.

Referrals are required for the following site locations:

- a) Subdivision applications within 0.8 km. (0.5 miles) of a provincial highway.
- b) A Development Permit application within 300 metres (0.19 miles) of a provincial highway.
- c) A Development Permit application within 800 metres (0.5 miles) of a provincial highway intersection.

3.11.4 Railway Authorities

When the Municipal District receives an application for subdivision or a development permit regarding a property situated within 300 metres (0.2 miles) of railway tracks, a copy of the application shall be forwarded to the Railway Authority for comments and recommendations.

3.11.5 Referrals to Alberta Community Development

When reviewing development permit applications for proposed land uses which may impact a historical site, the Development Officer:

- a) Shall refer, to Alberta Community Development, Cultural Facilities, and Historical Resources Division for review and comment, all development permit applications that include:
 - i. the structural renovation and relocation of, or addition to, an identified historical building, and
 - ii. the disturbance or excavation of soil more than 1/3 meter (1 foot) below the natural surface of a property containing a historical site for land uses, such as basements, water reservoirs, swimming pools or the installation of roads and utilities.
- b) May refer to Alberta Community Development, Cultural Facilities, and Historical Resources Division for review and comment, a development permit application that:
 - i. includes the disturbance or excavation of soil more than 1/3 metre (1 foot) below the natural surface of a site that is adjacent to, and situated less than 200 metres (656 feet) from, an identified historic site, or
 - ii. in the opinion of the Development Officer, may have an adverse impact on an identified historical site.

3.11.6 Critical Wildlife, Vegetation, and Natural Environments

In order to ensure the preservation of land which is identified or deemed by the Municipal District to be a critical wildlife habitat, vegetative area, and/or sensitive natural environment, the Municipal District may refer any development permit

application which may adversely affect the subject or adjacent property to Alberta Environment for comments and recommendations.

3.11.7 Other Referrals

The Development Officer may use his/her discretion to refer an application to any other agency for comments, as he/she deems necessary or appropriate to the application in question.

4.0 SUPPLEMENTARY REGULATIONS

4.1 APPLICABILITY

4.1.1 This part shall apply to all Land Use Districts under this Bylaw.

4.2 ANCILLARY BUILDINGS

4.2.1 No ancillary building or any portion thereof shall be erected or placed within the front yard of any parcel with the exception of farm buildings where approved by the Development Authority.

4.2.2 In all districts, an ancillary building is subject to the side and rear yard setback regulations of that district.

4.2.3 In all residential districts, an ancillary building shall be situated on an interior lot so that the exterior wall shall be at least 0.9 meters (3 feet) from the side and rear lot lines of the parcel.

4.2.4 An ancillary building on a corner lot shall be so situated that its side yard which abuts the street shall be no less than the side yard of the main building unless otherwise approved by the Development Authority.

4.2.5 In addition to complying with the other subsections of this section, a private garage shall be located so that the vehicle entrance doors shall be no closer than 7.6 m (25 ft) to the property boundary upon which they open.

4.2.6 An ancillary building shall be no more than 4.5 meter (15 feet) in height.

4.2.7 An ancillary building erected on a site shall not be used as a dwelling unit.

4.2.8 When a 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 an ancillary building.

4.2.9 No side yard is required for any ancillary 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. Notwithstanding the foregoing, there will be no overhang of eaves and all drainage shall be confined to the site.

4.2.10 An ancillary building shall not exceed the total area of the principal building.

4.3 COMPLIANCE CERTIFICATES

The Development Officer may issue a Compliance Certificate, when in his/her opinion, the buildings as shown on the Real Property Report provided by the applicant are located on the site in accordance with the separation distance, and yard and building setback regulations of this Bylaw, or the yard or building setbacks specified in any development permit which may have been issued for the site.

- 4.3.1 The Compliance Certificate shall only cover those buildings, or parts thereof, shown on the Real Property Report as provided by the applicant.
- 4.3.2 When a Real Property Report is older than 6 months and no changes have been made on the property as per the Real Property Report, an affidavit will be required in conjunction with the Real Property Report.
- 4.3.3 The Development Officer may refuse to issue a Compliance Certificate when the Real Property Report does not contain sufficient information to determine if the buildings as shown are in accordance with regulations of this Bylaw or any development permit issued.
- 4.3.4 The Development Officer may refuse to issue a Compliance Certificate when:
- a) the Real Property Report does not indicate all developments that are located on the lot;
 - b) developments on the lot were constructed without the required development permits; or
 - c) there are outstanding infractions with this or any other bylaw.

4.4 CONSTRUCTION NEAR HAZARDOUS SITES

- 4.4.1 No residential development shall be permitted within 300 metres (1,000 feet) of a waste transfer station or wastewater stabilization pond.
- 4.4.2 All development near a sour gas facility shall be in accordance with Alberta Energy and Utility Board Regulations.

4.5 CORNER LOTS

- 4.5.1 No person shall place or maintain in or upon that portion of a lot or site within a sight triangle, a fence, wall, tree, hedge, sign or other structure/object over 0.9 meters (3.0 feet) in height, above the lowest street grade adjacent to the intersection, if such objects or structures, in the opinion of the Development Officer, would interfere with traffic safety.
- 4.5.2 All corner lots shall comply with a sight triangle, 4.6 metres (15 feet) for residential districts, and 9.14 metres (30 feet) for all other districts to the discretion of the Development Officer.
- 4.5.3 On any corner lot, no finished grade shall exceed the lowest elevation of the closest street line by more than 0.9 meters (3 feet) within the area defined as a sight triangle.
- 4.5.4 When a lot has more than one front yard line (corner lot), the front yard requirement shall apply to all front yards, but, at the discretion of the Development Authority, one front yard may be considered a side yard.

4.6 DEVELOPMENT ON LANDS ADJACENT TO PROVINCIALY CONTROLLED HIGHWAYS

- 4.6.1 All developments, including signs and landscaping features, on lands adjacent to a provincial highway shall satisfy the regulations and standards as set forth in provincial legislation.
- 4.6.2 All applications for development on lands adjacent to a provincial highway shall be referred to Alberta Transportation for comments and approval.

4.7 DEVELOPMENT NEAR WATERBODIES AND WATERCOURSES

- 4.7.1 Where a parcel of land borders on or contains a coulee, ravine, or valley, with or without a watercourse, the following minimum building or structure setbacks, from the top of the bank of the coulee, ravine, or valley, shall apply:

DEPTH OF RAVINE, COULEE OR VALLEY	MINIMUM BUILDING OR STRUCTURE SETBACK
less than 7.6 metres (25 feet)	22.8 meter (75 feet)
greater than 7.6 metres (25 feet) but less than 15.2 (50 feet)	22.8 metres (75 feet)
greater than 15.2 metres (50 feet) but less than 30.5 (100 feet)	45.7 metres (150 feet)
greater than 30.5 metres (100 feet)	60.1 metres (200 feet)

- 4.7.2 Notwithstanding the above, the Development Officer may increase the building or structure setbacks where deemed necessary.
- 4.7.3 A setback from the top of the bank of a coulee, ravine, or valley may only be relaxed when it can be shown through an acceptable geotechnical analysis that the proposed development site is suitable for the proposed development.
- 4.7.4 Where a parcel of land borders on or contains a waterbody the building setback from the top of the bank of the waterbody shall not be less than 30.5 metres (100 feet) from a waterbody.
- 4.7.5 In making a decision on the setback from a waterbody, the Development Officer may refer the application for a Development Permit to Alberta Environment for comments prior to issuing a permit.

4.8 DIVERSION OF ILLUMINATION

Illumination from commercial or industrial uses shall be shielded away from residential uses and zoning districts and streets.

4.9 DWELLING UNITS PER PARCEL

4.9.1 The Development Officer may allow an additional dwelling on a parcel. When determining whether or not to allow an additional dwelling on a parcel, the Development Officer shall consider:

- a) the suitability of the site for the proposed dwelling;
- b) the length of time that the developer requires the proposed dwelling;
- c) access to and from the site;
- d) the provision of proper water and sewer services;
- e) existing and future surrounding land uses; and
- f) whether the proposed development meets the spirit and intent of the subject land use district.

4.9.2 The Development Officer may take into account family-human relationships when making decisions on development permit applications for an additional dwelling unit on a parcel;

4.9.3 The Development Officer may attach, as a condition of approval, a time period after which the additional dwelling must be removed from the subject property; and

4.10 EASEMENTS

Without a written consent given by the easement owner (or that whose utility line is found in the easement), the Development Officer may not issue a permit for development (except for the erection of a fence) that encroaches into or over a utility easement or right-of-way, even though the proposed development conforms to the provisions of this Bylaw.

4.11 ENTRANCE AND EXIT:

4.11.1 Where applicable, curb cuts shall be located at a minimum distance of 6.1 metres (20 feet) from the intersection of the lot-lines on corner lots.

4.11.2 Notwithstanding (Sub-Section 5.11.1), the setback distance for curb cuts may be increased where, in the opinion of the Development Officer, such increase is necessary for public safety and convenience.

4.11.3 The maximum width of a curb cutting shall not exceed 10.7 metres (35 feet) unless otherwise approved by the Development Officer.

4.11.4 A driveway approach that crosses a sidewalk or boulevard may be constructed on an angle with the curb line, but the angle extended between the curb and the edge of the driveway shall not be less than 30 degrees.

4.11.5 The maximum distance between adjacent curb cuttings on the same side of the property shall not be less than 6.1 metres (20 feet) from each other, measured at the property line. The Development Officer may increase said minimum clear distance if necessary due to the width of adjacent sidewalks, boulevards, or traffic conditions to enhance public safety and convenience.

4.12 ENVIRONMENTAL AUDITS

4.12.1 The Development Officer may require an applicant to conduct an environmental audit, and to submit an environmental audit report as part of a development permit application, an application to amend this Bylaw, an application for subdivision approval, or an application to amend a statutory plan.

4.12.2 The Environmental Audit report shall contain:

- (a) a history of the subject property's ownership and use;
- (b) a description of the natural environment and social environment surrounding the subject property, which may be sensitive to contamination;
- (c) an inventory of all hazardous materials that may have been handled or stored on the subject property, including a review of on and off-site disposal operations and facilities;
- (d) a documentation of the existence, location and use of above and underground storage tanks and other related facilities;
- (e) a history of environmental regulatory activity affecting the subject property;
- (f) a review of the condition and use of adjoining properties;
- (g) a completed sampling program to determine type and level of contamination of soil, groundwater, surface water, site facilities, etc.;
- (h) a determination of the extent of contamination; and
- (i) a comprehensive site and areas maps noting the locations of natural and built features and other elements of the site audit as noted above.

4.12.3 The Environmental Audit and report shall be referred to Alberta Environment for comment and recommendations.

4.12.4 The Municipal District may use the recommendations of the Environmental Audit report as grounds for:

- (a) issuing a development permit with or without conditions;
- (b) refusing a development permit application;
- (c) amending this Bylaw;

- (d) refusing an application for amending this Bylaw;
- (e) approving a subdivision application with or without conditions;
- (f) refusing a subdivision application; and
- (g) approving or refusing an application to adopt or amend a statutory plan.

4.13 ENVIRONMENTAL IMPACT ASSESSMENT

4.13.1 The Development Officer may require an applicant to conduct an environmental impact assessment, and to submit a report as part of a development permit application, an application to amend this Bylaw, an application for subdivision approval, or an application to adopt or amend a statutory plan.

4.13.2 The Environmental Impact Assessment shall be referred to Alberta Environment for comments and recommendations.

4.13.3 The recommendations of the Environmental Impact Assessment report may be used as grounds for:

- (a) issuing a development permit with or without conditions;
- (b) refusing a development permit application;
- (c) amending this Bylaw;
- (d) refusing an application for amending this Bylaw;
- (e) approving a subdivision application with or without conditions;
- (f) refusing a subdivision application; and
- (g) approving or refusing an application to adopt or amend a statutory plan.

4.14 ENVIRONMENTALLY SENSITIVE LANDS

4.14.1 Development on lands, which are designated or deemed by the Municipal District to be environmentally sensitive, shall be discouraged.

4.14.2 When reviewing an application for development on environmentally sensitive lands, the Development Officer shall consider the following:

- (a) the impact of the proposed development on the subject property and surrounding area;
- (b) the soil and slope conditions of the area surrounding the subject property;
- (c) any information on the past history of the subject property and surrounding area from a geo-technical perspective; and

(d) comments and recommendations from Alberta Environment.

4.14.2 As part of the development permit application, the Development Officer may require a geo-technical study, prepared by a qualified geo-technical engineer, addressing the proposed development. The geo-technical study will establish building setbacks from property lines based upon the land characteristics of the subject property.

4.14.3 The Development Officer may require the following as a condition of approval for a development permit application on land which is considered environmentally sensitive:

- (a) a certificate from a qualified professional geo-technical engineer certifying that the design of the proposed development was undertaken with full knowledge of the soil and slope conditions of the subject property;
- (b) a certificate from a qualified professional geo-technical engineer when the proposed development includes cut and/or fill sections on slopes, and/or including the addition of fill to the subject property;
- (c) that measures be taken to ensure that infiltration into area slopes, the subject property, and adjacent lands are minimized;
- (d) the registration of a restrictive covenant against the certificate of title for the subject property related to the approved development; and
- (e) the registration of an easement against the certificate of title for the subject property entitling the Municipal District, or an agent on behalf of the Municipal District, the right to enter the subject property to carry out such improvements and repairs as are required to maintain the stability of adjacent properties which, if not corrected, could adversely affect surrounding lands.

4.15 FARM SUBSIDIARY BUSINESSES

4.15.1 Farm subsidiary businesses shall be no more than supplementary to the use of a parcel of land for agricultural purposes and shall not:

- (a) employ any full time employees who do not reside on-site;
- (b) store or maintain any goods, materials, or equipment not directly related to the operation; and/or
- (c) create a nuisance by way of dust, noise, odour, smoke, or traffic generation.

4.15.2 Signage shall be limited to one (1) sign not exceeding 3.7 square metres (32 square feet) in area. Signage must conform to all other provisions of the sign regulation contained in Section 7 of this Bylaw.

- 4.15.3 Agricultural equipment used for the owners land and contracted out to other landowners, shall not be considered a farm subsidiary business.
- 4.15.4 The Municipal District, where practical, will encourage farm subsidiary businesses to be conducted on a wholesale rather than a retail basis.
- 4.15.6 When a farm subsidiary business has been approved, the Development Officer shall send a notice in writing to all adjacent landowners.

4.16 FLOOD PRONE LANDS

- 4.16.1 Special conditions and approval processes will be required for developments located within Environmentally Sensitive Lands or Flood Prone Areas. These conditions and processes are highlighted in Appendix II to this Bylaw.
- 4.16.2 Development on land, which may be subject to flooding shall not be permitted, especially on lands that are within the 1:100 year flood plain, as determined by Alberta Environment and the Municipal District.
- 4.16.3 Development on lands which have been designated as a two-zone (floodway/flood-fringe) flood area, shall be restricted to the following land uses:
- (a) In floodway areas, new development shall not be allowed except for the following:
 - i. non-obstructing agricultural uses;
 - ii. recreational uses;
 - iii. flood control measures; and
 - iv. public works facilities.
 - (b) In flood-fringe areas, new development shall not be allowed except for the following:
 - i. otherwise approved land uses which comply with all applicable flood-proofing measures as are required by the Development Officer and/or Canada Mortgage and Housing Corporation.
- 4.16.4 Notwithstanding (5.16.2), and at the discretion of the Development Officer, infill development may be allowed on lands within the 1:100 year flood-fringe area.
- 4.16.5 Any development permit issued for development within the 1:100 year flood plain shall have, as a condition of approval, a restrictive covenant registered against the title of the subject property related to the approved development.
- 4.16.6 In reviewing a development permit application for a development on a site which the Municipal District determines may be subject to flooding or is located in a designated flood plain, the Development Officer shall consider flood damage reduction measures and may approve the proposed development subject to any or all of the following:

- (a) the usage of fill, piles, posts, or piers to raise the development above the 1:100 year flood level;
- (b) "wet flood-proofing" standards which allow basements to be flooded without significant damage to the structure;
- (c) other flood reduction measures as approved by Canada Mortgage and Housing Corporation;
- (d) diking of the watercourse;
- (e) increased development setbacks from the watercourse;
- (f) specification of specific development locations and/or orientations;
- (g) the usage of back-flow prevention valves (stop valves);
- (h) any other flood abatement measures deemed necessary by the Development Officer;
- (i) a certificate from a qualified professional engineer certifying that the design for the proposed development was undertaken with full knowledge of the potential for flooding on the subject property; and
- (j) comments and recommendations from Alberta Environmental Protection.

4.17 GENERAL PROVISIONS - PROVINCIAL HIGHWAYS

4.17.1 PROVINCIAL HIGHWAYS

- (a) On a parcel of land located at the intersection of a primary highway with a rural road, no development shall be permitted within the areas illustrated in Figure 1, Supplementary Regulations, unless otherwise approved by the Development Officer;
- (b) On a parcel of land located at the intersection of two provincial highways, no development shall be permitted within the area illustrated in Figure 2, Supplementary Regulations, unless otherwise approved by the Development Officer;
- (c) On a parcel of land located in the inside of a highway curve, no development shall be permitted within the areas illustrated in Figure 3, Supplementary Regulations;
- (d) No development shall be located so that access or egress to a provincial highway is within 150 metres (492 feet) of the beginning or end of a highway curve of greater than two degrees curvature or within the distance from the intersection of two roads as illustrated in Figures 1, 2, and 3, Supplementary Regulations, unless otherwise approved by the Development Officer;

- (e) Access or egress to a provincial highway shall not be permitted where it would be:
 - i. less than 150 metres (492 feet) from an existing access to the same side of the highway;
 - ii. less than 150 metres (492 feet) from a bridge;
 - iii. less than 150 metres (492 feet) from an at-grade railway crossing; and
 - iv. at a point where the gradient of the highway is in excess of 3 percent unless re-construction is undertaken resulting in a gradient of less than 2 percent is expected within two years;
- (f) Planting trees adjacent to provincial highways shall be in accordance with the requirements illustrated in Figures 1, 2, and 3, Supplementary Regulations, unless otherwise approved by the Development Officer;
- (g) The Development Officer may prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials or other similar uses; and
- (f) Notwithstanding the Highway Development Control Regulations (Alberta Regulation 242/96) which apply to provincial highways, this Bylaw may establish a higher standard than Alberta Regulation 242/96 for development adjacent to provincial highways and intersections; and
- (g) Undeveloped parcels legally created prior to May 1989, are excluded from the conditions shown in the Supplementary Regulations.

4.18 GENERAL PROVISIONS- RURAL ROADS

4.18.1 Rural Roads

- a) On a parcel of land located at the intersection of a rural road and a rural road, no development shall be permitted within the areas illustrated in Figure 4;
- b) The planting of trees adjacent to rural roads shall be in accordance with the requirements illustrated in Figures 1, 3, and 4, Supplementary Regulations; and
- c) The Development Officer may prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, or other similar uses.

Figure 1

Supplementary Regulations – Intersection and Setbacks for Primary Highways and Rural Roads

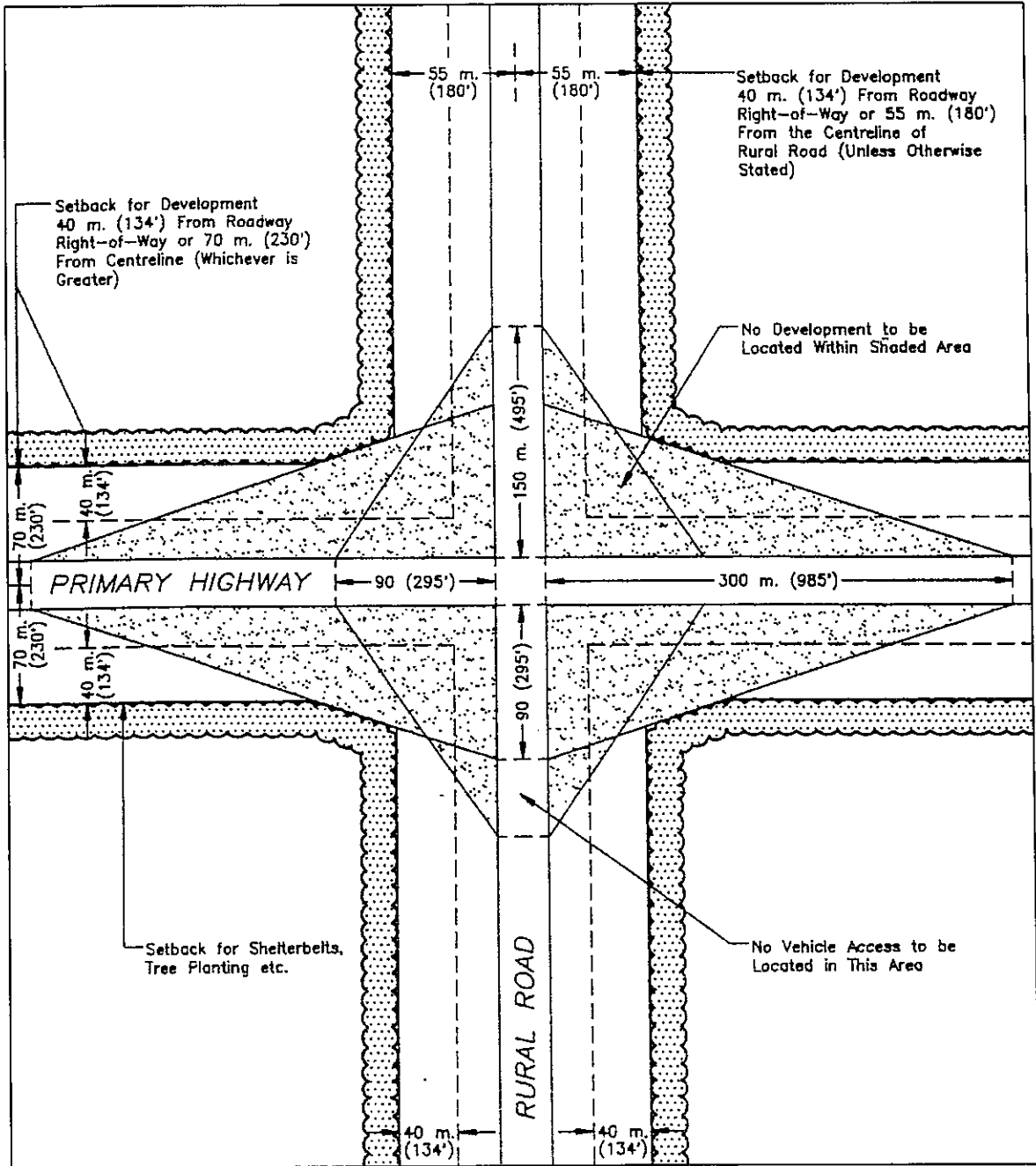


Figure 2

Supplementary Regulations – Intersection and Setbacks for Primary Highways and Rural Roads

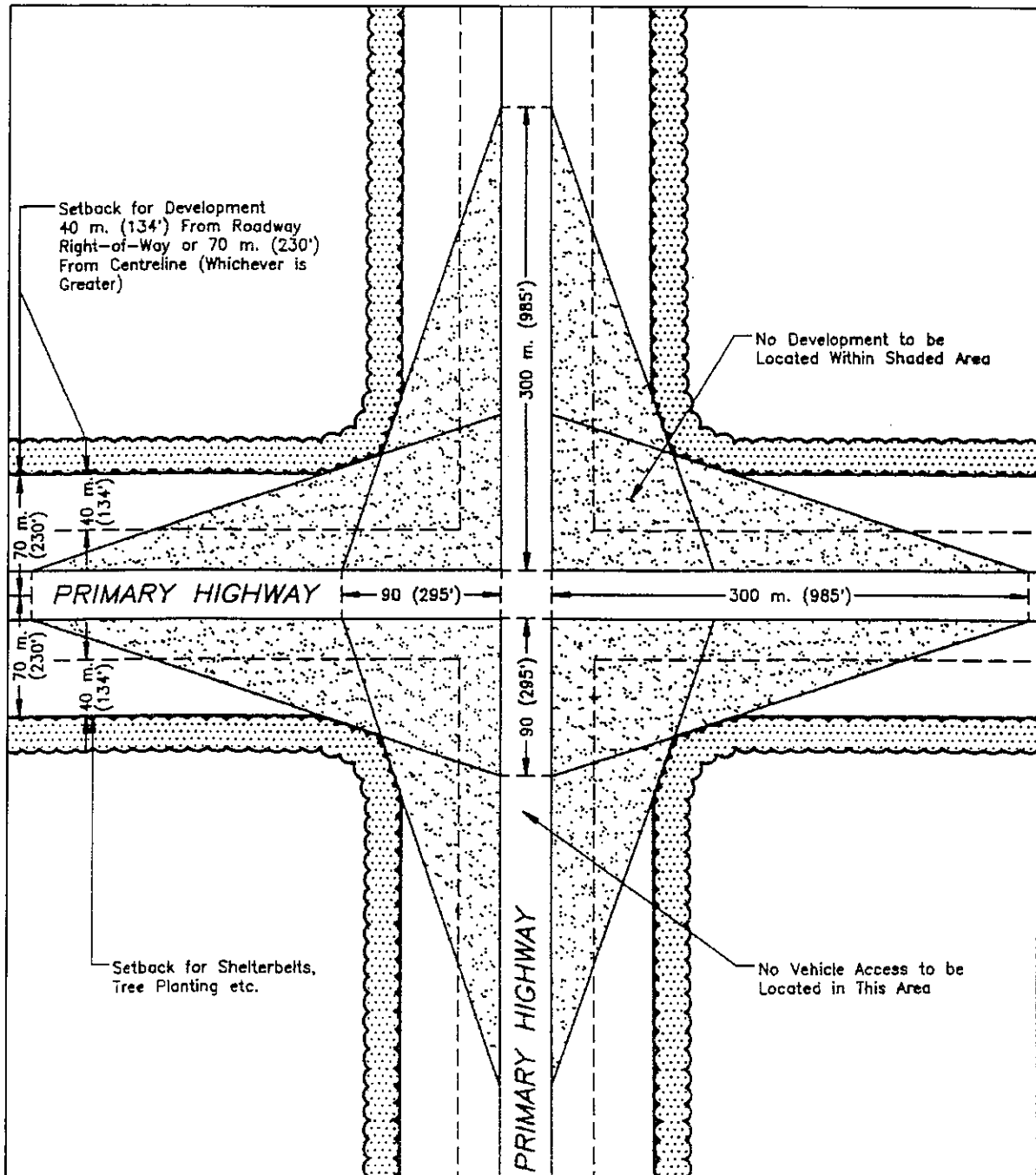


Figure 3

Supplementary Regulations –Setbacks for Road Curves and Corners

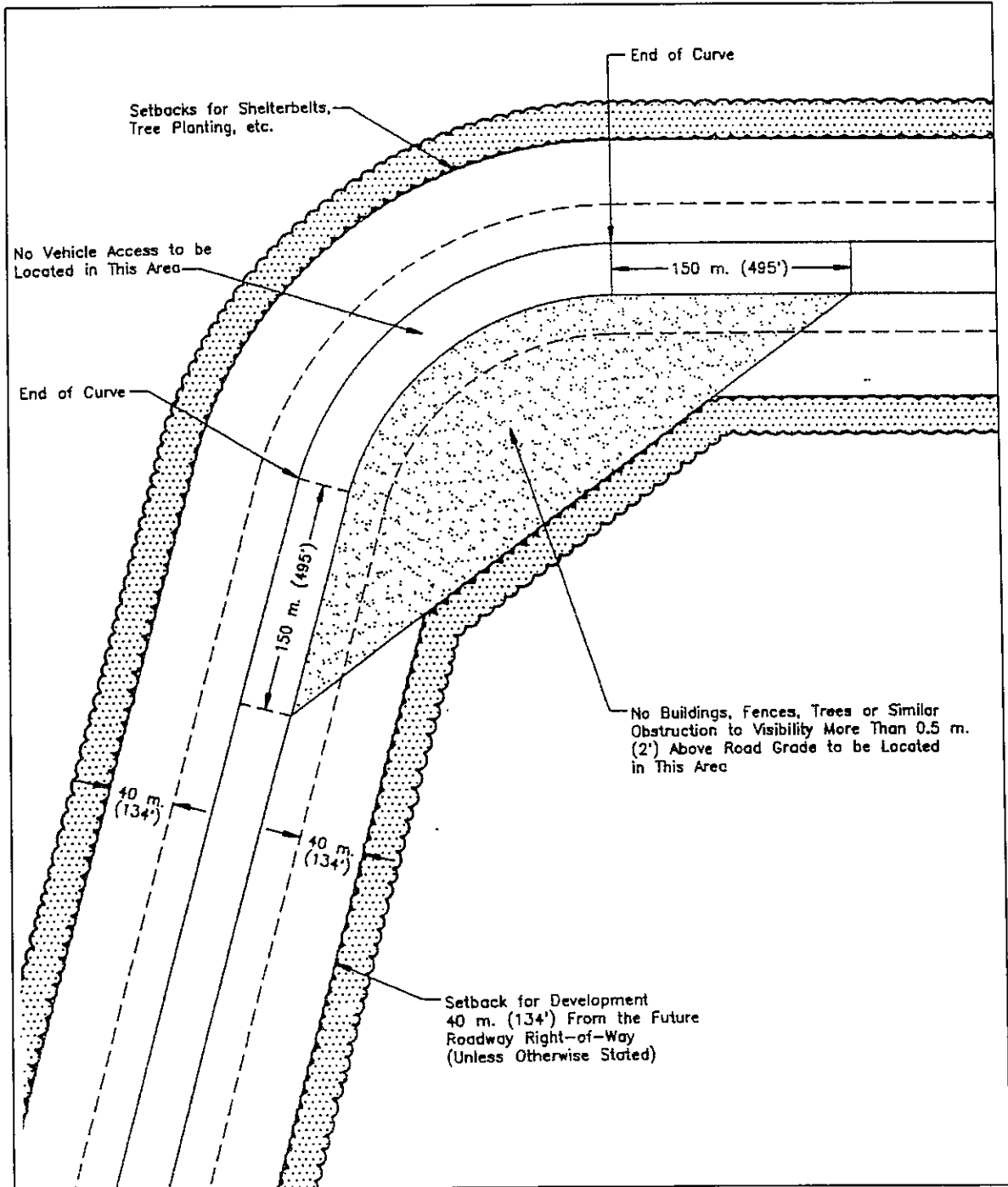
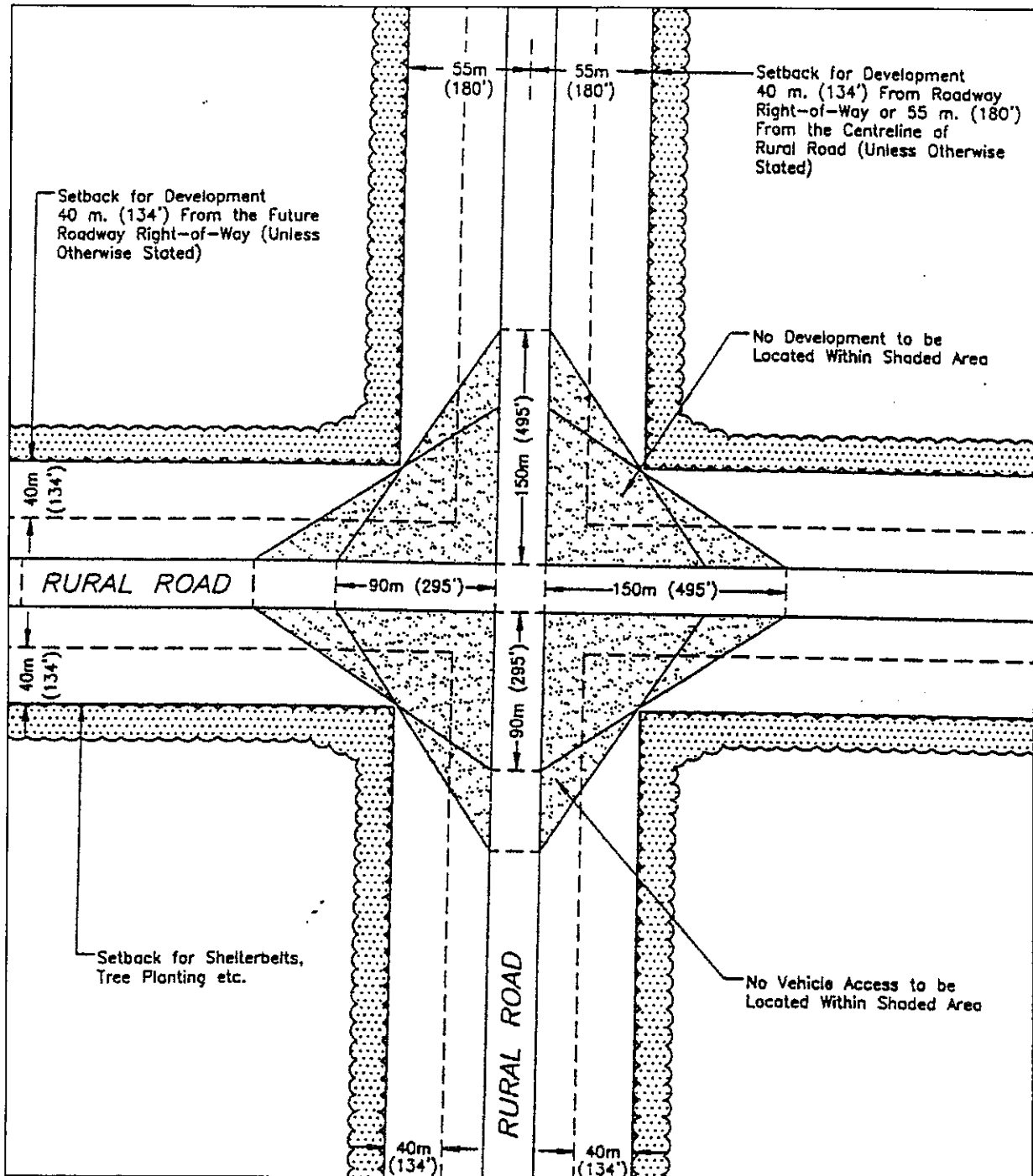


Figure 4

Supplementary Regulations – Intersection and Setbacks for Rural Roads to Rural Roads



4.19 GENERAL PROVISIONS - RECREATIONAL USES

4.19.1 When deciding a development permit application for a recreational use in any land use district, the Development Officer shall consider the following:

a) Special Requirements:

- i. The recreational development shall be architecturally designed to be compatible with the surrounding area; and
- ii. A Recreation Centre or Lodge may have ancillary buildings available for the lodging of its patrons. In no way shall a Recreation Centre or Lodge be organized to provide any form of permanent habitation of the rooms by its patrons.

b) Noise Attenuation:

Where the development will generate significant noise, the developer shall take steps to reduce the level of noise and its impact on existing and/or future development in the area to the satisfaction of the Development Officer.

c) Environment:

Recreational development shall be compatible with the surrounding environment and in the opinion of the Development Officer, have no adverse effect on:

- (1) the water table and water bodies or water courses; and
- (2) aesthetic value of the area.

4.20 HEIGHT OF BUILDINGS

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

4.21 HOME BASED BUSINESSES

4.21.1 Home based businesses shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home based businesses shall not be a primary use of the residential building and shall not:

- (a) involve the storage of goods in the public view, a change in appearance of the residence or its accessory buildings, unless approved by the Development Officer;
- (b) require alterations to the building unless the alterations are approved by the Development Officer;

(c) employ any employees who do not reside on-site.

4.21.2 Signage for a home based business shall not exceed 1.1 square metres (12 square feet).

4.21.3 When a home based business has been approved, the Development Officer shall send a notice in writing to all adjacent landowners.

4.21.4 All permits for home based businesses shall be subject to the condition that the permit may be revoked at any time, if, in the opinion of the Development Officer, the use is or has become detrimental or otherwise incompatible with the amenities of the neighbourhood.

4.25.5 A home based business is subject to all parking requirements and restrictions described in this Bylaw.

4.21.6 At all times, the privacy of the adjacent dwellings shall be preserved and shall not unduly offend the surrounding residents by way of, but not limited to: excessive lighting, noise, traffic, congestion, late visitations by clients.

4.22 KEEPING OF ANIMALS

4.22.1 No person shall keep or permit to be kept in any part of the yard in any Hamlet Residential, Commercial, Industrial, or Public/Institutional Districts:

(a) animals, livestock, or poultry with the exception of dogs, cats, and such other usual domestic pets as are kept indoors, providing that domestic 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.

4.23 LANDSCAPING, SCREENING OR SOUND BARRIERS

4.23.1 Any area required to be landscaped may, at the discretion of the Development Officer, be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof, which will enhance the appearance of the site and complement the development on the site.

4.23.2 Rural industrial parks shall be screened around the outside perimeter of the park.

4.23.3 Screening materials shall be satisfactory to the Development Officer and may consist of landscaping, trees, berms, or hedges, opaque fencing, decorative walls, architectural features, similar techniques or any combination thereof.

4.23.4 Where landscaped strips are required they shall be a minimum of 3 meters (9.8 feet) in width and consist of a combination of grass, shrubs, and trees or as directed by the Development Officer. Decorative paving materials may be used instead of landscaping at the discretion of the Development Officer.

4.23.5 Screening techniques shall be used where a commercial or industrial zone abuts a residential zone or where a Multiple Residential Dwelling Project abuts a zoning district limiting residential development to single detached or duplex dwellings. The Development Officer may require additional setbacks as a means of minimizing conflicts between conflicting land uses, including but not limited to, incompatible uses that abut a railway line.

4.23.6 Sound barriers may be required where an industrial or commercial use abuts a Residential use or zoning district where truck parking areas abut a residential area. Truck parking areas shall be located on a commercial or industrial site to reduce noise impacts upon residential areas.

4.24 LOCATION OF PRESSURE VESSEL STORAGE FACILITIES

4.24.1 Pressure vessel storage facilities for materials, including but not limited to anhydrous ammonia, propane, and oxygen, with a liquid volume/capacity exceeding 45,460 litres (10,000 gallons) shall not be allowed in the following areas:

- a) inside and within a 3.2 kilometre (2 mile) radius of the designated boundaries of any Settlement, Hamlet or Town as established through the Municipal District of Mackenzie Land Use Bylaw; or
- b) within a 1.62 kilometre (1 mile) radius of the Blumenort (Hillcrest), Blue Hills, Buffalo Head Prairie, or Rocky Lane Public School site and any private school site; or
- c) within a distance of 450 metres (1,476 feet) from any existing residence.
- d) no pressurized vessels over 20 lbs. shall be allowed within the Hamlets for residential use due to winter conditions. Temporary use may be allowed at the Development Officer's discretion due to winter conditions.

4.24.2 All pressure vessel containers shall be constructed, located, and inspected in accordance with the provisions of the Alberta Safety Codes Act, and its regulations.

4.24.3 Upon receipt of a development permit application for a development which includes a pressure vessel container with a water capacity exceeding 4546 litres (1000 gallons), the Development Officer may require the applicant to include:

- a) a site plan detailing the location of each pressure vessel;
- b) an approved emergency response plan detailing procedures in the event of a pressure vessel rupture or explosion; and
- c) where applicable, a contact person and the location of the nearest emergency response team provided by the product vendor.

- 4.24.4 Upon receipt of an application for a development permit which includes a pressure vessel with a liquid volume/capacity in excess of 4546 litres (1000 gallons), the Development Officer shall refer the development proposal to the applicable fire department fire chief for his/her comments and recommendations.
- 4.24.5 Notwithstanding other provisions of this Bylaw, no residential development shall be allowed within 450 metres of existing pressure vessel storage with a water capacity exceeding 45,460 litres (10,000 gallons).
- 4.24.6 When reviewing development proposals for the placement of commercial pressure vessels with a water capacity less than 4546 litres (1,000 gallons) within a hamlet, the Development Officer shall consider:
- (a) the material to be stored in the pressure vessel(s);
 - (b) the orientation of the pressure vessel(s) to buildings in the surrounding neighbourhood, especially those which are used for residential use or public assembly;
 - (c) the ability of the local fire department to respond to an accident involving the proposed development; and
 - (d) the truck route through the community which will be used to service the proposed development.

4.25 MAIN BUILDING PER LOT

- 4.25.1 No person shall construct or cause to be constructed more than one main building per lot, unless otherwise permitted by this Bylaw.
- 4.25.2 More than one main building may be permitted on a parcel used for institutional, group housing projects, industrial, agricultural, or recreational use subject to the discretion of the Development Officer.

4.26 MANUFACTURED HOMES (MOBILE HOMES)

- 4.26.1 Mobile homes shall be of sound construction and appearance at the discretion of the Development Officer.
- 4.26.2 The undercarriage of a mobile home shall be screened from view by the foundation or skirting or other means satisfactory to the Development Officer.
- 4.26.3 All accessory structures, additions, porches, and skirting shall be of a quality and appearance equivalent to the mobile home.
- 4.26.4 All connections to municipal water and sewer systems shall be adequately insulated.
- 4.26.5 If placed upon a basement, solid footings and concrete, or wood block foundation wall or skirting shall be used so that the appearance, design, and construction

will compliment the mobile home. The undercarriage of the mobile home shall be screened from view.

4.27 MINIMUM LOT AREAS

4.27.1 In each district established by this Bylaw and any amendments thereto, no building shall be erected, placed, or moved-in on a site which comprises an area less than specified in the Land Use Districts Regulations - Minimum Lot Area for such district.

4.27.2 Notwithstanding the above, a lot with a separate record in the Land Titles Office containing less than the minimum lot area or width specified for the district may be used subject to the discretion of the Development Officer, if all other requirements of this Bylaw are observed.

4.28 MINIMUM PARKING STANDARDS

4.28.1 For the purpose of determining the total amount of parking area required, one parking space, including the driveway area, shall occupy a minimum of 28 square metres (300 square feet).

4.28.2 The following chart indicates the minimum parking standards that shall be met:

Residential	Minimum On-site Parking Requirements
Apartment	1 stall per 1 bedroom unit 1.5 stalls per 2 bedroom unit 2 stalls per 3 bedroom unit 1 stall per 3 dwelling units for visitors
Bed and Breakfast	1 stall for the main building, plus 1 stall for each guest room, or as required by Development Officer
Duplex	4 stalls
Fourplex	8 stalls, at least 1 stall for each dwelling unit, plus 1 additional stall
Multiple Dwelling	2 stalls per dwelling unit plus 1 stall per 3 dwelling units for visitor parking
Single Detached Dwelling	2 stalls
Triplex	6 stalls, at least 1 stall for each dwelling unit, plus 1 additional stall
Non-residential	Minimum On-site Parking Requirements
Automotive Services	1 stall per 45 sq. m of gross floor area
Banquet/Convention Facilities	1 stall per 4 seats or 1 stall per 5 sq. m whichever is greater
Bingo Hall/Assembly Hall Facilities	1 stall per 3 seats, but not exceeding 1 stall per 4 seats
Business Offices	1 stall per 45 sq. m of gross floor area

Churches	1 stall per 5 seating spaces
Drinking Establishment	1 stall per 4 seats
Government Institutions and Agencies	1 stall per employee and Board member, and 1 stall per 45 m ² for customer parking
Hospital, Special Care Facility	1 stall per 4 patients or resident beds plus, 1.5 stalls per employee required during the maximum work shift
Hotels and Motels	1 stall per guest room, plus additional stalls in accordance with the parking requirement of this section for any other use that forms part of the hotel or motel
Medical Offices	1 stall per 30 sq. m of gross floor area
Personal Services	1 stall per 30 sq. m of gross floor area
Recreation Service	As required by the Development Officer
Restaurant	1 stall per 2 seats, but not exceeding 1 stall per 3 seats
Retail Stores and Bulk Retail Stores	General Retail: 1 stall per 30 sq. m or gross floor area Warehouse and Bulk Retail: 1 stall per 45 sq. m of gross floor area;
Schools - Elementary and Junior High	1 stall per 20 students based on the projected design capacity
School - Senior High	4 stalls per 20 students based on the projected design capacity
Shopping Centre	1 stall per 30 sq. m of gross floor area
Theatre and Cinemas	1 stall per 2 seats, but not exceeding 1 stall per 3 seats
Warehouse, Outdoor Storage	1 stall for every 3 employees required during the maximum working shift; plus 1 stall per 50 sq. m of gross floor area
Any Other Use	1 space/400 sq. ft. (37.16 sq. m) of gross floor area

4.28.3 Unless otherwise specified by the Development Officer, these standards shall apply to all Land Use Districts.

4.29 MINIMUM RURAL SUBDIVISION SETBACKS

- 4.29.1
- a) 40.8 metres (134 feet) from an external road allowance or right of way;
 - b) 15.24 metres (50 feet) from an internal road allowance or right of way;
 - c) 7.6 metres (25 feet) from all other property lines;
- unless otherwise required by the Development Officer.

4.29.2 Section 5.29.1 does not supersede any setback requirements from watercourses, railways, and any other setbacks that might be required in this Bylaw.

4.30 MINIMUM SETBACKS

4.30.1 All developments shall provide a minimum setback in accordance with the requirements as set forth by the Federal/Provincial statutory Acts/Regulations, such as Municipal Government Act, Alberta Energy and Utility Board Regulations, Alberta Safety Codes Act, Building Code, Fire Code, etc.

4.31 MOVED-IN BUILDINGS

4.31.1 Any building to be moved in or placed within any district established by this Bylaw, other than a farm building in an Agricultural District, shall require approval by the Development Officer.

4.31.2 An application to "move in" a building shall include:

- a) a coloured photograph of the building;
- b) a statement of the present location of the building;
- c) a notification of the relocation route; and
- d) a complete site plan showing all buildings currently located or to be located on the lot.
- e) a list of all proposed renovations.

4.31.3 The Development Officer may require a performance bond or letter of credit related to the proposed development.

4.31.4 The Development Officer may require that a notice in writing be forwarded to all adjacent landowners.

4.31.5 Any renovations and any conditions imposed by the Development Officer to a moved-in building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.

4.31.6 Any building receiving approval to be relocated shall meet all existing standards, ordinances, rules, regulations, and bylaws, including the Alberta Safety Codes Act.

4.31.7 When reviewing development permit applications for moved-in buildings, the Development Officer shall consider the impact of the proposed moved-in building on the aesthetics and value of adjoining properties.

4.31.8 The outside of a moved-in building shall be renovated to blend in with the neighbouring buildings. It may include but not be limited to putting on new siding, new windows, new doors, or new shingles. The renovations shall be done to the

satisfaction and discretion of the Development Officer. The Developer has one year from the date of the Development Permit to complete the renovations required by the Development Officer.

4.32 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

4.32.1 No dugout, septic tank, or cesspool shall be located within 45.7 metres (150 feet) of a public road right-of-way, except a lane.

4.32.2 No more than 1 holiday trailer or motor home shall be allowed to store or park on a parcel (registered property) within any Residential District. Where approved by the Development Officer, additional holiday trailers or motor homes may be stored or parked in an Agricultural District.

4.32.3 No trucks, trailers, or tankers with a gross vehicle weight (G.V.W.) rating in excess of 4,091 kilograms (9,000 pounds) shall be allowed in a Hamlet Residential District for longer than is reasonably required to load or unload such a vehicle.

4.32.4 No dismantled or wrecked vehicle may be located in any residential district.

4.32.5 No farm/ industrial/ commercial equipment shall be allowed in residential districts.

4.33 PARCEL DENSITY

4.33.1 The parcel density specified in all agricultural and country residential land use districts in this Bylaw shall not apply in those special cases where a subdivision is being applied for the express purpose of creating legal boundaries so that the parcel may be incorporated into an existing urban area.

4.33.2 The purpose of this regulation is to facilitate urban expansion where necessary and not to override the parcel density provisions described in this Bylaw.

4.34 PLACEMENT OF BUILDINGS

4.34.1 Unless otherwise provided for by this Bylaw, all buildings erected or placed on a site shall meet the minimum yard requirements of the district in which the site lies, with the exception of:

- (a) where each half of a duplex is to be contained in a separate parcel or title, no side yard shall be required on the side of the dwelling unit which abuts the adjacent dwelling unit;
- (b) where the dwelling units of a row house development are to be contained in separate parcels or titles, no side yards shall be required on either side in the case of an internal dwelling unit and no side yard shall be required on the interior side of the end dwelling unit; and
- (c) where the end of a row house development has no doors, windows or other openings, the side yard shall be at the discretion of the Development Officer.

4.35 PROJECTION OVER YARDS

4.35.1 The portions of any attachments to a main building which may project over a minimum yard setback are:

- a) on a site in a hamlet residential district: a cornice or a canopy of eaves, which project for a distance not exceeding one-half of the minimum side yard required for the site;
- b) a chimney which projects 0.6 metres (2 feet) or less provided that in each case it is not less than 0.9 metres (3 feet) from the side boundary of the site; and
- c) unenclosed steps with or without a landing and above the surface of the yard if they do not project more than 2.4 metres (8 feet) over or on a minimum front yard or rear yard or more than 0.9 metres (3 feet) in a side yard.

4.36 REMOTE AREA - WILDLAND/URBAN INTERFACE DEVELOPMENTS

4.36.1 When, in the opinion of the Development Officer, a proposed development would be located in an area which may be:

- (a) a significant wildfire hazard area; or
- (b) too remote for existing municipal services to be effective in an emergency (i.e. access to fire department, provision of a municipal water distribution system, fire fighting water supply, etc.)

the Development Officer shall consider the following as a condition(s) to the issuance of a development permit:

- (a) the suitability of the site for the proposed use;
- (b) measures which can be taken to reduce fire hazard may include, but at the discretion of the Development Officer, are not limited to:
 - I. A 5 metre (16.5 feet) perimeter around all structural developments on the site which shall be free of all trees, shrubs and fine fuels;
 - II. A reduced fuel zone perimeter of 5 metres (16.5 feet) from (i) above in which all branches, living, or dead, and any loose flaky bark are to be removed to a height of 2 metres (6.6 feet) above ground level;
 - III. The installation of spark arresters on all fire-places and chimneys;
 - IV. The provision of an emergency access;
 - V. Roofs to be constructed of non-combustible or combustion retardant materials;

- VI. The provision of an adequate on/off-site water supply and equipment for fire fighting purposes (such as fire extinguishers). A recommended water supply for residential developments is a minimum of 225 litres (50 gallons); and
- VII. A firebreak of 5 metres (16.5 feet) in width shall be cleared of standing trees and all fine fuels around the entire perimeter of the site.

4.36.2 When, in the opinion of the Development Officer, a proposed development would be located in an area which may be susceptible to wildfires from on-site or adjacent forested areas, the Development Officer may consult with a Forest Protection Officer of Alberta Environment prior to the issuance of a development permit.

4.37 REMOVAL OF TOPSOIL

4.37.1 A Development Permit is required for the removal or stockpile of topsoil for non-agricultural purposes.

4.37.2 A Development Permit shall only be granted to an application on land (property) in districts where the commercial sale of topsoil is allowed, and where it is shown to the satisfaction of the Development Officer that the land or adjacent land will not be adversely affected by the removal of the topsoil.

4.37.3 An application for the removal of topsoil may be referred to Alberta Environment for advice.

4.38 SETBACKS FROM RAILWAY LINES

4.38.1 The minimum setback from railway right of ways and station grounds for buildings shall be as follows:

- (a) 15.24 metres (50 feet) for all residential, commercial, public use, and recreational developments that are not deemed compatible with railway operations; and

- (b) at the discretion of the Development Officer, for manufacturing and other land uses that are deemed compatible with railway operations.

4.38.2 If, in the opinion of the Development Officer, a development or subdivision proposal may be affected by railway operations, the Development Officer may refer the development or subdivision proposal to the Railway Authority, Business Planning Branch, for their review and comment.

4.39 TEMPORARY INDUSTRIAL/RESIDENTIAL/BUNKHOUSE CAMP

4.39.1 A Development Permit shall be required for the construction of a temporary industrial or residential camp, where the camp will be in place for a period longer

than 28 days. For the purpose of this section of the Bylaw, this will include residential camps that are used in conjunction with construction projects.

4.39.2 In considering an application for a temporary industrial or residential camp, the Development Officer shall consider the following:

- (a) the location, type, and purpose of the camp;
- (b) access to the camp;
- (c) the provision of services to the camp; and
- (d) adjacent land uses.

4.39.3 The development of a temporary industrial camp shall conform to the Alberta Safety Codes Act.

4.40 TRANSFER OF CROWN LAND TO PRIVATE OWNERSHIP

Land which is transferred from the Crown of Alberta to private ownership shall be immediately considered to be Agricultural District 1 (A1) unless otherwise zoned by the Municipal District, and not require a formal amendment to this Bylaw provided that the development on the subject property or proposed development meets the spirit and intent of the Agricultural Land Use District.

4.41 UNSIGHTLY PROPERTY

4.41.1 The owner of property that is in an unsightly condition as a result of neglect and/or the stockpiling of materials may be required by the Development Officer to:

- a) improve the appearance of the property in the manner specified; or
- b) if the property is a structure, remove or demolish the structure and level the site; and
- c) make any other changes in accordance with the Municipal District of Mackenzie Unsightly Premises Bylaw.

4.42 VEHICLE STACKING

Where a drive through facility, commercial vehicle washing establishment, quick lube, or similar facility is required, sufficient vehicle stacking shall be provided on the site for a minimum of 5 passenger vehicles or 3 large trucks.

5.0 ENFORCEMENT AND ADMINISTRATION

5.1 APPLICATIONS TO AMEND THE BYLAW

5.1.1 A person may apply to amend this Bylaw, in writing, to the Development Officer by submitting an application form and submitting an application fee as established by Council.

5.1.2 A completed application to amend the Bylaw shall include the following:

- (a) a certificate of title for the subject property;
- (b) a statement of the applicant's intended (or proposed) development on the subject property;
- (c) a statement on the proposed land uses;
- (d) accompanying drawings shall be of a quality and a degree of comprehensiveness to the satisfaction of the Development Officer; and
- (e) consent of the registered landowner.

5.1.3 The Municipal District may at any time initiate an amendment to this Bylaw.

5.2 AMENDING THE BYLAW

5.2.1 All amendments to this Bylaw shall be made by in conformance with the provisions contained in the Municipal Government Act.

5.2.2 Where an application for an amendment to this Bylaw has been refused, the submission of another application to amend this Bylaw for the same parcel for a same or similar amendment may not be made by the same or any other applicant for at least six (6) months after the date of the bylaw being defeated by Council.

5.3 ENFORCEMENT AND ADMINISTRATION

5.3.1 Contravention

When the Development Officer deems that a development or use of land or buildings is in contravention with:

- (a) the Municipal Government Act or its regulations;
- (b) the conditions as stipulated in a development permit;
- (c) a subdivision approval;
- (d) an order or decision of the Subdivision and Development Appeal Board; or
- (e) any provisions of this Bylaw.

5.3.2 Enforcement

The Development Officer may, in accordance with the provisions described in the Municipal Government Act, give written notice to the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention of all or any of them to:

- a) stop the development or use of the land or buildings in whole or in part as directed in the Stop Order notice;
- b) demolish, remove or replace the development;
- c) take other measures as specified in this Bylaw, so that the development or use of the land or buildings is in accordance with the Act and regulations thereto, development permit, subdivision approval, order or decision of the Subdivision and Development Appeal Board, or this Land Use Bylaw within the time specified in the notice.
- d) the Municipality may exercise whatever other remedies it has available at law with respect to contravention.

5.3.3 Appeal

A person who receives a notice pursuant to this Bylaw, other than a notice of an order or decision of the Subdivision and Development Appeal Board, may appeal to the Subdivision and Development Appeal Board.

5.3.4 Failure to Comply

Where a person fails or refuses to comply with an order pursuant to this Bylaw, Council may:

- (a) apply to the Alberta Court of Queen's Bench to enter upon the land or building and take such action as is necessary to effect such works as are required by the Order and all of the costs incurred in so doing may be placed on the tax roll against the property concerned and shall be collected in the same manner as property taxes;
- (b) instruct the Development Officer to have an application made to the Alberta Court of Appeal for an injunction to cease the non-compliance; and/or
- (c) apply to the Provincial Court of Alberta to have a charge laid for an offence under this Land Use Bylaw.

5.3.5 Penalties

- 5.3.5.1 Contravention of any provision of this Bylaw constitutes an offence and any person convicted thereof is liable to a penalty in the amount of:

- a) a fine of \$500 and in addition;
- b) a fine of \$100 for every day the contravention continues, following notification of the conviction;
- c) \$1,000 for a second and/or subsequent offence; and
- d) where a contravention of this Bylaw continues fourteen (14) days after a conviction has been entered as a result of such contravention, then the person against whom the conviction has been entered is guilty of a new and separate offence for each day as long as the offence continues;
- e) the person who is in contravention shall be subject to the costs and expenses pursuant to any and all contraventions of this Bylaw.

5.3.6 Alberta Court of Appeal

- 5.3.6.1 Where a person is found guilty of an offence pursuant to this Land Use Bylaw, the Alberta Court of Appeal may, in addition to any other penalty imposed, order the person to comply with the Act and any regulations, a development permit, a subdivision approval, an order or decision of the Subdivision and Development Appeal Board, or this Land Use Bylaw.
- 5.3.6.2 The above offences and penalties are supplementary to the Municipal Government Act, under which any person who commences a development and fails or neglects to obtain a development permit or comply with a condition of a permit, is guilty of an offence.
- 5.3.6.3 A Development Officer is hereby appointed as a Bylaw Enforcement Officer, pursuant to the Municipal Government Act, for the purpose of enforcing this Bylaw, and is empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act.
- 5.3.6.4 The person to whom the violation ticket is issued may, in lieu of being prosecuted, sign the plea of guilty to the violation ticket and pay the fine to the Clerk of the Court at the location indicated on the violation ticket.
- 5.3.6.5 Where a person is found guilty of an offence pursuant to this Land Use Bylaw, the Alberta Court of Queen's Bench may, in addition to any other penalty imposed, order the person to comply with the Act and any regulations, a development permit, subdivision approval, an order or decision of the Subdivision and Development Appeal Board, or this Land Use Bylaw.

5.3.6 SUSPENSION OF EXISTING LAND USE ORDER

- 1. This Bylaw supersedes and rescinds all previous Municipal District of Mackenzie Land Use Bylaws.

6.0 SIGN CONTROL

6.1 GENERAL PROVISIONS

No sign of advertising, directional or information nature that is attached to the ground or to any exterior surface of a building or structure shall be installed unless the Development Authority has approved a development application for this purpose.

- 6.1.1 No signs shall be erected on or affixed to private and/or public property without the prior consent of the property owner.

6.2 SIGN REVIEW AND PROCESS

- 6.2.1 Signs shall only be approved when, in the opinion of the Development Authority, the sign or signs;

- a. do not obstruct the orderly and safe flow of vehicular or pedestrian traffic, or obstruct the "corner sight" regulations as required under this Bylaw;
- b. do not unduly interfere with the amenities of the district within in which they are located;
- c. do not affect the use, enjoyment or materially interfere with the value of neighbouring properties; and
- d. do not create visual or aesthetic decline.

- 6.2.2 In considering of a development permit application for signs, billboards, or advertising material, the Development Officer may consider such factors as:

- a) Location of the proposed signage;
- b) Distance from roadway;
- c) Size;
- d) Height;
- e) Method of illumination;
- f) Such other considerations as the Development Officer may deem to be relevant.

- 6.2.3 The Development Officer shall attach, as conditions of the development permit approval, those conditions he/she feels are necessary to resolve any development concerns or issues as identified in Section 7.2.2.

- 6.2.4 The quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Officer.

6.3 GENERAL SIGN REGULATIONS

- 6.3.1 Flashing, animated or interiorly illuminated signs shall not be permitted in developments where they might, in the opinion of the Development Officer, affect residents in adjacent housing or residential areas; or interfere with the interpretation of traffic signs or controls, or vehicular safety.
- 6.3.2 All signs shall be kept in a safe, clean, and tidy condition, and may be required to be renovated or removed if not properly maintained.
- 6.3.3 A sign height must not exceed the maximum building height allowed in the district.
- 6.3.4 No sign shall be illuminated unless the source of light is suitably shielded and must not pose a safety hazard to an adjacent site or road.
- 6.3.5 Wiring and conduits for electrified signs must be concealed from view.
- 6.3.6 Temporary signs that are not attached to the ground, a building, or structure, and are portable, such as A-board signs, construction site identification signs, changeable copy portable signs, temporary community event signs and real estate signs, do not require development permits but must conform to the requirements of this Bylaw.

6.4 SIGNS IN RURAL AREAS

- 6.4.1 In a rural area, the sign shall be located a minimum of:
 - a) 200 metres from regulatory signs.
 - b) 3 metres (9 feet) from the outer edge of the road.
- 6.4.2 The sign shall be a minimum of 1.5 metres to a maximum of 2.5 metres in height above the shoulder of the road.

6.5 SIGNS IN HAMLETS

- 6.5.1 A sign in a Hamlet shall be located a minimum of:
 - a) 50 metres from regulatory signs.
 - b) Not less than 1.5 metres from the curb/sidewalk.
- 6.5.2 The sign shall be a minimum of 2 metres in height from the bottom of the sign, above curb/sidewalk.

6.6 ENFORCEMENT

6.6.1 Where the Development Authority finds a sign that contravenes the provisions of this Bylaw, is abandoned, or in bad repair, they may by notice in writing, served personally or by registered mail, order the registered owner, person in possession of the land or building, or the person responsible for the sign to:

- a) remove the sign within 10 days after receipt of the notice; or
- b) take such measures as are specified in the notice to alter the sign so it complies with the provisions of this Bylaw; or
- c) take such measures as are specified in the notice to refurbish or alter the sign.

7.0 LAND USE DISTRICT REGULATIONS

Pursuant to the Municipal Government Act, the Municipal District of Mackenzie is divided into the following districts and the Development Officer is hereby authorized to assess and decide applications for development permits for all permitted, discretionary, or "same or similar" uses and other provisions as stipulated in this Bylaw in the following Land Use Districts.

7.1 LAND USE DISTRICTS

Agricultural District 1 (A1)
Direct Control District 1 (D1)
Direct Control District 2 (D2)
Direct Control District 3 (D3)
Forestry District (F)
Hamlet Commercial District 1 (C1)
Hamlet Commercial District 2 (C2)
Hamlet Commercial-Residential Transitional District (CRT)
Hamlet Country Residential 1 (HCR1)
Hamlet Country Residential 2 (HCR2)
Hamlet Industrial District 1 (HI1)
Hamlet Industrial District 2 (HI2)
Hamlet Residential District 1 (HR1)
Hamlet Residential District 1A (HR1A)
Hamlet Residential District 1B (HR1B)
Hamlet Residential District 2 (HR2)
Hamlet Residential District 3 (HR3)
Hamlet General District (HG)
Highway Development District (HD)
Hutch Lake District (HL)
Mobile Home Subdivision 1 (MHS1)
Mobile Home Subdivision 2 (MHS2)
Mobile Home Park 1 MHP
Public/Institutional District (P)
Recreation District (REC)
Rural Country Residential District 1 (RC1)
Rural Country Residential District 2 (RC2)
Rural Country Residential District 3 (RC3)
Rural Country Residential District 4 (RC4)
Rural Industrial District 1 (RI1)

7.2 LAND USE DISTRICT BOUNDARIES

The boundaries of the land use districts listed in Sub-Section 5.1 of the Bylaw are delineated in the Land Use District Map being in Schedules A, B, C, D, E, F, G, and H, and which form part of the Bylaw.

7.3 AGRICULTURAL DISTRICT 1 (A1)

The purposes of this Land Use District are: to conserve land for a wide range of agricultural uses, to minimize the fragmentation of agricultural land, and to limit non-agricultural land uses to those which would not interfere with agricultural practices.

A. PERMITTED USES

- a) Ancillary Building/Use
- b) Extensive Agriculture
- c) Intensive Agriculture (1) and (2)
- d) Farm Building
- e) Mobile Home
- f) Modular Home
- g) Single Detached Dwelling

B. DISCRETIONARY USES

- a) Abattoir
- b) Auction Mart
- c) Bed and Breakfast
- d) Bunkhouse
- e) Cemetery
- f) Church
- g) Communication Tower
- h) Confined Feeding Operation
- h) Farm Subsidiary Business
- i) Forestry Lookout Tower
- j) Garden Suite
- k) Handicraft Business
- l) Home Based Business
- m) Industrial Camps
- i) Intensive Livestock Operation
- j) Intensive Recreation
- n) Kennel
- o) Public use
- p) Retail Store
- q) Sewage Lagoon
- r) Sewage Treatment Plant
- s) Stripping Top Soil
- t) Tradesmen's business
- u) Veterinary Clinic
- v) Waste Transfer Station
- k) Water Reservoir

C. PARCEL DENSITY

Residential Uses: Three (3) parcels per quarter section, river lot or original titled property with the balance of the quarter section, river lot or original titled property

being one of the parcels; with the subdivided parcels being any two of the following:

- a. Existing farmstead
- b. Vacant parcel
- c. Fragmented parcel

D. LOT AREA

Country Residential Uses:

Maximum Lot Area: up to 4.05 hectares (10.0 acres) unless:

- a. an existing residence requires the approval of a larger parcel size to meet setback requirements or to include the entire yardsite;
- b. the parcel is fragmented to such a degree that a 4.05 hectares (10.0 acres) subdivision would render the remaining portion of the fragmented parcel difficult or useless for farming; or
- c. the bank of a natural water course or road plan is used as a boundary.

E. NUMBER OF DWELLING UNITS

A maximum of one dwelling unit shall be permitted on each of the following:

- (a) a rural subdivision, and
- (b) a rural subdivision that is a farmstead separation, and
- (c) the balance of the quarter section

to a maximum of three dwellings on a quarter section, river lot or original titled property.

An additional dwelling unit may be allowed in this land use district subject to Section 4.11 – Dwelling Units Per Parcel.

F. MINIMUM FRONT YARD SETBACK

- a) Lot fronting on a provincial highway, rural road, or undeveloped road allowance:
 - i. 40.8 metres (134 feet) from right-of-way
 - ii. 63.7 metres (209 feet) from centre line

G. MINIMUM SIDE YARD SETBACK

- a) 15.2 metres (50 feet);

- b) Unless a corner parcel where the minimum side yard shall be the same as the front yard unless otherwise required by the Development Officer.

H. MINIMUM REAR YARD SETBACK

15.2 metres (50 feet) unless otherwise required by the development Officer

I. MAXIMUM GROSS FLOOR AREA

- a) Handicraft Business will have a maximum gross floor area of 93 square meters (or 1,000 sq ft.)
- b) Retail Store will have a maximum floor area of 185.8 square meters (2,000 sq ft.)

J. LANDSCAPING

In addition to other provisions of this Bylaw, the Development Officer may require any discretionary use to be screened from view with a vegetated buffer strip and/or other screening of a visually pleasing nature, satisfactory to the Development Officer.

K. OTHER REQUIREMENTS

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

7.4 DIRECT CONTROL DISTRICT 1 “DC1”

The purpose of this District is to provide for Direct Control of development where deemed necessary by the Municipal District Council.

A. USES

Land uses will be subject to the approval of Council.

B. REQUIREMENTS

- (1) All site requirements shall be at the discretion of Council, based upon a site plan which is submitted as part of a development permit application.
- (2) All development shall conform to the spirit and intent of the *Municipal District of Mackenzie Municipal Development Plan*.
- (3) Council may refer to other sections of this Bylaw to determine requirements for specific types of proposed land uses on property zoned under this District.
- (4) When deciding a development permit application, Council shall consider the following:
 - (i) the existing and future land use of neighbouring properties;
 - (ii) the provision of municipal services such as water and sewer, roads, and drainage systems;
 - (iii) the provision of access to the subject property; and
 - (iv) any considerations which are unique to the proposed development and/or subject property.
- (5) Council may decide on other requirements as are necessary, having regard to the nature of the proposed development.

C. ADMINISTRATION AND PROCEDURES

- (1) Council shall approve all applications for principal uses on property zoned under this District. Development proposals for secondary or ancillary uses may be delegated to the Development Officer at Council's discretion.
- (2) There shall be no appeal allowed to the Subdivision and Development Appeal Board on decisions made by Council on applications for proposed development on land zoned under Direct Control District.

7.5 DIRECT CONTROL DISTRICT 2 “DC2”

The general purpose of this district is to control and regulate the development of adult type businesses.

A. DISCRETIONARY USES

- (1) Adult entertainment business.
- (2) Liquor store.
- (3) Pawn shop.
- (4) Funeral Home (Morgue).
- (5) All uses that require approval from the Alberta Gaming and Liquor Commission, with the exception of occasional licences not exceeding 72 hours.

B. DEVELOPMENT REGULATIONS

Development standards will be established at the discretion of Council having regard to the nature of the proposed land use and may include the following: lot and floor area; development setbacks; design, character and appearance of buildings; access; and parking

C. SPECIAL PROVISIONS

- (1) When making a decision on a development permit application, Council shall take into account the compatibility of the proposed land use with surrounding land uses and the character of the community.
- (2) These types of businesses shall not be located within 152.4 metres (500 feet) of a church, education institution, park, public facility or other similar uses unless otherwise approved by Council. As well a church, education institution, park, day care facility or other similar use shall not be located within 152.4 metres (500 feet) of a direct control district.
- (3) Council shall be the development permit approving authority.
- (4) There is no appeal to the Subdivision and Development Appeal Board allowed in regards of a Council decision on a development permit application as stated in Section 641 of the Municipal Government Act, 1994.

7.6 DIRECT CONTROL DISTRICT 3 “DC3”

The general purpose of this district is to accommodate the development of forest-based industries and related land uses.

A. PERMITTED USES

- (1) Forest-based industry

B. DISCRETIONARY USES

- (1) Ancillary uses and buildings
- (2)
- (3) Extensive agriculture and farm buildings
- (4) Industrial plant
- (5) Natural resource extraction industry
- (6) Operations and facilities required to support the forest-based industrial operation
- (7) Petroleum facility
- (8) Pulp mill
- (9) Regional landfill
- (10) Sawmill
- (11) Security suite

C. DEVELOPMENT STANDARDS

Council, at their discretion, will determine development standards required for the development of the specific forest-based industry.

D. ADDITIONAL REQUIREMENTS

- (1) The design, character and appearance of buildings shall be at the discretion of Council.
- (2) Council may require a buffer between the forest-based industry and surrounding properties.
- (3) Council may request additional information required to evaluate a forest-based industrial proposal.

7.7 FORESTRY DISTRICT “F”

The general intent of this District is to regulate land use within the Green Area of the Municipal District, allowing only those developments that cannot be reasonably located outside the Green Zone.

A. DISCRETIONARY USES

- (1) Ancillary building or use.
- (2) Cabin.
- (3) Security suite.
- (4) Commercial forest operations.
- (5) Communication tower.
- (6) Community pasture, cattle grazing.
- (7) Fire suppression buildings or camp.
- (8) Forestry building.
- (9) Industrial camp.
- (10) Intensive recreational use.
- (11) Natural resource extraction industry.
- (12) Oil and gas facilities.
- (13) Public use.
- (14) Sawmill.
- (15) Small woodlot management.
- (16) Water reservoir.
- (17) Water treatment facility.

B. MINIMUM LOT AREA

As required by the Development Officer.

C. SETBACK REQUIREMENTS

As required by the Development Officer.

D. ADDITIONAL REQUIREMENTS

A Development Permit may be issued for development on Crown Land subject to approval being obtained from Alberta Environmental Protection.

7.8 HAMLET COUNTRY RESIDENTIAL DISTRICT 1 “HCR1”.

The general purpose of this district is to allow for the development of serviced multi-lot country residential subdivision and development within Hamlet boundaries.

A. PERMITTED USES

- (1) Park
- (2) Playground
- (3) Single detached dwelling

B. DISCRETIONARY USES

- (1) Ancillary building or use.
- (2) Home based business.
- (3) Public use.
- (4) Modular homes (no double wide mobile homes)
- (5) Bed and breakfast.

C. PARCEL DENSITY

The number of lots shall be at the discretion of the Development Officer.

D. LOT AREA

With municipal sewage system: up to 0.81 hectares (2.0 acres)
Maximum 2.47 hectares (5.0 acres)

With private sewage system:

Minimum: 1.2 hectares (3 acres)
Maximum: 2.47 hectares (5.0 acres)

E. MINIMUM TOTAL FLOOR AREA

At the discretion of the Development Officer.

F. MINIMUM FRONT YARD SETBACK

Lot fronting onto a Primary or Secondary Highway:
40.8 metres (134 feet) from right of way.

Lot Fronting onto a local (rural) road:
20.4 metres (67 feet) from right of way.

Lot fronting onto an internal subdivision road:
15.2 metres (50 feet)

G. MINIMUM SIDE YARD SETBACK

- (1) Exterior Side Yard Width:
15 feet (4.6 metres)
- (2) Interior Side Yard Width:
15 feet (4.6 metres)

H. MINIMUM REAR YARD SETBACK

25 feet (7.6 metres)

I. DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

- (1) Buildings shall be either of new construction or moved in unless otherwise approved by the Development Officer.
- (2) The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and the character of the site to the satisfaction of the Development Officer.

J. ADDITIONAL REQUIREMENTS

- (1) When reviewing an application for subdivision or a development permit application, the Development Officer may consider the following:
 - a. access to the subject property and the construction standards for roads to be built;
 - b. the provision, operation and maintenance of water and sewer facilities;
 - c. water supply for fire fighting purposes;
 - d. site drainage; and
 - e. development of parks and recreation areas.
- (2)
 - a. Connection to the municipal water system at such time as the municipal service becomes adjacent to the boundary of the development.
 - a. Connection to the municipal sewage system at such time as the municipal service becomes adjacent to the boundary of the development and, in the interim, the development must comply with the Alberta Private Sewage Systems Standard of Practice 1999.

- (3) The Development Officer may decide on such other requirements as are necessary having regard to the nature of the proposed development and the intent of this district.

7.9 HAMLET COUNTRY RESIDENTIAL DISTRICT 2 “HCR2”.

The general purpose of this district is to allow for the development of serviced multi-lot country residential subdivision and development within Hamlet boundaries.

A. PERMITTED USES

- (1) Park
- (2) Playground
- (3) Mobile Home
- (4) Modular Home

B. DISCRETIONARY USES

- (6) Ancillary building or use.
- (7) Home based business.
- (8) Public use.
- (9) Single detached dwelling
- (10) Bed and breakfast

C. PARCEL DENSITY

The number of lots shall be at the discretion of the Development Officer.

D. LOT AREA

With municipal servicing: up to 2.47 hectares (5.0 acres)

With private sewage:

- Minimum: 1.2 hectares (3 acres)
- Maximum: 2.47 hectares (5.0 acres)

E. MINIMUM TOTAL FLOOR AREA

At the discretion of the Development Officer.

F. MINIMUM FRONT YARD SETBACK

Lot fronting onto a Primary or Secondary Highway:

40.8 metres (134 feet) from right of way.

Lot Fronting onto a local (rural) road:

20.4 metres (67 feet) from right of way.

Lot fronting onto an internal subdivision road:

15.2 metres (50 feet)

G. MINIMUM SIDE YARD SETBACK

- (1) Exterior Side Yard Width:
15 feet (4.6 metres)
- (2) Interior Side Yard Width:
15 feet (4.6 metres)

H. MINIMUM REAR YARD SETBACK

25 feet (7.6 metres)

I. DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

- (1) Buildings shall be either of new construction or moved in unless otherwise approved by the Development Officer.
- (2) The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and the character of the site to the satisfaction of the Development Officer.
- (3) All mobile homes to be factory built with walls of pre-finished baked enamel aluminum siding, vinyl siding or the equivalent and peaked shingled roof, to the satisfaction of the Development Officer.
- (4) If mobile homes are placed upon a basement, solid footings and concrete or wood block foundation wall or skirting should be required so that the appearance, design and construction will compliment the mobile home. The undercarriage of the mobile home shall be screened from view.
- (5) All ancillary structures to mobile homes, such as patios, porches, additions, etc., shall be factory prefabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the mobile home.
- (6) All areas on the lot not developed by walkways, driveways or parking aprons shall be grassed and landscaped to the satisfaction of the Development Officer.

J. ADDITIONAL REQUIREMENTS

- (1) When reviewing an application for subdivision or a development permit application, the Development Officer may consider the following:

- a. access to the subject property and the construction standards for roads to be built;
 - b. the provision, operation and maintenance of water and sewer facilities:
 - c. water supply for fire fighting purposes;
 - d. site drainage; and
 - e. development of parks and recreation areas.
- (2)
- a. Connection to the municipal water system at such time as the municipal service becomes adjacent to the boundary of the development.
 - b. Connection to the municipal sewage system at such time as the municipal service becomes adjacent to the boundary of the development and, in the interim, the development must comply with the Alberta Private Sewage Systems Standard of Practice 1999.
- (3) The Development Officer may decide on such other requirements as are necessary having regard to the nature of the proposed development and the intent of this district.

7.10 HAMLET COMMERCIAL DISTRICT 1 “HC1”

The general purpose of this district is to permit commercial development in downtown or core areas of established hamlets.

A. DISCRETIONARY USES

- (1) Ancillary building or use.
- (2) Bus depot.
- (3) Dwelling unit in conjunction with a discretionary use provided it is incorporated in the same building and the total floor area of the dwelling unit shall be less than the floor area for the other use
- (4) Intensive recreation.
- (5) Laundromat.
- (6) Motel or hotel.
- (7) Personal service establishment.
- (8) Professional office.
- (9) Public use.
- (10) Recycling facility
- (11) Restaurant.
- (12) Retail Store.

B. MINIMUM LOT AREA

As required by the Development Officer.

C. MINIMUM TOTAL FLOOR AREA

As required by the Development Officer.

D. MINIMUM FRONT YARD SETBACK

9.1 metres (30 feet) or as required by the Development Officer.

E. MINIMUM SIDE YARD SETBACK

If the lot is bounded on both sides by land classified as “Hamlet Commercial 1” or “Hamlet Commercial 2”, no side yard requirement is necessary, except where a side yard is provided, it shall be no less than 1.5 metres (5 feet).

F. MINIMUM REAR YARD SETBACK

3.0 metres (10 feet).

G. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

New construction only. The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

H. OFF-STREET PARKING

In accordance to the provisions of this Bylaw.

7.11 HAMLET COMMERCIAL DISTRICT 2 “HC2”

The general purpose of this District is to permit commercial development in established hamlets.

A. DISCRETIONARY USES

- (1) Agricultural implement sales and service
- (2) Ancillary building or use.
- (3) Automobile sales and service
- (4) Cardlock 2
- (5) Convenience store
- (6) General service
- (7) Indoor recreation service
- (8) Lumber yard
- (9) Mobile home sales and service
- (10) Motel, hotel, and ancillary use
- (11) Professional offices
- (12) Public use
- (13) Recycling facility
- (14) Restaurant
- (15) Retail store
- (16) Service station

B. MINIMUM LOT AREA

As required by the Development Officer.

C. MINIMUM TOTAL FLOOR AREA

As required by the Development Officer.

D. MINIMUM FRONT YARD SETBACK

9.1 metres (30 feet) or required by the Development Officer.

E. MINIMUM SIDE YARD SETBACK

If the lot is bounded on both sides by land classified as “Hamlet Commercial 1” or “Hamlet Commercial 2”, no side yard requirement is necessary, except where a side yard is provided it shall not be less than 1.5 metres (5 feet).

F. MINIMUM REAR YARD SETBACK

3.0 metres (10 feet).

G. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

New construction only. The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

H. OFF-STREET PARKING

In accordance with the provisions of this Bylaw.

7.12 HAMLET COMMERCIAL - RESIDENTIAL TRANSITIONAL DISTRICT "HCRT"

The general purpose of this district is to permit commercial and residential developments in areas of hamlets that are changing over time from residential areas to commercial areas.

A. DISCRETIONARY USES

- (1) Agricultural implement sales and service.
- (2) Ancillary building or use.
- (3) Automobile sales and service.
- (4) Bus depot.
- (5) Intensive recreational use.
- (6) Laundromat.
- (7) Lumber yard.
- (8) Mobile home sales and service.
- (9) Motel or hotel.
- (10) Personal service establishment.
- (11) Professional office.
- (12) Public use.
- (13) Recreation vehicle sales and service.
- (14) Restaurant.
- (15) Retail store.
- (16) Service station.

B. RESIDENTIAL USES

Residential buildings are regarded as non-conforming buildings in this land use district. Minor renovations, repairs, and other actions for the purpose of maintaining the dwelling will be allowed. Major structural changes, rebuilding, or replacement of a residential buildings will not be allowed.

C. SITE REQUIREMENTS

Lot area, floor area, site setbacks, building design and other development considerations for permitted uses shall conform to the development standards described in the Hamlet Commercial 1 District "HC1". Development standards for discretionary uses shall conform to the standards described in the Hamlet Commercial 2 District "HC2".

7.13 HAMLET GENERAL DISTRICT 1"HG1"

The general purpose of this district is to allow a variety of urban-type land uses in isolated, natural resource hamlets and settlements.

No use is to be established that is, or will become, obnoxious by way of noise, odour or fumes.

A. DISCRETIONARY USES

- (1) Ancillary building or use.
- (2) Bulk fuel sales.
- (3) Bulk propane sales.
- (4) Security suite.
- (5) Contractor's business.
- (6) Convenience store.
- (7) Hotel, Motel.
- (8) Industrial camp.
- (9) Intensive recreation.
- (10) Laundromat.
- (11) Office.
- (12) Oil and gas field servicing.
- (13) Repair shop.
- (14) Retail store.
- (15) Service station.
- (16) Storage yard.
- (17) Welding shop.

B. MINIMUM LOT AREA

As required by the Development Officer.

C. MINIMUM TOTAL FLOOR AREA

As required by the Development Officer.

D. MINIMUM YARD SETBACKS

Residential:

- 1) Front Yard - 9.1 m (30 feet).

Rear Yard - 9.1 m (30 feet).
Side Yard - 3.0 m (10 ft) each.
Side Yard on Corner Site - 9.1 m (30 feet) on side adjacent to street.
- 2) Unless otherwise required by the Development Officer.

Commercial:

Retail stores built adjacent to existing similar uses may be built without front or side yard setbacks where there is lane access unless otherwise required by the Development Officer.

Where there is not lane access - one side yard of at least 4.6 m (15 ft) shall be provided.

All other uses:

As required by the Development Officer.

7.14 HAMLET INDUSTRIAL DISTRICT 1 “HI1”

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

A. DISCRETIONARY USES

- (1) Agricultural industry sales and service
- (2) Auto body repair shop
- (3) Bulk fertilizer sales
- (4) Bulk fuel sales
- (5) Bulk propane sales
- (6) Cardlock 1
- (7) General contracting firm
- (8) Grain elevator
- (9) Industrial Camps
- (10) Industrial uses that are not obnoxious by reason of emission of odours, dust, gas, noise or vibration.
- (11) Manufacturing firm
- (12) Mobile home sales and service
- (13) Mobile home subdivision
- (14) Public Use
- (15) Repair shop
- (16) Storage yard

B. MINIMUM LOT AREA

As required by the Development Officer.

C. MINIMUM TOTAL FLOOR AREA

As required by the Development Officer.

D. MINIMUM FRONT YARD SETBACK

9.1 metres (30 feet) or as required by the Development Officer.

E. MINIMUM SIDE YARD SETBACK

As required by the Development Officer.

F. MINIMUM REAR YARD SETBACK

9.1 metres (30 feet) or as required by the Development Officer.

G. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards to the satisfaction of the Development Officer.

H. OFF-STREET PARKING

In accordance to the provisions of this Bylaw.

I. RESIDENTIAL DEVELOPMENT

No residential development, including security suites, shall be allowed on lands which are not compatible with on-site or surrounding land uses.

7.15 HAMLET INDUSTRIAL DISTRICT 2 “HI2”

The general purpose of this district is to restrict development to industrial and similar types of uses in isolated, natural resource hamlets and settlements in the Municipal District.

A. DISCRETIONARY USES

- (1) Auto wrecking.
- (2) Bulk fuel sales.
- (3) Security suite.
- (4) Contracting firm.
- (5) Equipment storage and/or rental.
- (6) Industrial camp.
- (7) Manufacturing firm.
- (8) Oil and gas field servicing
- (9) Repair shop.
- (10) Storage yard/salvage yard.

B. MINIMUM LOT AREA

As required by the Development Officer.

C. MINIMUM TOTAL FLOOR AREA

As required by the Development Officer.

D. MINIMUM FRONT YARD SETBACK

9.1 metres (30 feet), or as required by the Development Officer.

E. MINIMUM SIDE YARD SETBACK

As required by the Development Officer.

F. MINIMUM REAR YARD SETBACK

As required by the Development Officer.

G. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

Buildings may either be of new construction or moved in. The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment adjoining development and character of the site to the satisfaction of the Development Officer.

H. OFF-STREET PARKING

In accordance to the provisions of this Bylaw.

I. SPECIAL PROVISIONS - INDUSTRIAL CAMP

- (1) All parking must be provided on-site and parking areas, where required, shall be developed to the satisfaction of the Development Officer.
- (2) Provision of all points of access shall be provided to the satisfaction of the Development Officer.
- (3) Adjacent industrial camps shall be located in such a manner as to provide adequate spacing between the industrial camps to the satisfaction of the Development Officer.
- (4) An area shall be provided, with appropriate screening, for the storage of garbage to the satisfaction of the Development Officer

J. RESIDENTIAL DEVELOPMENT

No residential development, including security suites and industrial camps, shall be allowed on lands which will not be compatible with on-site or surrounding land uses.

7.16 HAMLET RESIDENTIAL DISTRICT 1 “HR1”

The general purpose of this district is to permit residential uses in hamlets.

A. PERMITTED USES

- (1) Single detached dwelling.
- (2) Park
- (3) Public use

B. DISCRETIONARY USES

- (1) Ancillary buildings and uses.
- (2) Bed and breakfast.
- (3) Duplex.
- (4) Home based business.
- (5) Mobile home.
- (6) Modular home.
- (7) Park.
- (8) Public and quasi-public building and use required to serve this district.

D. MINIMUM LOT WIDTH

25 metres (82 feet)

E. MINIMUM LOT DEPTH

33.5 metres (110 feet)

F. MINIMUM FRONT YARD SETBACK

7.6 metres (25 feet).

G. MINIMUM SIDE YARD SETBACK

Side yards shall not be less than 1.2 metres (5 feet). In the case of a corner site the exterior side yard shall not be less than 3.0 metres (15 feet).

H. MINIMUM REAR YARD SETBACK

2.4 metres (8 feet). Setbacks may be reduced to 1.52 metres (5 feet) when using sub-surface utilities.

I. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the

natural features and character of the site to the satisfaction of the Development Officer.

J. OFF-STREET PARKING

In accordance with the provisions of this Bylaw.

Any discretionary use may require off-street parking as required by the Development Officer.

7.17 HAMLET RESIDENTIAL DISTRICT 1A “HR1A”

The general purpose of this district is to permit residential uses in established hamlets, with the intention of restricting development to on-site stick-built single detached dwellings with attached garages and associated uses.

A. PERMITTED USES

- (1) Single detached dwelling with attached garage.

B. DISCRETIONARY USES

- (1) Ancillary building and use.
- (2) Home based business.
- (3) Park.
- (4) Playground.

C. MINIMUM LOT WIDTH

25 metres (82 feet)

D. MINIMUM LOT DEPTH

33.5 metres (110 feet)

E. MINIMUM FRONT YARD SETBACK

7.6 metres (25 feet).

F. MINIMUM SIDE YARD SETBACK

Side yards shall not be less than 1.5 metres (5 feet). In case of a corner site the exterior side yard shall not be less than 3.0 metres (10 feet).

G. MINIMUM REAR YARD SETBACK

2.4 metres (8 feet). Setbacks may be reduced to 1.52 metres (5 feet) when using sub-surface utilities.

H. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

- (a) The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

- (b) For those residences constructed with a front attached garage, the garage may be required to be located on the same side as the adjacent properties front attached garage at the discretion of the Development Officer.

I. OFF-STREET PARKING

In accordance to the provisions of this Bylaw.

7.18 HAMLET RESIDENTIAL DISTRICT 1B “HR1B”

The general purpose of this district is to permit residential uses in established hamlets, with the intention of restricting development to on-site stick-built single detached dwellings and associated uses.

A. PERMITTED USES

- (1) Single detached dwelling.

B. DISCRETIONARY USES

- (1) Attached Garage.
- (2) Detached garage.
- (3) Ancillary building and use.
- (4) Home based business.
- (5) Park.
- (6) Playground.

C. MINIMUM LOT WIDTH

25 metres (82 feet)

D. MINIMUM LOT DEPTH

33.5 metres (110 feet)

E. MINIMUM FRONT YARD SETBACK

7.6 metres (25 feet).

F. MINIMUM SIDE YARD SETBACK

Side yards shall not be less than 1.5 metres (5 feet). In case of a corner site the exterior side yard shall not be less than 3.0 metres (10 feet).

G. MINIMUM REAR YARD SETBACK

2.4 metres (8 feet). Setbacks may be reduced to 1.52 metres (5 feet) when using sub-surface utilities.

H. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

- (a) The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and

shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

- (b) For those residences constructed with a front attached garage, the garage may be required to be located on the same side as the adjacent properties front attached garage at the discretion of the Development Officer.

I. OFF-STREET PARKING

In accordance to the provisions of this Bylaw.

7.19 HAMLET RESIDENTIAL DISTRICT 2 “HR2”

The general purpose of this district is to restrict development to large lot residential and other compatible uses in urban areas.

A. PERMITTED USES

- (1) Single detached dwelling.

B. DISCRETIONARY USES

- (1) Ancillary building and use.
- (2) Apartment.
- (3) Church.
- (4) Duplex dwelling.
- (5) Garden Suite
- (6) Home based business
- (7) Intensive recreation.
- (8) Mobile home.
- (9) Modular home.
- (10) Park.
- (11) Playground.
- (12) Public use.
- (13) Semi-detached dwelling.

C. MINIMUM LOT WIDTH

25 metres (82 feet).

D. MINIMUM LOT DEPTH

33.5 metres (110 feet).

E. MINIMUM FRONT YARD SETBACK

7.6 metres (25 feet).

F. MINIMUM SIDE YARD SETBACK

Side yards shall not be less than 1.2 metres (4 feet). In case of a corner site the exterior side yard shall not be less than 3.0 metres (10 feet).

G. MINIMUM REAR YARD SETBACK

2.4 metres (8 feet).

H. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

Buildings may be either of new construction or moved in. The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

I. OFF-STREET PARKING

In accordance to the provisions of this Order.

7.20 HAMLET RESIDENTIAL DISTRICT 3 “HR3”

The general purpose of this district is to permit medium and high-density residential development in established hamlets.

A. PERMITTED USES

- (1) Apartment building
- (2) Park
- (3) Row dwelling
- (4) Semi detached dwelling

B. DISCRETIONARY USES

- (1) Ancillary building and use
- (2) Boarding or rooming house
- (3) Group home
- (4) Home based business
- (5) Public use
- (6) Senior citizen’s home

C. MINIMUM LOT WIDTH

25 metres (82 feet).

D. MINIMUM LOT DEPTH

33.5 metres (110 feet).

E. MINIMUM FRONT YARD SETBACK

- (1) 7.6 metres (25 feet) or as required by the Development Officer.

F. MINIMUM REAR YARD SETBACK

- (1) 7.6 metres (25 feet) or minimum required for on-site parking.

G. MINIMUM SIDE YARD SETBACK

- (1) A row dwelling, apartment building or senior’s complex: 7.6 metres (25 feet).
- (2) All other residential dwellings: 3.0 metres (10 feet) or as required by the Development Officer.

H. MINIMUM INTERIOR SIDE YARD SETBACK

- (1) An apartment building or row dwelling: 4.6 metres (15 feet).

(2) All other residential dwellings: 3.0 metres (10 feet).

I. MAXIMUM SITE COVERAGE

(1) An apartment building: 40%

(2) All other residential dwellings: 35%

J. DENSITY

(1) 99 units per net hectare (40 units per net acre) for apartments.

(2) 30 units per net hectare (12 units per net acre) for row housing.

K. OFF STREET PARKING

(1) All off-street parking shall be surrounded by a landscaped area of not less than 1 metre (3.0 feet) in width and a wall or hedge of not less than 1.5 metres (5 feet) in height and not more than 2.1 metres (7 feet) in height.

L. OTHER

Notwithstanding the above, any apartment projects shall provide for:

- (1) The provision and access to garbage storage.
- (2) The provision of clothes lines or alternate means of handling laundry.
- (3) Lighting between dwelling units
- (4) Privacy for dwelling units in and adjacent to the development.
- (5) Orientation of buildings and general site appearance.
- (6) Safe pedestrian access to and from the public sidewalk fronting the building.

M. THE DESIGN, CHARACTER AND APPEARANCE OF

BUILDINGS

Buildings must be of new construction. The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

7.21 HAMLET RESIDENTIAL DISTRICT 1 “HR4”

The general purpose of this district is to permit residential uses in hamlets with a transition from existing Mobile Homes to single detached dwellings.

A. PERMITTED USES

- (1) Single detached dwelling.
- (2) Park
- (3) Public use

B. DISCRETIONARY USES

- (2) Ancillary buildings and uses.
- (3) Bed and breakfast
- (4) Boarding house.
- (5) Duplex.
- (6) Group home.
- (7) Home based business.
- (8) Modular home.
- (9) Public and quasi-public building and use required to serve this district.
- (10) Semi-detached dwelling.

C. MOBILE HOME USES

Mobile Homes are regarded as non-conforming buildings in this land use district. Minor renovations, repairs, and other actions for the purpose of maintaining the Mobile Home will be allowed. Major structural changes, rebuilding, replacement of the Mobile Home or additions will not be allowed.

D. MINIMUM LOT WIDTH

25 metres (82 feet)

E. MINIMUM LOT DEPTH

33.5 metres (110 feet)

F. MINIMUM FRONT YARD SETBACK

7.6 metres (25 feet).

G. MINIMUM SIDE YARD SETBACK

Side yards shall not be less than 1.5 metres (5 feet). In the case of a corner site the exterior side yard shall not be less than 4.5 metres (15 feet).

H. MINIMUM REAR YARD SETBACK

2.4 metres (8 feet). Setbacks may be reduced to 1.52 metres (5 feet) when using sub-surface utilities.

I. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

J. OFF-STREET PARKING

In accordance with the provisions of this Bylaw.

Any discretionary use may require off-street parking as required by the Development Officer.

7.22 HIGHWAY DEVELOPMENT DISTRICT "HD"

The general purpose of this district is to regulate development adjacent to primary and secondary highways. Development should be restricted to that which is required to serve the motoring public.

A. PERMITTED USES

- (1) Extensive agriculture and farm building.

B. DISCRETIONARY USES

- (1) Ancillary building and use.
- (2) Automobile sales
- (3) Bulk fuel sales.
- (4) Convenience store.
- (5) Highway maintenance yard.
- (6) Institutional and public use.
- (7) Motels, hotel.
- (8) Public use.
- (9) Recreation vehicle park.
- (10) Restaurant
- (11) Security suite.
- (12) Service station.

C. MINIMUM LOT AREA

- (1) As required by Council.

D. MINIMUM FRONT YARD SETBACK

As specified by the transportation approving authority, but in no case less than 40.8 metres (134 feet) from the edge of the highway right of way.

E. MINIMUM SIDE YARD SETBACK OR REAR YARD

15.2 metres (50 feet) or as determined by the Development Officer.

F. ADDITIONAL REQUIREMENTS

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

7.23 HIGHWAY DEVELOPMENT DISTRICT 2 “HD2”

The general purpose of this district is to regulate development adjacent to primary and secondary highways. Development should be restricted to that which is required to serve the motoring public.

A. DISCRETIONARY USES

- (1) Ancillary building and use.
- (2) Automobile sales
- (3) Bulk fuel sales.
- (4) Convenience store.
- (5) Highway maintenance yard.
- (6) Institutional and public use.
- (7) Motels, hotel.
- (8) Public use.
- (9) Recreation vehicle park.
- (10) Restaurant
- (11) Security suite.
- (12) Service station.
- (13) Single Family Dwelling.

B. MINIMUM LOT AREA

- (1) As required by Council.

C. MINIMUM FRONT YARD SETBACK

As specified by the transportation approving authority, but in no case less than 40.8 metres (134 feet) from the edge of the highway right of way.

Lot fronting into an internal subdivision road:

9.1 metres (30 feet) from right of way.

Lot fronting into an external subdivision road:

40.8 metres (134 feet) from right of way or 63.7 metres (209 feet) from the centre of right of way.

D. MINIMUM SIDE YARD SETBACK OR REAR YARD

9.1 metres (30 feet) or as determined by the Development Officer.

E. ADDITIONAL REQUIREMENTS

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

7.24 HUTCH LAKE RECREATION DISTRICT "HRL"

The general purpose of this district is to permit the development of a recreation area at Hutch Lake. All developments shall conform to the Hutch Lake Area Structure Plan.

A. DISCRETIONARY USES

- (1) A cottage.
- (2) A small deck, (including a deck screen enclosure, a deck awning/canopy) for the recreation vehicle or cottage.
- (3) Boat wharf, one central boat wharf to provide access to the lake area.
- (4) Public playground.
- (5) Recreation vehicle.
- (6) Storage/utility shed.
- (7) Water and/or sewage storage tank.
- (8) Ancillary building or use compatible to the principle building or use.

B. RECREATION AREA DEVELOPMENT STANDARDS

(1) Dwelling Density

A maximum of (1) recreation-vehicle or cottage shall be allowed per lot.

(2) Minimum Lot Area

A recreation area lot shall have a minimum lot area or 0.2 hectares (0.5 acres).

(3) Minimum Lot Dimensions

A recreation area lot shall have a minimum frontage of 30.5 metres (100 feet) and a minimum depth of 45.7 metres (150 feet), or as required by the Development Officer.

(4) Minimum Development Setbacks

Frontage setbacks shall be a minimum of 15.2 metres (50 feet), unless otherwise required by the Development Officer.

Side and rear yard setbacks shall be a minimum of 7.6 metres (25 feet), unless otherwise required by the Development Officer.

(5) Development Density

The density of development (number of lots per hectare/acre) shall be in accordance to the provisions of the Hutch Lake Area Structure Plan.

(6) Development Area

The developed area of a recreation area lot shall not exceed 25% of the total lot area.

(7) Access

The provision of access to each recreation area lot shall be as required by the Development Officer and developed in accordance to the standards of the road authority.

C. PARKING

Each lot which is developed for recreation-vehicle purposes shall accommodate the parking of the recreation-vehicle and a minimum of two (2) parking stalls.

Each lot which is developed for cottage purposes shall include a minimum of two (2) parking stalls.

There shall be no allowance for on-street parking in the recreation area.

D. LANDSCAPING AND VEGETATION REMOVAL

Each recreation area lot shall be developed in a manner to ensure proper vegetation and tree coverage for appearance and drainage purposes.

Each recreation area lot shall be landscaped as required by the Development Officer. The removal of trees and/or vegetation from a recreation area lot shall require the approval of the Development Officer.

E. DRAINAGE

The owner of a recreation area lot may be required to develop proper drainage from the recreation area lot in a manner that will not adversely affect neighbouring lots, the natural drainage of the recreation area lot, or the recreation area in general, subject to the approval of the Development Officer.

F. ADMINISTRATION AND OPERATION

The Development Officer shall be responsible for the administration and operation of the recreation area, in accordance to the provisions of the Hutch Lake Area Structure Plan.

G. CHARACTER AND APPEARANCE

All developments on a recreation area shall be of a style and appearance which is compatible with the natural qualities of the recreation area. The character and appearance of all developments on each recreation lot shall

be maintained to minimize any adverse impacts which may occur on adjacent recreation lots or the recreation area in general.

H. WATER AND SEWAGE DISPOSAL

All water and sewage disposal must conform to the requirements of the Hutch Lake Area Structure Plan.

7.25 MOBILE HOME (MANUFACTURED HOME) PARK DISTRICT “MHP”

The general purpose of this district is to permit the development of Mobile Home Parks in the Municipal District where common water and sewer facilities are in place.

A. PERMITTED USES

- (1) Mobile home.
- (2) Mobile home park.
- (3) Mobile home park office.
- (4) Park.
- (5) Public use.

B. DISCRETIONARY USES

- (1) Ancillary buildings and uses.
- (2) Common indoor storage yard.
- (3) Common laundry facility.
- (4) Common outdoor storage yard.
- (5) Convenience store.
- (6) Home based business
- (7) Individual storage yard.
- (8) Intensive recreation.
- (9) Mobile home sales and service.
- (10) Park manager's residence.
- (11) Recreational/social centre.

C. DENSITY

The maximum density shall be 19.8 mobile home units per hectare (8 mobile home units per acre).

D. SIZE OF MOBILE HOME PARK

The minimum site area for a mobile home park shall be 2.0 hectares (5 acres).

E. HOME LOT AREA

- (1) Lots designated for single wide mobile homes shall have a minimum area of 325 square metres (3,500 square feet) and a minimum average width of 10.7 metres (35 feet) and a minimum depth of 30.5 metres (100 feet).

(2) Lots designated for double wide mobile homes shall have a minimum area of 418 square metres (4,500 square feet) and a minimum mean width of 13.7 metres (45 feet) and a minimum depth of 30.5 metres (100 feet).

F. SITE COVERAGE

The mobile home and ancillary buildings shall not cover more than 35% of a mobile home lot.

G. SETBACK REQUIREMENTS

(1) Mobile Home Park

(a) No building or structure other than a fence in a mobile home park shall be located within 3.0 metres (10 feet) from the right-of-way of any public roadway adjacent to the mobile home park.

(b) No building or structure in a mobile home park shall be located within 4.6 metres (15 feet) from a property line of the mobile home park where there is no frontage on a public roadway right-of-way.

(2) Mobile Home Lot

(a) Minimum Front Yard: 3.7 metres (12 feet) from an internal roadway or parking area.

(b) Minimum Side Yard: 1.5 metres (5 feet).

(c) Minimum Rear Yard: 2.4 metres (8 feet).

(d) Mobile homes including attached structures shall be at least 15.2 metres (50 feet) from any mobile home, including any attached structures or permanent park structures located directly on the opposite side of a park street.

(3) Mobile Homes

(a) All mobile homes shall conform to the Alberta Building Code.

(b) Mobile homes shall be presentable in the opinion of the Development Officer.

H. STORAGE

(1) Storage area for vehicles, recreation vehicles, watercraft, and other items that cannot be stored on a mobile home lot shall be provided at 61 metres (200 feet) of storage area per mobile home lot.

(2) A storage area shall be enclosed or screened by trees, landscape features or fences or a combination thereof.

(3) The Development Officer may require that no vehicle over 4,545 kilograms (10,000 pounds) shall be parked on a mobile home lot or mobile home park street for longer than is reasonably required to load or unload such vehicle.

(4) No vehicle greater than 9.1 metres (30 feet) in length may be parked on a mobile home lot.

(5) Not more than one recreation vehicle or trailer may be parked on a mobile home lot.

I. OFF-STREET PARKING

(1) Two parking stalls shall be provided for each mobile home lot.

(2) In addition, one stall for every five mobile home lots shall be provided in the mobile home park for common guest parking.

(3) Each parking stall shall be a minimum of 3.0 metres (10 feet) in width and a minimum of 6.1 metres (20 feet) in depth.

J. OPEN SPACE

A minimum of 10% of the gross park area shall be set aside for common open space recreation area and no portion of any mobile home lot shall be included in this open space.

K. UTILITIES

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

L. APPEARANCE

(1) All ancillary structures such as patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will complement the mobile home.

(2) The undercarriage of each mobile home shall be screened from view by skirting or such other means satisfactory to the Development Officer.

(3) Outdoor lighting shall be integrated in design and appearance.

(4) All areas of a mobile home park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other

developed facilities shall be grassed and landscaped by the developer.

M. SCREENING

The perimeter of the mobile home park must be fenced, screened through the use of trees or have some other suitable screening as approved by the Development Officer.

**7.26 MOBILE HOME (MANUFACTURED HOME)
SUBDIVISION DISTRICT 1 "MHS 1"**

The general purpose of this district is to permit the development of mobile home subdivisions in the Municipal District where common water and sewer facilities are in place.

A. PERMITTED USES

- (1) Mobile home.
- (2) Park.
- (3) Playground.

B. DISCRETIONARY USES

- (1) Ancillary building and use.
- (2) Convenience store.
- (3) Home based business.
- (4) Public use.

C. MOBILE HOME SIZE

Maximum size:	Width:	24 feet
	Length:	as allowed by setbacks
Minimum size:	Width:	16 feet
	Length:	as required by Development Officer

D. MINIMUM LOT WIDTH

21.3 metres (70 feet).

E. MINIMUM LOT DEPTH

33.5 metres (110 feet), unless otherwise required by the Development Officer.

F. MINIMUM FRONT YARD SETBACK

7.6 metres (25 feet).

G. MINIMUM SIDE YARD SETBACK

Side yards shall not be less than 1.5 metres (5 feet). In the case of a corner lot the exterior side yard shall not be less than 4.6 metres (15 feet).

H. MINIMUM REAR YARD SETBACK

2.4 metres (8 feet).

I. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

Mobile Homes:

All mobile homes to be factory built with walls of pre-finished baked enamel aluminium siding, vinyl siding or the equivalent and peaked shingled roof, as required by the Development Officer.

If placed upon a basement, solid footings and concrete or wood block foundation wall or skirting should be required so that the appearance, design and construction will compliment the mobile home. The undercarriage of the mobile home shall be screened from view.

All ancillary structures such as patios, porches, additions, etc., shall be factory pre-fabricated units, or of a quality equivalent thereto, so that appearance, design and construction will compliment the mobile home.

J. OFF-STREET PARKING

In accordance to the provisions of this Bylaw.

**7.27 MOBILE HOME (MANUFACTURED HOME)
SUBDIVISION DISTRICT 2 “MHS 2”**

The general purpose of this district is to permit the development of mobile home subdivisions in the Municipal District where common water and sewer facilities are in place.

A. PERMITTED USES

- (1) Mobile home.
- (2) Park.
- (3) Playground

B. DISCRETIONARY USES

- (1) Ancillary building and use.
- (2) Convenience store.
- (3) Home based business.
- (4) Public use.

C. MINIMUM LOT WIDTH

21.3 metres (70 feet).

D. MINIMUM LOT DEPTH

33.5 metres (110 feet), unless otherwise required by the Development Officer.

E. MINIMUM FRONT YARD SETBACK

7.6 metres (25 feet).

F. MINIMUM SIDE YARD SETBACK

Side yards shall not be less than 1.5 metres (5 feet). In the case of a corner lot the exterior side yard shall not be less than 4.6 metres (15 feet).

G. MINIMUM REAR YARD SETBACK

2.4 metres (8 feet).

H. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

Mobile Homes

All mobile homes to be factory built with walls of pre-finished baked enamel aluminium siding, vinyl siding or the equivalent, as required by the Development Officer. Mobile Homes shall have a factory constructed peaked roof.

If placed upon a basement, solid footings and concrete or wood block foundation wall or skirting should be required so that the appearance, design and construction will compliment the mobile home. The undercarriage of the mobile home shall be screened from view.

All ancillary structures such as patios, porches, additions, etc., shall be factory pre-fabricated units, or of a quality equivalent thereto, so that appearance, design and construction will compliment the mobile home.

I. OFF-STREET PARKING

In accordance to the provisions of this Bylaw.

7.28 PUBLIC/INSTITUTIONAL DISTRICT "P"

The general purpose of this district is to permit the development of land for uses of either a health-related or non-profit nature providing services to the community.

A. PERMITTED USES

- (1) Hospital
- (2) Public use
- (3) School

B. DISCRETIONARY USES

- (1) Cemetery
- (2) Church.
- (3) Community club.
- (4) Day care facility
- (5) Dwelling in association with a medical facility.
- (6) Group home
- (7) Intensive recreation.
- (8) Museum.
- (9) Parsonage.
- (10) Tourist information facility.

C. MINIMUM LOT AREA

As required by the Development Officer.

D. MINIMUM TOTAL FLOOR AREA

As required by the Development Officer

E. MINIMUM FRONT YARD SETBACK

7.6 metres (25 feet).

F. MINIMUM SIDE YARD SETBACK

Side yards shall not be less than 1.5 metres (5 feet) and no side yard need exceed 3.0 metres (10 feet) or at the discretion of the Development Officer. In case of a corner site the width of side yard adjoining the side street shall not be less than 7.6 metres (25 feet).

G. MINIMUM REAR YARD SETBACK

9.1 metres (30 feet).

H. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

Buildings may either be of new construction or moved in. The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

I. SPECIAL PROVISIONS

Adult entertainment businesses shall not be located within 152.4 metres (500 feet) of a church, education institution, park, public facility or other similar uses unless otherwise approved by council. As well a church, education institution, park, day care facility or other similar use shall not be located within 152.4 metres (500 feet) of a direct control district.

7.29 RECREATION DISTRICT “REC”

The purpose and intent of this District is to provide land which has a variety of natural and physical features for general recreation purposes in both rural and urban areas of the Municipal District.

A. PERMITTED USES

- (1) Clubhouse.
- (2) Extensive recreation use.
- (3) Intensive recreational use.
- (4) Museum
- (5) Park.
- (6) Tourist information facility.

B. DISCRETIONARY USES

- (1) Campground
- (2) Exhibition grounds
- (3) Facilities for interpretive, environmental, education and scientific study.
- (4) Public use
- (5) Race track
- (6) Recreation vehicle park
- (7) Retail store, as associated with the principal use.
- (8) Rifle, skeet, trap facility

C. MINIMUM LOT SIZE

As required by the Development Officer.

D. SITE COVERAGE AND SETBACK REQUIREMENTS

As required by the Development Officer.

E. CHARACTER AND APPEARANCE OF BUILDINGS

Buildings shall be either of new construction or moved in unless otherwise required by the Development Officer. Exterior finish to be wood, metal, or similar siding, brick or stucco to the satisfaction of the Development Officer. The finish and appearance of buildings should complement other structures and natural site features.

7.30 RURAL COUNTRY RESIDENTIAL DISTRICT 1 “RC1”.

The general purpose of this district is to provide for the development of multi-lot country residences.

A. PERMITTED USES

Single detached dwelling.

B. DISCRETIONARY USES

- (1) Modular home
- (2) Ancillary building or use.
- (3) Bed and breakfast.
- (4) Home based business.
- (5) Public use.
- (6) Garden suite.
- (7) Intensive recreation use.

C. LOT AREA

Country Residential Uses:

- (a) Minimum Lot Area: 1.2 hectares (3.0 acres).
- (b) Maximum Lot Area: up to 2.02 hectares (5 acres) unless otherwise approved by the Subdivision Authority.

D. MINIMUM FRONT YARD SETBACK

Lot fronting onto a provincial highway or local road:

40.8 metres (134 feet) from right of way.

Lot fronting onto an internal subdivision road:

15.24 metres (50 feet) from right of way.

E. MINIMUM SIDE YARD SETBACK

7.6 metres (25 feet) from property line, or

in the case of a corner site the width of the side yard adjoining the side street shall not be less than 15.24 metres (50 feet), or

15.2 metres (50 feet) from property line adjacent to “Agricultural” or “Forestry” districts.

F. MINIMUM REAR YARD SETBACK

7.6 metres (25 feet), or

15.2 metres (50 feet) from property line adjacent to "Agricultural" or "Forestry" districts.

G. APPEARANCE

Buildings shall be either of new construction or moved in unless otherwise require by the Development Officer. Exterior finish to be wood, metal, or similar siding, brick or stucco to the satisfaction of the Development Officer. The finish and appearance of buildings should complement other structures and natural site features.

H. THE KEEPING OF ANIMALS

A maximum of one non-domestic animal per 3-acres or 2 non-domestic animals per 5 acres.

I. REZONING REQUIREMENTS

- (1) In order to ensure a firm commitment for development has been received the following are requirements for the rezoning application:
 - a) An Area Structure Plan for the parcel.
 - b) A minimum of 10 parcels per rezoning application, or where the total area to be rezoned is less than 20.2 hectares (50 acres), the total developable area must be subdivided.
 - c) The subdivision must have legal access that meets Municipal District of Mackenzie standards.
 - d) Where the existing municipal road is not up to the standard required for the parcel, a road request or upgrade must be part of the subdivision application.
- (2) Once approval has been granted, the developer shall have a period of one (1) year, or as required by the Development Authority, to develop the subdivision including, but not limited to, the installation of utilities, roads and plan registration.

J. SUBDIVISION REQUIREMENTS

1. The Developer shall enter into a Developer's Agreement with the Municipality for payment of off-site levies, if required, for rural multi-lot subdivisions.
2. No subdivision shall be approved unless utility services, including water supply and sewage disposal, can be provided with sufficient capacity to accommodate development of the proposed parcel(s).

3. The Developer shall submit, along with his subdivision application, a Water Management Plan as required by the Water Act RSA 2000 Chapter W-3.
4. The Subdivision Authority may require a sewage collection report from a qualified plumbing inspector to ensure sewage disposal will not have a negative impact on the parcel and/or adjacent land or water resources.
5. Municipal Reserve money in the amount of 10% of market value of the proposed subdivision land or 10% land if required for parks or schools.

7.31 RURAL COUNTRY RESIDENTIAL DISTRICT 2 “RC2”.

The general purpose of this district is to provide for the development of multi-lot country residences.

A. PERMITTED USES

- (1) Mobile Home.

B. DISCRETIONARY USES

- (1) Single Family Dwelling.
- (2) Modular Homes.
- (3) Ancillary building or use.
- (4) Bed and breakfast.
- (5) Home based business.
- (6) Public use.
- (7) Garden suite.
- (8) Intensive recreation use.

C. LOT AREA

(2) Country Residential Uses:

- a) Minimum Lot Area: 1.2 hectares (3.0 acres).
- b) Maximum Lot Area: up to 2.02 hectares (5 acres) unless otherwise approved by the Subdivision Authority.

D. MINIMUM FRONT YARD SETBACK

Lot fronting onto a provincial highway or local road:

40.8 metres (134 feet) from right of way.

Lot fronting onto an internal subdivision road:

15.24 metres (50 feet) from right of way.

E. MINIMUM SIDE YARD SETBACK

7.6 metres (25 feet) from property line, or

in the case of a corner site the width of the side yard adjoining the side street shall not be less than 15.24 metres (50 feet), or

15.2 metres (50 feet) from property line adjacent to “Agricultural” or “Forestry” districts.

F. MINIMUM REAR YARD SETBACK

7.6 metres (25 feet), or

15.2 metres (50 feet) from property line adjacent to "Agricultural" or "Forestry" districts.

G. ADDITIONAL REQUIREMENTS

- (1) Buildings shall be either of new construction or moved in unless otherwise require by the Development Officer. Exterior finish to be wood, metal, or similar siding, brick or stucco to the satisfaction of the Development Officer. The finish and appearance of buildings should complement other structures and natural site features.
- (2) All mobile homes to be factory built with walls of pre-finished baked enamel aluminum siding, vinyl siding or the equivalent and peaked shingled roof, to the satisfaction of the Development Officer.
- (3) If mobile homes are placed upon a basement, solid footings and concrete or wood block foundation wall or skirting should be required so that the appearance, design and construction will compliment the mobile home. The undercarriage of the mobile home shall be screened from view.
- (4) All ancillary structures to mobile homes, such as patios, porches, additions, etc., shall be factory prefabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the mobile home.
- (5) All areas on a mobile home lot not developed by walkways, driveways or parking aprons shall be grassed and landscaped to the satisfaction of the Development Officer.

H. THE KEEPING OF ANIMALS

A maximum of one non-domestic animal per 3-acres or 2 non-domestic animals per 5 acres.

I. REZONING REQUIREMENTS

- (1) In order to ensure a firm commitment for development has been received the following are requirements for the rezoning application:
 - (a) An Area Structure Plan for the parcel.
 - (b) A minimum of 10 parcels per rezoning application, or where the total area to be rezoned is less than 20.2 hectares (50 acres), the total developable area must be subdivided.

- (c) The subdivision must have legal access that meets Municipal District of Mackenzie standards.
 - (d) Where the existing municipal road is not up to the standard required for the parcel, a road request or upgrade must be part of the subdivision application.
- (3) Once approval has been granted, the developer shall have a period of one (1) year, or as required by the Development Authority, to develop the subdivision including, but not limited to, the installation of utilities, roads and plan registration.

J. SUBDIVISION REQUIREMENTS

1. The Developer shall enter into a Developer's Agreement with the Municipality for payment of off-site levies, if required, for rural multi-lot subdivisions.
2. No subdivision shall be approved unless utility services, including water supply and sewage disposal, can be provided with sufficient capacity to accommodate development of the proposed parcel(s).
3. The Developer shall submit, along with his subdivision application, a Water Management Plan as required by the Water Act RSA 2000 Chapter W-3.
4. The Subdivision Authority may require a sewage collection report from a qualified plumbing inspector to ensure sewage disposal will not have a negative impact on the parcel and/or adjacent land or water resources.
5. Municipal Reserve money in the amount of 10% of market value of the proposed subdivision land or 10% land if required for parks or schools.

7.32 RURAL COUNTRY RESIDENTIAL DISTRICT 3 “RC3”.

The general purpose of this district is to provide for the development of multi-lot country residences.

A. PERMITTED USES

- (1) Single detached dwelling.

B. DISCRETIONARY USES

- (1) Modular home
- (2) Mobile home.
- (3) Ancillary building or use.
- (4) Bed and breakfast.
- (5) Home based business.
- (6) Public use.
- (7) Garden suite.
- (8) Owner/Operator business.
- (9) Shop.
- (10) Intensive recreation use.

C. LOT AREA

- (1) Country Residential Uses:

- a) Minimum Lot Area: 1.2 hectares (3.0 acres).
- b) Maximum Lot Area: up to 2.02 hectares (5 acres) unless otherwise approved by the Subdivision Authority.

D. MINIMUM FRONT YARD SETBACK

Lot fronting onto a provincial highway or local road:

40.8 metres (134 feet) from right of way.

Lot fronting onto an internal subdivision road:

15.24 metres (50 feet) from right of way.

E. MINIMUM SIDE YARD SETBACK

7.6 metres (25 feet) from property line, or

in the case of a corner site the width of the side yard adjoining the side street shall not be less than 15.24 metres (50 feet), or

15.2 metres (50 feet) from property line adjacent to “Agricultural” or “Forestry” districts.

F. MINIMUM REAR YARD SETBACK

7.6 metres (25 feet), or

15.2 metres (50 feet) from property line adjacent to "Agricultural" or "Forestry" districts.

G. MAXIMUM SHOP SIZE

Maximum floor area is 12.19 meters by 18.28 meters (40 feet by 60 feet) or 222.83 square meters (2,400 square feet).

Maximum height is 6.09 meters (20 feet).

H. ADDITIONAL REQUIREMENTS

- (1) Buildings shall be either of new construction or moved in unless otherwise require by the Development Officer. Exterior finish to be wood, metal, or similar siding, brick or stucco to the satisfaction of the Development Officer. The finish and appearance of buildings should complement other structures and natural site features.
- (2) All mobile homes to be factory built with walls of pre-finished baked enamel aluminum siding, vinyl siding or the equivalent and peaked shingled roof, to the satisfaction of the Development Officer.
- (3) If mobile homes are placed upon a basement, solid footings and concrete or wood block foundation wall or skirting should be required so that the appearance, design and construction will compliment the mobile home. The undercarriage of the mobile home shall be screened from view.
- (4) All ancillary structures to mobile homes, such as patios, porches, additions, etc., shall be factory prefabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the mobile home.
- (5) All areas on a mobile home lot not developed by walkways, driveways or parking aprons shall be grassed and landscaped to the satisfaction of the Development Officer.
- (6) The side and rear yards of the lots must be screened through the use of trees or have some other suitable screening as approved by the Development Officer.

I. THE KEEPING OF ANIMALS

A maximum of one non-domestic animal per 3-acres or 2 non-domestic animals per 5 acres.

J. REZONING REQUIREMENTS

1. In order to ensure a firm commitment for development has been received the following are requirements for the rezoning application:

- (a) An Area Structure Plan for the parcel.
 - (b) A minimum of 10 parcels per rezoning application, or where the total area to be rezoned is less than 20.2 hectares (50 acres), the total developable area must be subdivided.
 - (c) The subdivision must have legal access that meets Municipal District of Mackenzie standards.
 - (d) Where the existing municipal road is not up to the standard required for the parcel, a road request or upgrade must be part of the subdivision application.
2. Once approval has been granted, the developer shall have a period of one (1) year, or as required by the Development Authority, to develop the subdivision including, but not limited to, the installation of utilities, roads and plan registration.

K. SUBDIVISION REQUIREMENTS

- 1. The Developer shall enter into a Developer's Agreement with the Municipality for payment of off-site levies, if required, for rural multi-lot subdivisions.
- 2. No subdivision shall be approved unless utility services, including water supply and sewage disposal, can be provided with sufficient capacity to accommodate development of the proposed parcel(s).
- 3. The Developer shall submit, along with his subdivision application, a Water Management Plan as required by the Water Act RSA 2000 Chapter W-3.
- 4. The Subdivision Authority may require a sewage collection report from a qualified plumbing inspector to ensure sewage disposal will not have a negative impact on the parcel and/or adjacent land or water resources.
- 5. Municipal Reserve money in the amount of 10% of market value of the proposed subdivision land or 10% land if required for parks or schools.

7.33 RURAL COUNTRY RESIDENTIAL DISTRICT 4 “RC4”.

The general purpose of this district is to provide for the development of multi-lot country residences.

A. PERMITTED USES

- (1) Single detached dwelling.

B. DISCRETIONARY USES

- (1) Ancillary building or use.
- (2) Bed and breakfast.
- (4) Home based business.
- (5) Public use.
- (6) Garden suite.
- (7) Owner/Operator business.
- (7) Shop.
- (8) Intensive recreation use.

C. LOT AREA

- (1) Country Residential Uses:

- a) Minimum Lot Area: 1.2 hectares (3.0 acres).
- b) Maximum Lot Area: up to 2.02 hectares (5 acres) unless otherwise approved by the Subdivision Authority.

D. MINIMUM FRONT YARD SETBACK

Lot fronting onto a provincial highway or local road:
40.8 metres (134 feet) from right of way.

Lot fronting onto an internal subdivision road:
15.24 metres (50 feet) from right of way.

E. MINIMUM SIDE YARD SETBACK

7.6 metres (25 feet) from property line, or

in the case of a corner site the width of the side yard adjoining the side street shall not be less than 15.24 metres (50 feet), or

15.2 metres (50 feet) from property line adjacent to “Agricultural” or “Forestry” districts.

F. MINIMUM REAR YARD SETBACK

7.6 metres (25 feet), or

15.2 metres (50 feet) from property line adjacent to "Agricultural" or "Forestry" districts.

G. MAXIMUM SHOP SIZE

Maximum floor area is 12.19 meters by 18.28 meters (40 feet by 60 feet) or 222.83 square meters (2,400 square feet).

Maximum height is 6.09 meters (20 feet).

H. ADDITIONAL REQUIREMENTS

(1) Buildings shall be of new construction unless otherwise required by the Development Officer. Exterior finish to be wood, metal, or similar siding, brick or stucco to the satisfaction of the Development Officer. The finish and appearance of buildings should complement other structures and natural site features.

(2) The side and rear yards of the lots must be screened through the use of trees or have some other suitable screening as approved by the Development Officer.

I. THE KEEPING OF ANIMALS

A maximum of one non-domestic animal per 3-acres or 2 non-domestic animals per 5 acres.

J. REZONING REQUIREMENTS

1. In order to ensure a firm commitment for development has been received the following are requirements for the rezoning application:

- (a) An Area Structure Plan for the parcel.
- (b) A minimum of 10 parcels per rezoning application, or where the total area to be rezoned is less than 20.2 hectares (50 acres), the total developable area must be subdivided.
- (c) The subdivision must have legal access that meets Municipal District of Mackenzie standards.
- (d) Where the existing municipal road is not up to the standard required for the parcel, a road request or upgrade must be part of the subdivision application.

2. Once approval has been granted, the developer shall have a period of one (1) year, or as required by the Development Authority, to develop

the subdivision including, but not limited to, the installation of utilities, roads and plan registration.

K. SUBDIVISION REQUIREMENTS

1. The Developer shall enter into a Developer's Agreement with the Municipality for payment of off-site levies, if required, for rural multi-lot subdivisions.
2. No subdivision shall be approved unless utility services, including water supply and sewage disposal, can be provided with sufficient capacity to accommodate development of the proposed parcel(s).
3. The Developer shall submit, along with his subdivision application, a Water Management Plan as required by the Water Act RSA 2000 Chapter W-3.
4. The Subdivision Authority may require a sewage collection report from a qualified plumbing inspector to ensure sewage disposal will not have a negative impact on the parcel and/or adjacent land or water resources.
5. Municipal Reserve money in the amount of 10% of market value of the proposed subdivision land or 10% land if required for parks or schools.

7.34 RURAL INDUSTRIAL DISTRICT 1 “RI1”

The general purpose of this district is to accommodate industrial buildings and uses which are deemed better suited to rural rather than urban areas.

A. PERMITTED USES

- (1) Extensive Agriculture and farm buildings.

B. DISCRETIONARY USES

- (1) Agricultural supply depot.
- (2) Bulk fertilizer sales.
- (3) Bulk fuel storage.
- (4) Bulk propane sales.
- (5) Contractor’s business.
- (6) Fertilizer sales.
- (7) Industrial Camps
- (8) Maintenance Yard.
- (9) Manufacturing firm.
- (10) Natural resource extraction industry.
- (11) Oil and gas servicing.
- (12) Public use.
- (13) Petroleum facility.
- (14) Salvage/storage yard.
- (15) Security suite.**
- (16) Sewage lagoon, sewage treatment plant.
- (17) Mobile Home (Manufactured) Sales.

C. MINIMUM LOT SIZE

0.8 hectares (2 acres) unless otherwise required by the Development Officer.

D. MINIMUM TOTAL FLOOR AREA

92.9 square metres (1000 square feet) or as required by the Development Officer.

E. MINIMUM FRONT YARD SETBACK

As specified by the local road authority, but in no case less than 40.8 metres (134 feet) from the edge of the highway right of way.

F. MINIMUM DEPTH OF SIDE YARD

15.24 metres (50 feet)

G. MINIMUM REAR YARD SETBACK

7.6 metres (50 feet).

H. THE DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS

The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Officer.

I. OFF-STREET PARKING

In accordance to the provisions of this Bylaw.

J. LOCATION CRITERIA

Rural industrial development shall be located where possible along highway corridors or identified market roads.

8.0 EFFECTIVE DATE

This Bylaw 462/04 shall come into effect upon the final reading thereof.

First reading given on the _____ day of _____, 2004.

Bill Neufeld, Reeve

Barbara Spurgeon, Executive Assistant

Second reading given on the _____ day of _____, 2004.

Bill Neufeld, Reeve

Barbara Spurgeon, Executive Assistant

Third reading given on the _____ day of _____, 2004.

Bill Neufeld, Reeve

Barbara Spurgeon, Executive Assistant

2. 1. 2

